HOUSE OF REPRESENTATIVES—*Thursday, April 18, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We see in our world, O God, the power of might and all the forces of our invention, and yet we do not see as clearly the power of the spirit. We confess that we so easily recognize the might used between individuals or nations, but we fail to admit the power of the spiritual forces that truly touch the lives of people. Teach us, gracious God, to see the energy of the spirit, encouraged by loyalty and integrity, by faithfulness and allegiance, by steadfastness and fidelity so that we truly claim the human gifts that You so freely bestow. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 64. An act to provide for the establishment of a National Commission on a Longer School Year, and for other purposes;

S.J. Res. 77. Joint resolution relative to telephone rates and procedures for Operation Desert Storm personnel; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Thursday, April 18, 1991:

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees;

S.J. Res. 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

ALOIS BRUNNER, MOST WANTED NAZI CRIMINAL

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, Adolf Eichmann called him "one of my best men." A Greek deportee said, "He personified Teutonic sadism in all its horror." Both were referring to Alois Brunner, the most wanted Nazi criminal alive today.

This man was personally responsible for sending to their deaths more than 120,000 Jews from Austria, Germany, France, Slovakia, and Greece. He flogged his victims with a horsewhip made of thin leather thongs threaded with iron wire, and then terrorized his Jewish victims with a pistol aimed against their necks, foreheads, or temples.

Near war's end, he sent 180 children from Jewish-run orphanages to their deaths, including 34 children from Louviciennes, France.

For his crimes against humanity, Alois Brunner was sentenced to death in absentia in 1954 by French courts in Paris and Marseilles, but he escaped capture. He also is wanted in Austria and in Germany, but since 1955, he has lived in Damascus under the protection of the Syrian Government, which provides him with bodyguards, and he boasts about his crimes with impunity.

The time has come, Mr. Speaker, for Alois Brunner to be brought to justice, for him to be returned to Germany for trial. That is why I am introducing today a resolution expressing the sense of the House that the President of the United States personally call upon President Assad to permit without delay the extradition of Alois Brunner for trial in Germany.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this important resolution, because this man has hidden long enough.

PRAISING THE ACTIONS OF OUR TROOPS AND THE PRESIDENT'S NEW WORLD ORDER

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to pay tribute not only to the soldiers of Operation Desert Storm, but also to their Commander in Chief, President George Bush. Their decisive victory over aggression, combined with the triumph of democracy over communism, has fueled the President's pursuit for a new world order. Our troops, the vanguard of the world-wide coalition united against Saddam Hussein, are the first heroes of the new world order.

As we continue to welcome home our heroes, we must remember the reasons for which they were called upon. Threats and aggression to our national security interests remain, and our ability to protect ourselves must remain as well. The President's hope for a new world order is firmly rooted in this idea.

Meanwhile, as our Secretary of State works with foreign leaders for a permanent end to the causes of conflict in the Middle East, we must show the world that we remain committed to the ideals we see being adopted daily in Eastern Europe and elsewhere. Indeed, the hard work of freedom, requires commitments both here and abroad. To these goals, and the hope of a new world order, we must remain true.

PASS THE FAMILY MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as the Select Committee on Children, Youth, and Families, looks at the Tax Code we find indeed it is not family friendly. As we have looked at many Government programs, we find that is not family friendly, either.

One of the most amazing things is that when we look at the private sector, we also find it is not family friendly. One of the most amazing things that has come out as we talk to young families is they tell us that their children are sick in the morning or something happens to their day care, they do much better off phoning the office and telling their employer they had car trouble. People are sympathetic to car

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

trouble. They are not sympathetic when something happens to your family arrangements. That is a very serious condemnation on what the workplace is really like and how families are not welcome.

This body will shortly have a chance to turn that attitude around by passing the Family Medical Leave Act that will make the Federal Government a much more family friendly employer and it will say to the private sector that people should be able to have time off without pay when they have a baby, adopt a baby or when a baby is critically ill.

I certainly hope this body passes it this time and that the President signs it this time, because the more we listen, the more we realize there is a lot of rhetoric about families, but there is very little follow-through in all sectors of our economy and this is a chance to make a breakthrough to change it.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to welcome all of our guests in the gallery. The Chair is delighted you are here, but it is necessary for the Chair to remind our guests that any sign of approval or disapproval, any applause or other reaction to anything said on the floor is against the rules of the House, and the Chair hopes we will have your cooperation.

TIME FOR CONGRESS TO PASS A NATIONAL RAPE SHIELD LAW

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. RAMSTAD. Mr. Speaker, this week NBC News broadcast to 9 million viewers the identity of an alleged rape victim in Palm Beach, FL.

The New York Times likewise found her name news fit to print.

In true tabloid fashion, the Times revealed intimate details of the woman's life that would be judged prejudicial and irrelevant by any court of law. That woman now bears a scarlet letter and is currently being tried by a court of public opinion.

Withholding names of sexual assault victims has been a widely accepted practice in this country for two decades. Victims rights groups have repeatedly demonstrated that public disclosure brings more pain to the victim and discourages others from coming forward.

Women were victims of more than 100,000 rapes last year, an all-time record. And violence against women is increasing four times faster than the overall crime rate.

It is now clear that some major news organizations can no longer be trusted to act responsibly. It is time for Congress to pass a national rape shield law to protect the privacy of sexual assault victims.

I am introducing such legislation, and urge my colleagues to join me in this effort.

USE AMERICAN STEEL TO REBUILD KUWAIT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Madam Speaker, the fires continue to burn. What is perhaps the worst ecological disaster in our history is currently taking place in Kuwait as an estimated 6 million barrels of oil a day continue to burn in over 600 oil wells.

This past Tuesday I appeared in Houston, TX, with Red Adair, the most internationally famous firefighter in terms of oil fires in the world at a conference in Houston with over 1,000 experts in the techniques of suppressing these kinds of incidents.

Unfortunately at that conference, Red Adair publicly and privately threatened to pull out all his equipment from Kuwait because of the bureaucracy that is being placed in his way and in the way of all those companies who are trying to cap these wells and extinguish the fires causing this disaster.

Madam Speaker, this is absolutely outrageous. I am today asking the President to convene a special President Task Force of the State Department, the Defense Department, and the Commerce Department to expedite and facilitate the process for the experts in this country to work with the Governments of Kuwait and Saudi Arabia to be able to control these fires and stop this disaster.

I ask for your support.

THE ARROGANCE OF THE FEDERAL BUREAUCRACY

Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, the arrogance of some members of the Federal bureaucracy never ceases to amaze me. They seem to care very little for the American taxpayer.

The latest ridiculous expenditure is an agreement on the part of the International Monetary Fund, which is funded largely by the U.S. taxpayer, to pay $24 million to buy a one-quarter acre piece of vacant property in downtown Washington to expand their headquarters. This is 2½ times the assessed value of this property. This is a ridiculous expenditure.

Just think of how many poor people could be helped, how much good could be done with this $24 million.

Senator BYRD has been criticized recently for getting some Federal offices and agencies to move to West Virginia. With the costs in this city, it just makes good sense to move some of these departments and agencies to some of the smaller cities, small town, and rural areas across this Nation where the land and building costs are much less and where the cost of living is also quite a bit lower than in Washington.

Madam Speaker, $24 million is just too much for a one-quarter acre piece of property, with no building on it. A church there now will be moved.

We should substantially reduce the appropriations for the International Monetary Fund if they are going to spend money in a foolish, ridiculous way such as this.

SUPPORT THE CRIME VICTIMS RESTITUTION ACT OF 1991

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Madam Speaker, yesterday I introduced the Crime Victims Restitution Act of 1991, to require criminals convicted of Federal offenses to pay restitution to their victims in the full amount of their losses. Such restitution orders are currently only optional.

Identical restitution provisions were included in the Victim's Rights and Restitution Act of 1990, which I offered as an amendment to the Crime Control Act. My amendment passed by voice vote, and identical legislation was included in the Senate anticrime package. However, the restitution provisions were unaccountably absent from the House-Senate conference report on the crime bill.

Federal courts should be required to order convicted criminals to compensate the people they have harmed. Losses relating to property, bodily injury, death, and emotional injury all would be redressed under my bill. It is tough on crime, it helps the victims of crime rebuild their lives, and perhaps, most importantly, it is just.

Let us do something concrete and meaningful to help crime victims. Support the Crime Victims Restitution Act of 1991.

A SALUTE TO THE AIR FORCE ACADEMY FOOTBALL TEAM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, today I would like to congratulate the U.S. Air Force Academy football team on receiving the "Commander in Chief's" Trophy for the third year in a row. In

fact, the Falcons have won the coveted trophy 4 out of the last 5 years.

In order to capture this year's trophy, the Air Force Academy soundly defeated the Navy Midshipmen 24–7 and the U.S. Military Academy Cadets 15–3. This award tops off a great season that ended with a bowl victory over Ohio State.

The team certainly deserves the trophy. Strong team spirit, a determination to win, and excellent coaching, led by head coach Fisher Deberry, added up to a winning team and super season.

Tomorrow at a ceremony at the White House, President Bush will present the trophy to 26 seniors of the Falcon football team. I know for a fact that these young men are looking forward to meeting their Commander in Chief for the first time.

We congratulate these outstanding young men.

WHERE HAVE OUR MIDDLE EAST FRIENDS GONE?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Madam Speaker, where, oh where, have our Middle East friends gone? What happened to them? America has spent billions and billions of its dollars to go over there to defend Kuwait and Saudi Arabia and try to bring freedom to these countries. We spent 250 American lives in an attempt to do this, to help these people.

Now where are they? Kuwait wants to be rebuilt. It is going to take billions of dollars, maybe tens of billions of dollars to do it. So who is the first one that they go to? They go to Japan. They go to Japan to buy the first 12,000 tons of steel pipe and then they go to Venezuela to buy thousands and thousands of tons more steel to help build the country.

What is the matter with the United States? We are the ones who spent the lives and the money. What did Venezuela do, and what happened to Japan? What happened to all the money that they are supposed to send over? They are reneging on their promise to spend the money they said they were going to.

I think it is a shame. I think we in this country better start looking out for No. 1 for a change.

Let us get some of those jobs back here. Let us get that steel from the United States. If they are going to build it, then build it with American steel using American labor.

RECESS

The SPEAKER pro tempore (Mrs. SCHROEDER). Pursuant to the order of the House of Thursday, April 11, 1991, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 10 o'clock and 17 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1038

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. The meeting will come to order.

The Chair is delighted to have the opportunity to welcome again into the Chamber so many distinguished former colleagues and to welcome an opportunity for all of us to enjoy with them a discussion of our mutual concerns and interests and to compliment and thank them for their steadfast concerns with the Congress and with the issues in which we are jointly involved.

The Chair would like to turn the gavel over to one of the former Members with whom I have very many years of common service, and all of them reflected with great pleasure on my part and, I hope, on his, one who has left this Chamber and this House to become a distinguished member of the Federal judiciary serving on the Court of Appeals for the District of Columbia.

It is my pleasure now to give the gavel to the Honorable Abner Mikva.

□ 1050

Mr. MIKVA (presiding). The former Members of Congress are again in their annual session. It is delightful to see so many of you here at this special occasion.

I still remember the nicest words that were always said about Congress, that there are three ways to leave. Two of them are very painful. Most of you left the third way, and even those of you who left the other way, it is nice to know you did not leave the third way. We are glad you are here.

The Clerk will call the roll.

The Clerk called the roll of former Members of Congress, and the following Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING ANNUAL SPRING MEETING, APRIL 18, 1991

William H. Ayres of Ohio.
Jim Bates of California.
Lindy Boggs of Louisiana.
Donald G. Brotzman of Colorado.
Clarence J. Brown of Ohio.
John H. Buchanan, Jr., of Alabama.
Elford A. Cederberg of Michigan.
Charles E. Chamberlain of Michigan.
Jeffery Cohelan of California.
James C. Corman of California.
Paul W. Cronin of Massachusetts.
Norman E. D'Amours of New Hampshire.
Michael A. Feighan of Ohio.
Louis Frey, Jr., of Florida.
Robert A. Grant of Indiana.
Robert P. Hanrahan of Illinois.
Ralph R. Hardine of Idaho.
Harry G. Haskell of Delaware.
William D. Hathaway of Maine.
Jeffrey P. Hillelson of Missouri.
Jed Johnson, Jr., of Oklahoma.
Walter H. Judd of Minnesota.
Robert W. Kastenmeier of Wisconsin.
Peter N. Kyros of Maine.
Russell B. Long of Louisiana.
Manuel Lujan, Jr., of New Mexico.
Thomas A. Luken of Ohio.
Gale McGee of Wyoming.
Clark MacGregor of Minnesota.
William S. Mailliard of California.
James R. Mann of South Carolina.
George Meader of Michigan.
Lloyd Meeds of Washington.
Daniel A. Mica of Florida.
Abner J. Mikva of Illinois.
John S. Monagan of Connecticut.
Frank E. Moss of Utah.
Shirley N. Pettis of California.
Howard W. Pollock of Alaska.
Thomas F. Railsback of Illinois.
John J. Rhodes of Arizona.
Paul Rogers of Florida.
John H. Rousselot of California.
Harold S. Sawyer of Michigan.
John G. Schmitz of California.
William L. Scott of Virginia.
Carlton R. Sickles of Maryland.
Lynn Stalbaum of Wisconsin.
John H. Terry of New York.
Andrew Jackson Transue of Michigan.
Victor V. Veysey of California.
Charles W. Whalen, Jr., Ohio.
Larry Winn, Jr., Kansas.

Mr. MIKVA (presiding). At this point the Chair recognizes the distinguished former minority leader of the House of Representatives, the president of this association, everybody's good friend, John Rhodes.

Mr. JOHN J. RHODES. Mr. Speaker, it is always good to be back on the House floor. Those of us who served in the House and Senate, of course, feel a special place in our hearts for the Congress and the freedom for which it stands.

This December marks the 200th anniversary of the adoption of the Bill of Rights. In the last 2 years, a series of revolutions in Eastern Europe by people who want to enjoy those same rights which are guaranteed in our Constitution have changed the political map of the world.

Less than 2 years ago, while attending a seminar in Berlin that brought together current and former Members of Congress with their counterparts in the German Bundestag, each of the Germans shared their dream to walk through the Brandenburg Gate in their lifetime. Neither I nor any of the other Americans present, and I imagine none of the Germans either, thought that would happen in this century.

Yet, less than 2 years later, the Berlin Wall is down, Germany is reunited, the Warsaw Pact has been disbanded for all practical purposes, and the Soviet Union is on the verge of totally

unforeseen economic and political disarray.

Mr. Speaker, our association has been trying to help in the process of restoring representative democracy in Eastern Europe. At the request of the United States Embassy in Budapest, we sent an observer delegation to observe the first free election in Hungary in nearly half a century.

□ 1100

We have hosted representatives of the democratic parties from Hungary for a briefing on the workings of the Congress. Likewise, we have hosted delegations from the Polish Parliament, the Hungarian Parliament, and leaders of the democratic reform movement of Czechoslovakia at the Capitol. The President of Hungary spoke at our association's meeting last spring. We are grateful to the U.S. Information Agency and the German Marshall Fund for helping make these programs possible. We expect to continue to expand these projects with Eastern Europe in the coming year.

Although our alumni association of Congress originally started primarily so we could maintain our friendships with one another, our objectives have become much greater than that.

You know, some of our colleagues have said to me, "Well, I don't know about your organization. I think about all you do is get together, and drink, and eat, and lie to each other." And I said, "Well, you know, we do get together, and we do drink a bit, and we do eat a bit, and we do lie to each other, but we do a lot of other things too."

Within our membership, we number half the President's Cabinet, as well as the President, himself. We have a number of Governors, Federal judges, mayors, university presidents, corporate and trade association executives, law professors, authors, and other accomplished professionals with a variety of impressive credentials. We all share the unique experience of having served in the Congress and our objective is to have this reservoir of talent more widely utilized for the public good. To that end, this year, I appointed a committee headed by our distinguished colleagues from Nebraska and Florida, Mr. McCollister and Mr. Rogers. This committee was divided into four subcommittees, headed by our incoming President Bill Hathaway of Maine, our Treasurer Clarence (Bud) Brown of Ohio, former Army Secretary John O. Marsh of Virginia, and our able colleague from Idaho, Orval Hansen.

At this point in the RECORD, I will list the four subcommittees and their membership.

ADMINISTRATIVE SUBCOMMITTEE

William D. Hathaway, chairman.
J. Glenn Beall, Jr.
James C. Corman.
Abner J. Mikva.
Thomas F. Railsback.
Carlton R. Sickles.

FINANCE SUBCOMMITTEE

Clarence J. Brown, chairman.
Joseph W. Barr.
John N. Erlenborn.
Louis Frey, Jr.
Richard H. Ichord.
Horace R. Kornegay.
Charles McC. Mathias, Jr.

MEMBERSHIP SUBCOMMITTEE

Orval Hansen, chairman.
Donald G. Brotzman.
Joe M. Kilgore.
Wiley Mayne.
James W. Symington.

PURPOSE AND PROGRAM SUBCOMMITTEE

John O. Marsh, Jr., chairman.
Howard H. Callway.
Clark MacGregor.
James D. "Mike" McKevitt.
Frank E. Moss.
Fred Schwengel.

I have to admit that when I asked these people to serve, I could not help but think of one of my favorite Everett Dirksen stories. You know Ev was a great raconteur and I was with him once and he was making a speech out in Illinois, and he was trying to make the point that the impossible can be accomplished. He told the story something like this:

He said, "You know, once upon a time there was a rooster who was the master of the hen house. One day he gathered the hens who were in his charge into the hen house, and when all were assembled he said to them: 'Girls, I wouldn't have you think that I'm unmindful of your merits. I am not. I have great respect for each of you and I love you dearly.' But whereupon he rolled out an ostrich egg and he said, 'I just brought this along to show you that it can be done.'"

I think that is exactly what I said to John McCollister and Paul Rogers, "Think big," and they did, and we will I am sure benefit from the work of this committee.

The purpose of this committee was to take a long-range look at the priorities of the organization and how we might better utilize the enormous talent within the association. The committee's report will be presented to our next meeting of our board of directors to be implemented. Among other things, it will recommend that we continue to develop our Campus Fellows Program which in the last year has added a high school project to the already successful college program. We want to thank the UPS Foundation for its continued support of this program to reach young people to encourage them to learn about our system of representative Government. At this point, I include the list of 226 visits completed in 49 States by association members.

The list referred to follows:

COLLEGES, UNIVERSITIES, AND HIGH SCHOOLS VISITED UNDER THE CAMPUS FELLOWS PROGRAM

COLLEGE/UNIVERSITY/HIGH SCHOOL, LOCATION, FELLOW, AND STATE/COUNTRY

Alaska Pacific University, Alaska, William S. Mailliard (California).
Albion College, Michigan, David S. King (Utah).
Albion College, Michigan, Ted Kupterman (New York).
Albion College, Michigan, Martha Keys (Kansas).
Alfred University, New York, Frank E. Moss (Utah).
American College in Paris, France, David S. King (Utah).
American College in Paris, France, Byron L. Johnson (Colorado).
Arizona State University, Arizona, Gale W. McGee (Wyoming).
Arizona State University,[1] Arizona, Jacques Soustelle (France).
Assumption College, Massachusetts, Gale W. McGee (Wyoming).
Auburn University, Alabama, William L. Hungate (Missouri).
Auburn University,[1] Alabama, Alan Lee Williams (United Kingdom).
Avila College,[1] Kansas, Karin Hafstad (Norway).
Bainbridge Jr. College, Georgia, Gilbert Gude (Maryland).
Baylor University, Texas, James Roosevelt (California).
Baylor University,[1] Texas, Peter von der Heydt (Germany).
Bowling Green State U., Ohio, Robert P. Hanrahan (Illinois).
Bradley University, Illinois, Charles W. Whalen, Jr. (Ohio).
Brandeis University, Massachusetts, Abner J. Mikva (Illinois).
Brandeis University, Massachusetts, L. Richardson Preyer (North Carolina).
Brenau College, Georgia, Ralph W. Yarborough (Texas).
Brigham Young University,[1] Utah, Jacques Soustelle (France).
California Poly. State—San Luis Obispo, California, John B. Anderson (Illinois).
California Poly. State—San Luis Obispo, California, Frank E. Evans (Colorado).
California Poly. State—San Luis Obispo, California, Robert N. Giaimo (Connecticut).
California Poly. State—San Luis Obispo, California, John R. Schmidhauser (Iowa).
California Poly. State—San Luis Obispo, California, Ralph W. Yarborough (Texas).
California Poly. State—San Luis Obispo, California, Robert R. Barry (New York).
Cameron University, Oklahoma, William D. Hathaway (Maine).
Cameron University, Oklahoma, William L. Hungate (Missouri).
Cameron University, Oklahoma, Dick Clark (Iowa).
Carleton College, Minnesota, William S. Mailliard (California).
Carroll College, Montana, Ralph W. Yarborough (Texas).
Chaminade College, Hawaii, Catherine May Bedell (Washington).
Chatham College, Pennsylvania, Catherine May Bedell (Washington).
Chatham College, Pennsylvania, Martha Keys (Kansas).
Charleston College,[1] South Carolina, John M. Reid (Canada).
Clarke College, Georgia, William L. Hungate (Missouri).

Footnotes at end of article.

Clarke College, Georgia, William S. Mailliard (California).
Colgate University, New York, William S. Mailliard (California).
College of the Sequoias, California, Gale W. McGee (Wyoming).
Colorado State University[1], Colorado, Alastair Gillespie (Canada).
Columbia College, South Carolina, Catherine May Bedell (Washington).
Columbia College, South Carolina, Martha Keys (Kansas).
Columbia College, South Carolina, James M. Quigley (Pennsylvania).
Columbia College[1], South Carolina, John Reid (Canada).
Columbia College, South Carolina, Henry S. Reuss (Wisconsin).
Columbia College, South Carolina, Nick Galifianakis (North Carolina).
Concordia College, Michigan, Walter H. Moeller (Ohio).
Connecticut College, Connecticut, Ralph W. Yarborough (Texas).
Converse College, South Carolina, Jed Johnson, Jr. (Oklahoma).
Dartmouth College, New Hampshire, John O. Marsh, Jr. (Virginia).
Dartmouth College, New Hampshire, William S. Mailliard (California).
Davis & Elkins College, West Virginia, Frank E. Moss (Utah).
Davis & Elkins College, West Virginia, J. Glenn Beall, Jr. (Maryland).
Denison University, Ohio, Frank E. Moss (Utah).
DePauw University, Indiana, Hugh Scott (Pennsylvania).
Dillard University,[1] Louisiana, Georg Kahn-Ackermann (Germany).
Doshisha University, Japan, Catherine May Bedell (Washington).
Duke University, North Carolina, Georg Kahn-Ackermann (Germany).
Eckerd College, Florida, William L. Hungate (Missouri).
Elmira College, New York, Charles W. Whalen, Jr. (Ohio).
Friends University, Kansas, Henry P. Smith, III (New York).
Furman University, South Carolina, Jed Johnson, Jr. (Oklahoma).
Furman University, South Carolina, Charles W. Whalen, Jr. (Ohio).
Georgetown University, Washington, DC, Celio Borja (Brazil).
Grinnell College, Iowa, Neil Staebler (Michigan).
Guilford College, North Carolina, Gale W. McGee (Wyoming).
Gustavus Adolphus College, Minnesota, Charles W. Whalen, Jr. (Ohio).
Hamilton College, New York, William S. Mailliard (California).
Hartwick College, New York, Ralph W. Yarborough (Texas).
Hiram College, Ohio, Howard H. Callaway (Georgia).
Hiram College, Ohio, Roman L. Hruska (Nebraska).
Hope College, Michigan, Walter H. Judd (Minnesota).
Hope College, Michigan, Gale W. McGee (Wyoming).
Hope College, Michigan, Catherine May Bedell (Washington).
Idaho State University, Idaho, John R. Schmidhauser (Iowa).
Indiana State University, Indiana, Gordon L. Allot (Colorado).
Indiana Univ. Northwest, Indiana, Neil Staebler (Michigan).
Indiana Univ. Northwest, Indiana, William L. Hungate (Missouri).
Indiana Univ. Northwest, Indiana, Tom Railsback (Illinois).
Jackson State University, Mississippi, Allard K. Lowenstein (New York).
Johns Hopkins University, Maryland, Hugh Scott (Pennsylvania).
Johns Hopkins University,[1] Washington, DC, Celio Borja (Brazil).
Kansai University, Japan, Frank E. Moss (Utah).
Kansas-Newman College, Kansas, Henry P. Smith, III (New York).
Kansas State University, Kansas, Paul N. McCloskey, Jr. (California).
Keio University, Japan, Frank E. Moss (Utah).
King College, Tennessee, Charles W. Whalen, Jr. (Ohio).
King's College, Pennsylvania, Philip Hayes (Indiana).
Kirkland College, New York, William S. Mailliard (California).
Kwansei Gakuin University, Japan, Frank E. Moss (Utah).
LaGrange College, Georgia, Ralph W. Yarborough (Texas).
Lake Forest College, Illinois, Ralph W. Yarborough (Texas).
Lindenwood College, Missouri, Gaylord Nelson (Wisconsin).
Longwood College, Virginia, Paul W. Cronin (Massachusetts).
Luther College, Iowa, Gilbert Gude (Maryland).
McNesse University, Louisiana, William S. Mailliard (California).
Marshall University, West Virginia, John J. Gilligan (Ohio).
Mary Hardin Baylor College, Texas, Brooks Hays (Arkansas).
Matanuska-Susitna Community College, Alaska, William L. Hungate (Missouri).
Mesa Community College, Arizona, Gale W. McGee (Wyoming).
Miami University-Middletown, Ohio, James Roosevelt (California).
Miami University-Middletown, Ohio, James W. Symington (Missouri).
Mid-America Nazarene Coll., Kansas, John B. Anderson (Illinois).
Mid-America Nazarene Coll., Kansas, John Dellenback (Oregon).
Millsaps College, Mississippi, Allard K. Lowenstein (New York).
Montclair State College, New Jersey, Walter H. Judd (Minnesota).
Montclair State College, New Jersey, Ralph W. Yarborough (Texas).
Morehead State University, Kentucky, Dan Kuykendall (Tennessee).
Morehouse College, Georgia, William S. Mailliard (California).
Morehouse College, Georgia, William L. Hungate (Missouri).
Morris Brown College, Georgia, William S. Mailliard (California).
Morris Brown College, Georgia, William L. Hungate (Missouri).
Mount Vernon College, Washington, DC, Martha Keys (Kansas).
Murray State University, Kentucky, Brooks Hays (Arkansas).
Nanzan University, Japan, Catherine May Bedell (Washington).
New Trier High School, Illinois, John V. Lindsay (New York).
New York University, New York, George McGovern (South Dakota).
Northern Illinois University, Illinois, William L. Hungate (Missouri).
Northern Kentucky University, Kentucky, Martha Keys (Kansas).
North Park College,[1] Illinois, Karin Hafstad (Norway).
Northwestern University,[1] Illinois, Karin Hafstad (Norway).
Oklahoma State University, Oklahoma, Ralph W. Yarborough (Texas).
Oregon State University, Oregon, Martha Keys (Kansas).
Otterbein College, Ohio, James Roosevelt (California).
Purdue University-Calumet, Indiana, William L. Hungate (Missouri).
Purdue University-Calumet, Indiana, Tom Railsback (Illinois).
Randolph-Macon College, Virginia, Gale W. McGee (Wyoming).
Randolph-Macon College,[1] Virginia, Hugh Scott (Pennsylvania).
Revere High School, Ohio, John B. Anderson (Illinois).
Rockhurst College,[1] Kansas, Karin Hafstad (Norway).
Rose Hulman Institute of Technology, Indiana, Gordon L. Allott (Colorado).
St. Cloud State University, Minnesota, Charles W. Whalen, Jr. (Ohio).
St. Lawrence University, New York, Roman L. Pucinski (Illinois).
St. Mary-of-the-Woods, Indiana, Gordon L. Allott (Colorado).
St. Mary's College, Indiana, Gale W. McGee (Wyoming).
St. Michael's College, Vermont, Walter H. Judd (Minnesota).
St. Norbert's College, Wisconsin, Martha Keys (Kansas).
St. Olaf College, Minnesota, William S. Mailliard (California).
Salem College, North Carolina, Martha Keys (Kansas).
Sangamon State University, Illinois, Andrew J. Biemiller (Wisconsin).
Sangamon State University, Illinois, Martha Keys (Kansas).
Sangamon State University,[1] Illinois, Alan Lee Williams (United Kingdom).
Sangamon State University,[1] Illinois, Alastair Gillespie (Canada).
Siena College, New York, Frank E. Moss (Utah).
Siena College, New York, Charles W. Whalen, Jr. (Ohio).
Southeast Comm. College, Kentucky, Donald E. Lukens (Ohio).
Southern Illinois University, Illinois, John R. Schmidhauser (Iowa).
Southwestern College, Kansas, Henry P. Smith, III (New York).
Spelman College, Georgia, William S. Mailliard (California).
Spelman College, Georgia, William L. Hungate (Missouri).
SUNY—Binghamton, New York, John B. Anderson (Illinois).
SUNY—Plattsburg, New York, L. Richardson Preyer (North Carolina).
State University of Oswego, New York, Martha Keys (Kansas).
Syracuse University, New York, Charles W. Whalen, Jr. (Ohio).
Talladega College, Alabama, Ted Kupterman (New York).
Tougaloo Southern Christian College, Mississippi, Allard K. Lowenstein (New York).
Transylvania University, Kentucky, James M. Quigley (Pennsylvania).
U.S. Air Force Academy[1], Colorado, Alan Lee Williams (Great Britain).
U.S. Coast Guard Academy, Connecticut, Ralph W. Yarborough (Texas).
U.S. Naval Academy, Maryland, John S. Monagan (Connecticut).
U.S. Naval Academy, Maryland, William S. Mailliard (California).
U.S. Naval Academy[1], Maryland, Alan Lee Williams (Great Britain).

University of Alaska, Alaska, William L. Hungate (Missouri).
University of Alaska, Alaska, William S. Mailliard (California).
University of Arizona[1], Arizona, Celio Borja (Brazil).
University of Arkansas, Arkansas, Gale W. McGee (Wyoming).
University of Arkansas, Arkansas, Charles W. Whalen, Jr. (Ohio).
University of California—Berkeley, California, Robert N. Giaimo (Connecticut).
University of California—Berkeley, California, Henry S. Reuss (Wisconsin).
University of California—Berkeley, California, Newton I. Steers, Jr. (Maryland).
University of Dayton, Ohio, Catherine May Bedell (Washington).
University of Delaware, Delaware, John J. Gilligan (Ohio).
University of Delaware, Delaware, Henry S. Reuss (Wisconsin).
University of Georgia[1], Georgia, Georg Kahn-Ackermann (Germany).
University of Georgia, Georgia, Otis Pike (New York).
University of Georgia[1], Georgia, John M. Reid (Canada).
University of Georgia[1], Georgia, Alan Lee Williams (United Kingdom).
University of Hawaii, Hawaii, Paul N. McCloskey, Jr. (California).
University of Maine-Orono, Maine, John Rhodes (Arizona).
University of Michigan—Flint, Michigan, Gale W. McGee (Wyoming).
University of Mississippi, Mississippi, Tom Railsback (Illinois).
University of Nevada, Nevada, Gale W. McGee (Wyoming).
University of New Mexico[1], New Mexico, Alastair Gillespie (Canada).
University of New Mexico[1], New Mexico, Celio Borja (Brazil).
University of New Orleans[1], Louisiana, Georg Kahn-Ackermann (Germany).
University of New Orleans[1], Louisiana, Jacques Soustelle (France).
University of North Carolina, North Carolina, Robert P. Hanrahan (Illionis).
University of North Dakota, North Dakota, Neil Staebler (Michigan).
University of Oklahoma, Oklahoma, Catherine May Bedell (Washington).
University of Oklahoma, Oklahoma, Dick Clark (Iowa).
University of Oklahoma, Oklahoma, Martha Keys (Kansas).
University of Oklahoma, Oklahoma, William S. Mailliard (California).
University of Oklahoma, Oklahoma, Charles W. Whalen, Jr. (Ohio).
University of Oklahoma, Oklahoma, Frank E. Moss (Utah).
University of Oregon, Oregon, Martha Keys (Kansas).
University of Redlands, California, Catherine May Bedell (Washington).
University of South Carolina[1], South Carolina, Alan Lee William (United Kingdom).
University of South Carolina, South Carolina, Gale W. McGee (Wyoming).
University of South Dakota, South Dakota, William L. Hungate (Missouri).
University of Texas,[1] Texas, Alastair Gillespie (Canada).
University of Texas,[1] Texas, Celio Borja (Brazil).
University of Utah, Utah, Robert N. Giaimo (Connecticut).
University of Utah,[1] Utah, Jacques Soustelle (France).
University of Utah,[1] Utah, Alan Lee Williams (United Kingdom).
University of Washington,[1] Washington, Alan Lee Williams (United Kingdom).
University of West Virginia,[1] West Virginia, Georg Kahn-Ackermann (Germany).
University of West Virginia,[1] West Virginia, Jacques Soustelle (France).
University of Wisconsin,[1] Wisconsin, Georg Kahn-Ackermann (Germany).
University of Wyoming, Wyoming, Frank E. Moss (Utah).
Urbana University, Ohio, David S. King (Utah).
Valparaiso University, Indiana, Neil Staebler (Michigan).
Vanderbilt University, Tennessee, Ralph W. Yarborough (Texas).
Vanderbilt University,[1] Tennessee, Celio Borja (Brazil).
Virginia Military Institute, Virginia, Gale W. McGee (Wyoming).
Wake Forest University, North Carolina, William L. Hungate (Missouri).
Wake Forest University,[1] North Carolina, Georg Kahn-Ackermann (Germany).
Washington College, Maryland, Gale W. McGee (Wyoming).
Washington & Lee University, Virginia, Gale W. McGee (Wyoming).
Wayne State College, Nebraska, Gale W. McGee (Wyoming).
Westmont College, California, Ronald A. Sarasin (Connecticut).
Wheaton College, Massachusetts, Charles A. Vanik (Ohio).
Whitman College, Washington, Frank E. Moss (Utah).
William & Mary College, Virginia, Hugh Scott (Pennsylvania).
Wofford College, South Carolina, Jed Johnson, Jr. (Oklahoma).

226 visits—68 Fellows

International projected fund by the Ford and Rockefeller Foundations for visit of Parliamentarians from the United Kingdom, Germany, France, Canada, Brazil and Norway.

Also, we have continued to develop our exchange programs with our sister organization of former members of the German Bundestag which is represented here today by our friend Georg Kahn-Ackermann who joined us for our meeting last year which marked the 10th anniversary of cooperation between our two associations. We have undertaken in the last year a program with each of the German political foundations. In the fall, we published a comparative study of the United States Congress and the German Bundestag with the support of the Friedrich Naumann Foundation, the German Ministry for Research and Technology, the Wingspread Conference Center, the National Endowment for the Humanities, the United States Information Agency, and the American Institute for Contemporary German Studies of the Johns Hopkins University. In the fall, as guests of the Friedrich Ebert Foundation and the German Marshall Fund, a joint delegation of current and former Members of Congress observed the first German election in a united Germany since the end of World War II. This spring we completed a seminar with the Hanns Seidel Foundation and we have accepted an invitation from the Konrad Adenauer Foundation to send a delegation from the association to Germany this fall.

Our neighbors to the north have likewise formed an Association of Former Members of the Canadian Parliament and they are represented here today by their president, Bill Clark and his colleagues, Jack Ellis and Reid Scott. It will be my pleasure to travel to Ottawa next month to attend their annual meeting. I am pleased to report that we are in discussions with the Donner Foundation to initiate some joint Canadian-United States visits to college campuses as an expansion of our current Campus Fellows Program.

We also are pleased that Senator Giuseppe Vedovato is here today representing the Italian Association of Former Members of Parliament with which we have exchanged visits and the former president of the Council of Europe.

I would like the members from foreign organizations which I have mentioned to stand at this time so that everybody can see you and greet you properly. We are very happy to have you here.

I am pleased to report that our Australian and New Zealand colleagues also have established associations and Carlton Sickles is going to be attending the third annual meeting of the Australian Association next month.

The list referred to follows:

Mr. Speaker, at this time I also want to thank our many contributors who continue to make our growing educational programs possible and at this point I will enter in the RECORD our current list of financial sponsors.

The list referred to follows:

SPONSORS OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, APRIL 18, 1991

PATRONS[1]

1. Ford Foundation.
2. German Marshall Fund.
3. Japan-U.S. Friendship Commission.
4. U.S. Information Agency.

BENEFACTORS[2]

5. National Endowment for the Humanities.
6. Rockefeller Foundation.
7. United Parcel Service Foundation.

DONORS[3]

8. Anonymous Individual.
9. Charles Stewart Mott Foundation.
10. John Crain Kunkel Foundation.
11. Lilly Endowment Inc.

FRIENDS[4]

12. Anonymous Foundation.
13. Anonymous Individual.
14. Claude Worthington Benedum Foundation.
15. Howard H. Callaway Foundation.
16. Carnegie Corporation of New York.
17. Carnegie Corporation of New York—Aging Project.
18. Hon. Charles E. Chamberlain.
19. Daimler-Benz Washington, Inc.
20. Exxon Education Foundation.
21. FMC Corporation Foundation.
22. Hon. Charles K. Fletcher.
23. Freightliner Corporation.
24. German Bundestag.

Footnotes at end of article.

25. Grand Street Boys' Foundation.
26. Flora & William Hewlett Foundation.
27. Hoesch Corporation.
28. Mrs. Janice Hutchinson.
29. Hon. Jed Johnson, Jr.
30. Hon. Walter H. Judd.
31. Institute for Representative Government.
32. Hon. William S. Mailliard.
33. Hon. D. Bailey Merrill.
34. Mobil Corporation.
35. Hon. Frank Moss.
36. National Association for Home Care.
37. Hon. Otis Pike.
38. Louise Taft Semple Foundation.
39. Hon. Herbert Tenzer.
40. The Tobacco Institute.
41. Hon. Andrew Jackson Transue.
42. U.S. Association Auxiliary.
43. U.S. Department of State.
44. Unilever United States, Inc.
45. United Technologies.
46. University of South Carolina, Byrnes Center.

SUPPORTERS[5]

47. Anheuser-Busch, Inc.
48. Hon. J. Glenn Beall, Jr.
49. Hon. James T. Broyhill.
50. Hon. Elford A. Cederberg.
51. Anonymous Donor.
52. Champion International Corporation.
53. The Coca Cola Company.
54. Coyne Chemical Company.
55. Delphi Research Associates.
56. Forbes Foundation.
57. Hon. Robert N. Giaimo.
58. H.J. Heinz Charitable Trust.
59. Home Federal Savings & Loan Association.
60. Mrs. Benjamin F. James.
61. The Johnson Foundation.
62. Mr. J.C. Kennedy.
63. Hon. Russell B. Long.
64. Massachusetts Mutual Life Insurance Company.
65. Mercedes-Benz of North America.
66. Panhandle Eastern Pipeline Co.
67. The Prudential Foundation.
68. Hon. John J. Rhodes.
69. Sangamon State University.
70. Florence & John Schumann Foundation.
71. 3M Corporation.
72. U.S. National Committee for Pacific Economic Cooperation.
73. U.S.-Japan Foundation.
74. University of Oklahoma Foundation.
75. University of Notre Dame.
76. Hon. Victor V. Veysey.
77. Mr. Philippe Villers.

SPONSORS[6]

78. Hon. Jim Abdnor.
79. A.T. & T. Corporation.
80. Albion College.
81. Hon. Donald Albosta.
82. AMAX Foundation.
83. America-Israel Friendship League.
84. American Brands, Inc.
85. American Consulting Engineers Council.
86. American Family Life Assurance Company.
87. American Income Life Insurance Company.
88. American Institute of Certified Public Accountants.
89. Hon. Mark Andrews.
90. Representative Beryl Anthony, Jr.
91. Mrs. Leslie C. Arends.
92. Ashland Oil Company, Inc.
93. Atlantic Council of the United States.
94. Hon. Robert Badham.
95. Hon. Lamar Baker.
96. Baltimore Gas & Electric Company.
97. Bank of America.
98. Hon. Joseph W. Barr.
99. Hon. Robert R. Barry.
100. Battelle Memorial Institute.
101. Baylor University.
102. Mrs. J. Glenn Beall, Jr.
103. Hon. Berkley Bedell.
104. Hon. Catherine May Bedell.
105. Beech Aircraft Corporation.
106. Hon. Marion Bennett.
107. Hon. Jonathan B. Bingham.
108. Black & Decker Manufacturing Company.
109. Hon. Iris F. Blitch.
110. Hon. J. Caleb Boggs.
111. Dr. Landrum Bolling.
112. Hon. Albert H. Bosch.
113. Hon. Robin Britt.
114. Hon. Donald Brotzman.
115. Hon. Clarence Brown.
116. Hon. Garry Brown.
117. Hon. Charles B. Brownson.
118. Mrs. Charles B. Brownson.
119. Hon. Joel T. Broyhill.
120. Representative John Bryant.
121. Hon. James L. Buckley.
122. Hon. Harry F. Byrd, Jr.
123. Hon. William T. Cahill.
124. California Polytechnic University.
125. Hon. Howard Cannon.
126. Hon. Frank Carlson.
127. Mrs. Terry Carpenter.
128. Castle & Cooke, Inc.
129. Cedar Hill Memorial Park.
130. Mrs. John Chapman.
131. Hon. James C. Cleveland.
132. Representative William Clinger.
133. Hon. and Mrs. Jeffrey Cohelan.
134. Hon. W. Sterling Cole.
135. James M. Collins Foundation.
136. Columbia College.
137. Hon. Barber Conable.
138. Congressional Staff Directory, Ltd.
139. Contel Cellular Co., Inc.
140. Mr. Ralph J. Cornell.
141. Hon. Jim Courter.
142. Hon. James K. Coyne.
143. Hon. William C. Cramer.
144. Hon. George Crockett.
145. Hon. Paul W. Cronin.
146. Charles E. Culpeper Foundation, Inc.
147. Day is Done Foundation.
148. Mrs. Robert V. Denney.
149. Hon. John Dent.
150. Ernst & Paula Deutsch Foundation.
151. Hon. Joseph DioGuardi.
152. Hon. Robert Dole.
153. Mrs. Francis E. Dorn.
154. Mr. Ernst van Eeghen.
155. Hon. Robert Ellsworth.
156. Exxon Company, U.S.A.
157. Hon. Leonard Farbstein.
158. Federal National Mortgage Association.
159. Hon. Michael A. Feighan.
160. Finance Factors Foundation.
161. First Financial.
162. Ford Motor Company Fund.
163. Hon. Gerald R. Ford.
164. Gerald R. Ford Foundation.
165. Hon. J. Allen Frear, Jr.
166. Hon. Peter H.B. Frelinghuysen.
167. Hon. Louis Frey, Jr.
168. Hon. J.W. Fulbright.
169. Hon. David H. Gambrell.
170. Mr. Hugh Garnett.
171. General Electric Company.
172. General Electric Foundation.
173. German Industry and Trade.
174. Hon. Robert A. Grant.
175. Hon. William Green.
176. Hon. Gilbert Gude.
177. Gulf Oil Corporation.
178. Hon. Thomas M. Hagedorn.
179. Mrs. Audrey Hagen.
180. Hon. James Hanley.
181. Hanna Family Foundation.
182. Hon. Ralph R. Harding.
183. Hon. Porter Hardy, Jr.
184. Oren E. Harris.
185. Thomas F. Hartnett.
186. Hartwick College.
187. Hon. Floyd K. Haskell.
188. Hon. Harry Haskell.
189. Hon. William D. Hathaway.
190. Hon. Paula Hawkins.
191. Mr. Yasuhiko Hayashiyama.
192. Hon. Brooks Hays.
193. Hon. Cecil Heftel.
194. Hon. A. Sydney Herlong, Jr.
195. Hermes Abrasives.
196. Hon. Jeffrey P. Hillelson.
197. Hoechst Corporation.
198. Hon. Ken Holland.
199. Hope College.
200. Hon. Roman L. Hruska.
201. Hughes Aircraft Company.
202. Human Rights Project.
203. Hon. William L. Hungate.
204. Hon. A. Oakley Hunter.
205. Hon. J. Edward Hutchinson.
206. I.B.M.
207. Institute of International Education.
208. International Business-Government Counsellors, Inc.
209. International Harvester.
210. International Union of Operating Engineers.
211. J.P. Morgan, Inc.
212. Mrs. Frieda James.
213. Mr. W. Carey Johnson.
214. Hon. James R. Jones.
215. Hon. William J. Keating.
216. Hon. Hastings Keith.
217. Kemper Educational & Charitable Fund.
218. Hon. Jack Kemp.
219. Hon. Joe M. Kilgore.
220. Hon. Ernest Konnyu.
221. Kraft General Foods, Inc.
222. LaGrange College.
223. Representative Norman F. Lent.
224. Lincoln Memorial Park.
225. Hon. John V. Lindsay.
226. Hon. Tom Loeffler.
227. Hon. Catherine Long.
228. Hon. Clare Boothe Luce.
229. Hon. Daniel Edward Lungren.
230. Luther College.
231. Hon. Robert McClory.
232. Hon. Paul N. McCloskey, Jr.
233. Hon. John Y. McCollister.
234. Hon. Gale W. McGee.
235. McNeese State University.
236. MMB Associates.
237. Mt. Vernon College.
238. Hon. Clark MacGregor.
239. Hon. Edward Madigan.
240. Hon. Andrew Maguire.
241. Hon. James G. Martin.
242. Matanuska-Susitna Community College.
243. Hon. M. Dawson Mathis.
244. Hon. Edwin H. May, Jr.
245. Mrs. Adelaide Bolton Meister.
246. Mrs. D. Bailey Merrill.
247. Hon. Helen S. Meyner.
248. Miami University-Ohio.
249. Mid-America Nazarene College.
250. Mine Safety Appliances Charitable Trust.
251. Hon. Joseph G. Minish.
252. Hon. Chester L. Mize.
253. Hon. John S. Monagan.
254. Mr. Richard Murphy.
255. National Association of Broadcasters.
256. National Association of Independent Insurers.

257. National Education Association.
258. National Paint and Coatings Association.
259. National Study Commission on Public Documents.
260. New Hampshire Charitable Directed Fund.
261. New York University.
262. Northern Kentucky University.
263. O'Connor & Hannan.
264. Mrs. Alvin E. O'Konski.
265. Hon. Thomas P. O'Neill, Jr.
266. Representative Solomon P. Ortiz.
267. Pacific Federal Savings & Loan Association.
268. Hon. Edward Pattison.
269. Hon. Charles H. Percy.
270. Hon. Shirley N. Pettis-Roberson.
271. The Pfizer Foundation.
272. Pioneer Federal Savings & Loan Association.
273. Hon. Bertram Podell.
274. Hon. Howard W. Pollock.
275. Hon. Richardson Preyer.
276. Hon. Graham Purcell.
277. Hon. James M. Quigley.
278. R.J. Packing Corporation.
279. Hon. Thomas Railsback.
280. Hon. Ben Reifel.
281. Relief Foundation, Inc.
282. Hon. Henry S. Reuss.
283. Revere High School.
284. Reynolds Metals Company.
285. R.J. Reynolds Industries, Inc.
286. Hon. J. Kenneth Robsion.
287. Mrs. Kathryn Rankin Robinson.
288. Hon. John Robinson, Jr.
289. Hon. Paul Rogers.
290. Hon. Fred B. Rooney.
291. Hon. John H. Rousselot.
292. Hon. William R. Roy.
293. Hon. Donald Rumsfeld.
294. Hon. Philip E. Ruppe.
295. Salem College.
296. Hon. Harold S. Sawyer.
297. Representative James Scheuer.
298. Dr. Scholl Foundation.
299. Representative Patricia Schroeder.
300. Hon. Richard Schweiker.
301. Hon. Hugh Scott.
302. Hon. William L. Scott.
303. G.D. Searle & Company.
304. Sears, Roebuck & Company.
305. Mrs. Harry O. Sheppard.
306. Hon. Carlton R. Sickles.
307. Siemens Corporation.
308. Siena College.
309. Hon. George Smathers.
310. Hon. Henry P. Smith, III.
311. SmithKline Corporation.
312. Hon. Gene Snyder.
313. Sperry Corporation.
314. Hon. William L. Springer.
315. St. Cloud University.
316. Hon Neil Staebler.
317. Hon. David Stockman.
318. Hon. Williamson S. Stuckey, Jr.
319. Sun Company, Inc.
320. SUNY-Binghamton University.
321. SUNY-Plattsburgh University.
322. Hon. Robert Sweeney.
323. Hon. James W. Symington.
324. TRW, Inc.
325. Hon. Robert Taft, Jr.
326. Hon. Burt Talcott.
327. Florrie & Herbert Tenzer Philanthropic Fund.
328. Hon. Lera Thomas.
329. Mrs. Devon O. Thompson.
330. Hon. Jim Guy Tucker.
331. U.S. Capitol Historical Society.
332. University of Alaska—Anchorage.
333. University of Arkansas—Monticello.
334. University of California—Berkeley.
335. University of Dayton.
336. University of Delaware.
337. University of Mississippi.
338. University of Utah.
339. Representative Guy Vander Jagt.
340. Mrs. John Ware.
341. Washington Institute for Value in Public Policy.
342. Whalley Charitable Trust.
343. Mrs. Eva Tollefson White.
344. Hon. G. William Whitehurst.
345. Hon. Larry Winn.
346. Hon. Louis G. Wyman.
347. Mr. and Mrs. James Yao.
348. Hon. Ralph W. Yarborough.
349. Yeshiva University.
350. Hon. Samuel H. Young.
351. Hon. Ed Zschau.

[1]Patrons have contributed at least $250,000.
[2]Benefactors have contributed between $100,000 and $250,000.
[3]Donors have contributed between $50,000 and $100,000.
[4]Friends have contributed between $10,000 and $50,000.
[5]Supporters have contributed between $5,000 and $10,000.
[6]Sponsors have contributed between $1,000 and $5,000.

It is now my sad duty to inform the Congress of our deceased colleagues who passed away since our meeting last spring.

Maurice Gwinn Burnside of West Virginia.
Laurence J. Burton of Utah.
Marguerite Stitt Church of Illinois.
John Sherman Cooper of Kentucky.
Ed Edmondson of Oklahoma.
Hamilton Fish of New York.
William Henry Harrison of Wyoming.
Philip M. Landrum of Georgia.
Robert T. (Bob) Mcloskey of Illinois.
William E. Minshall of Ohio.
F. Jay Nimtz of Indiana.
James G. O'Hara of Michigan.
Arnold Olsen of Montana.
Edward W. (Ned) Pattison of New York.
Albert M. Rains of Alabama.
John M. Robsion, Jr., of Kentucky.
Alfred D. Sieminski of New Jersey.
Samuel Stratton of New York.
Harry L. Towe of New Jersey.
Zadoc L. Weatherford of Alabama.
Earl Wilson of Indiana.
John G. Tower of Texas.
John Zwach of Minnesota.

I would like to request a moment of silence in their honor and memory.

[A moment of silence was observed.]

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. JOHN J. RHODES. I am happy to yield to my good friend, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman very much, Mr. Speaker, and I want you to know that it is a great honor for me to be asked by Speaker FOLEY to come and just give a few brief words of welcome from the leadership on our side. I understand JOHN MYERS, my colleague, will do the same.

It is always nice to be at the organization which represents the safe haven for those of us who are here. JIMMY HAYES, a Member from Louisiana, came up to me, saw me sitting next to Lindy Boggs, and he said to me, "I didn't know your redistricting problems were that bad." I said, "I don't think they are." But I am pleased to be here.

I am particularly pleased to be here with Carlton Sickles, one of my predecessors. I was 26 years of age and I got a call from Carlton Sickles, who was then running for Governor, and he said, "I would like you to run for State senate." And I said, "Carlton, I will lose for the State senate. I want to run for the House." He said, "No, I want you to run for the State senate," and so I turned him down.

About 5 or 6 days later I got the same call, "I was putting together a ticket and I want you to run for the State senate." I said no, no. I was then working with Danny Brewster, a gentleman I think probably some of you know, somebody who made a real impact on my life and gave me a real opportunity. I do not know whether you have seen him lately, but he is doing very, very well, by the way.

□ 1110

So finally Carlton called up Danny Brewster, who was paying my salary at that pont in time. I was working for him over on the Senate side. Gale McGee was there, and Russell Long, of course, was there. And so he suggested to Danny that perhaps I ought to run for the Senate, and Danny called me and said, "You know, I think you can do this." I thought I was dead sure a loser, and it so happens that I did run for the Senate on Carlton Sickles' ticket, and I was elected, and that was the start of my political career.

So it is always good to be here with Congressman Sickles. He was, by the way, you know, our Congressman at Large for the time that he was here, so he was the whole State.

I want to on behalf of Speaker FOLEY and DICK GEPHARDT, who are both sorry they cannot be here, but the Dalai Lama, as you know, is speaking just about at this time in the Rotunda, and that is why they are not here, but so many of you have given very distinguished service to this country and have been real leaders to which so many of us that are now in the Congress looked up, learned from, and are following in the footsteps of; the precedents you set and the tone that you set was incredibly important, and the fact that you stay active and continue to give advice and counsel, I think, is very, very important for the welfare of this institution about which you care so much quite obviously.

I hope you are as proud as those of us who serve here, as divisive as the war may seem to have been, the fact of the matter is I think one of the finest moments in the 10 years that I have been here, and I am a short timer, and I understand that, was the debate over the

war. The public I speak to on whichever side of the issue they fell felt the Congress really did reflect a representative, deep concern about taking a very important action on behalf of the country and, of course, the fact that it is covered by C-SPAN gavel to gavel and they got that opportunity to see it, I think, was really good for the Congress as an institution, again, irrespective of the side one side or the other may have taken.

I do also want to join with the distinguished minority leader in welcoming our Canadian, Italian, and German friends to this gathering. This is, as I am sure you are aware, probably one of the most distinguished groups of Americans with which you will associate and see who have given incredibly quality service to our country.

On behalf of Speaker FOLEY and Majority Leader GEPHARDT and Majority Whip GRAY, DAVE BONIOR, VIC FAZIO, and myself, we certainly want to welcome you back and say how pleased we are to have you here and how pleased we are to work with you.

I would be remiss if I did not say to my good friend John Rousselot that all of you know so well, and I tell this story, because I think if there was any Member that I came with a negative attitude about, you know, this leftwing, pinko Commie coming to the Congress of the United States, thinking about this rightwing radical John Rousselot, and I will never forget John Rousselot coming to the well, frequently, and coming over to this lectern to preach and lecture and admonish the Members of my side of the aisle with a wit and humor that I think was really the essence of what this institution is all about.

We have obviously philosophical differences, but something that we do not differ on is that of our caring about our constituency and our desire to serve America well. I think we share that in common.

My experience has been that there are very, very few people ever on either side of the aisle who do not fit that definition.

So it is always good to see him, my good friend.

Mr. Leader, thank you for yielding this time to welcome our colleagues. You may not be active voting Members, but we are all colleagues, active or inactive, and we welcome you to the House Chamber.

Thank you very, very much. Thank you all.

Mr. JOHN J. RHODES. I thank the gentleman from Maryland for those very kind and well-constructed words. It is always nice to hear them from a distinguished Member of the House.

I would like to now yield to my good friend from Indiana, JOHN MYERS.

Mr. MYERS of Indiana. I thank you, Mr. Leader, thank you for yielding.

Since this is a time to reflect and a time to say thank you and appreciation, I welcome the opportunity today to welcome all of you back.

You remember just a few years ago when you came here as freshmen, being sworn in and you looked at all the old timers, and it just seems like yesterday, does it not, when all of us came in here?

And I am always somewhat reluctant to come over. I am always glad to see so many people through the years that we have learned to know and to respect and to see all of you who have come back, but I have some mixed emotions. I am always afraid you have something contagious, that retirement disease. So I am a little bit reluctant always to come over.

This morning I was torn whether to go to hear the Dalai Lama or to come and hear our dolly, our colleague, Lindy Boggs. So I was asked on the elevator, "Are you going to hear the Dalai Lama?" And I said, "No, I am going to see our dolly, Lindy Boggs." I really came to see Lindy this morning to see her win an award here, but also on behalf of the Republican leadership, we do welcome you back. It is always great to see all of you and thank you for the years, some of you who were here when I first got here, and the rest of us who are still serving here, for the contribution and the help you gave us.

Because, as you know, we come here quite often from different backgrounds, from all over the country. You get thrown in here all of a sudden, and there is no training period here, as we all know, and one day you are back home living a normal life, and all of a sudden you have got to vote on these heavy issues. So it does take a lot of help.

We thank you for those years of help. Thank you for the years right today that you continue to show interest in the important things that are going on in this body and throughout the world, and especially thank you colleagues from other parliaments who come back to help us.

The relationships we have with the parliaments of other countries: there must be peace in the world, and in order to really cement that peace, we have to continue that relationship with the parliaments of other nations.

Today on behalf of the Republican leadership, I join the majority Democrat leadership, and I thank you for what you have done for us and for the country. Thank you for coming back and visiting us. Best wishes to all of you.

Mr. JOHN J. RHODES. I thank you, and I say to the gentleman from Indiana, he just made a remark about something that I had noticed, too.

There are not any sitting Members who are just beating the doors down to join this organization of ours.

Mr. MYERS of Indiana. I am keeping a distance here.

Mr. JOHN J. RHODES. And that is the way it should be. But once a Member, always a Member. And so we always feel welcome here.

And now, Mr. Speaker, it is my great pleasure to turn to the gentleman from Minnesota, the cofounder of the Association of Former Members of Congress, with Brooks Hays, and he is always welcome, and he will always be recognized by me to say whatever he wants to say.

Mr. JUDD. I would just like to add one small footnote to this good report on the work of this organization.

As you just said, Mr. Chairman, it began one day in a conversation with Congressman Brooks Hays of Arkansas, one of my closest personal friends in Congress. We both had been in religious work, both had been missionaries in a sense, and we were just as concerned with how to be most useful in influencing events for good in our country and world in the years ahead. Fewer people seemed to understand and support the main purposes and operation of our own unique form of government. So much could be done better for our country if more of those now in charge understood better what the former Congressmen knew firsthand about our Government, how it operates, what the difficulties, the opportunities, the responsibilities are.

The main group talking to students besides faculty, was the press. Now, a major part of the press' job, like a doctor's, is to find out what is wrong with a patient, and report it, with advice.

More and more of the students were developing a certain cynicism regarding their own government without much idealism and the desire and responsibility to maintain our basic freedoms. Brooks commented, "It is too bad that most of us former Members are just sitting at home reading the newspapers, good people, but retired, when there is a vitally important mission for us—a service we can render better than anyone else." I agreed and said that we ought to be working in the colleges; helping students better understand what actually goes on in Congress, how its most important responsibilities are carried out, and how they can be carried out better. There is less and less confidence in our Government, what its basic role is or should be, and so on. Why don't we try to get a lot of former Members to go out into the colleges to get some publicity and support for the effort. Surely, the colleges will invite former Members in for discussions. They are not there now to get more votes for themselves. They are not running for office. They have no concern except the well-being of this country. They will be listened to. In a sense, they can be very useful to our country, after they are out of office, in this developing of better understanding

of our republic, our form of government from the bottom up, the final decision in the hands of the people, instead of government from the top down, as has been the case in most of the past and is in so much of the world today. That was our limited original objective.

I am making this comment for only one reason, I am, of course, proud of the developments in the broader work of this association of former Members, the things that you, Mr. Chairman, and others have talked about in the annual meeting, the forward looking. I just deeply and devoutly hope that we will also remember and strengthen the mission of former Members of Congress to make our experience and counsel more available to the students who will be in control of this country in the future.

□ 1120

I think we have a greater mission than we have realized, once we are out not running for office.

I am only expressing this hope, and I hope those here will forgive an old-timer who is 92 years old. I have nothing to share. All Members have been patient to put up with me. I am just pleading for everyone not to forget that important mission that every single former Member could fulfill, to go into the colleges and talk to the political science students, and economic students, an so on about what actually happens, and what is necessary to have a good, democratic-republican form of government.

Mr. JOHN J. RHODES. Thanks, Walter. It is always good to hear those words of wisdom from our surviving founder. All Members thank the gentleman for those remarks.

I did mention that several of our former Members are doing just what they said, and serving in other areas. One of those Members just walked in. I would like to have the gentleman stand up, Secretary of Interior, Manuel Lujan.

Now, Mr. Speaker, it is my great pleasure to do what we have all been waiting for me to do, and that is to give the Distinguished Service Award to a very distinguished person. This lady has a wonderful record in the Congress of the United States, not only in legislation, but also, for want of a better word, I will say extracurricular activities, such as being tapped by the leadership to be chairman of all the bicentennial activities of the House of Representatives. She did an outstanding job. And as a result, the observance of the bicentennial in the House of Representatives, I think, was as good or better than any similar body or any similar observation in the country.

Lindy, whenever a good person leaves the House or Senate, we always feel two things. One is that we are sorry that the person will no longer be serving in the capacity in which he or she did serve; but the second one is a feeling, he or she deserves to take a rest and do some of the things that he or she has wanted to do. I am sure that Lindy feels that way, and we all feel that way about her.

However, I want to express the hope that as she progresses in her beautiful life, and it is a beautiful life, that she will remain a very active, caring, contributing member of the Association of former Members of the Congress. I bet that she will.

Lindy, would you please come up now and let me present to you, first, a gavel. This is for you. It says:

Presented to the Honorable Lindy Boggs on the floor of the House of Representatives by the United States Association of Former Members of Congress in recognition of her distinguished service to the Republic, Washington, D.C., April 18, 1991.

Lindy, also, it just so happens that when the word got out that you were to be given the Distinguished Service Award, a lot of people decided they would like to write letters and thank you for everything that you have done. These two books contain those letters. I know you will want to read them at your leisure.

Mrs. BOGGS. Thank you so much. My goodness, thank you so very much.

Nothing could be more meaningful to me than to receive an award for service to the Republic, and to receive it from the Association of Former Members of Congress, and to have it presented by my own, close, good friend, John Rhodes.

It is such a pleasure to me. It is very difficult for me to contain myself. To be of service to the Republic is something that has been an abiding interest of mine all of my life.

Fifty years ago, my husband, Hale, as a young Congressman, brought me here to this institution. I have had a love affair with it every since. It is really remarkable, when we think about the fact that I have been here for one-fourth of the time of this Constitutional Republic, and I have learned to love and to respect, to admire the Members of this institution, in both the Senate and the House, with such admiration that it knows no bounds.

Here we meet in the 200th anniversary, as John has told Members, of the Bill of Rights. Surely, there have been no stronger defenders of the Bill of Rights than the Members of Congress, throughout the ages. Now that we are in the final year of the formal celebration of the Bicentennial of the U.S. Constitution, and have completed the events surrounding the Bicentenary of the House and the Senate, it was very fitting, I thought, last night, that we were in that glorious room, the Benjamin Franklin Dining Room at the State Department, and were able to look up at Dr. Franklin and to remember that when he had come from the final formal signing of the Constitution, he was met by a woman in Philadelphia who said, "Well, Dr. Franklin, what kind of government have you given us?" He replied, "A republic, Madam, if you can keep it."

I feel that it was a charge of enormous proportions to keep the system of government, with its unique tripartite system of checks and balances among the three branches of government, and between the two Houses of Congress. During the Bicentennial effort, we have really tried very hard to showcase the role of Congress in the keeping of the Republic.

I had the pleasure, John, of being the chairman of the Joint Senate-House Committee in 1976 for Bicentennial arrangements, and sat on the U.S. Commission of the Bicentennial of the American Revolution. This time, of course, I have had the joy of being the chairman of the Bicentenary of the House and of sitting on the U.S. Constitution Bicentenary of the Constitution Board. My late daughter, Barbara Sigmund, said, "Mom, you have the best scam going in the world. Everything is bound to be 200 years old sometime."

I had such pleasure working with Senator BYRD and with Joe Stewart and with DICK BAKER, and on our side with the Bicentenary Commission and with Ray Smock, the Historian of the House and the Offices of the House, and the Commission on the Bicentenary of the House very wisely had three sitting Members who were Democrats, three sitting Members who were Republicans, the majority and minority leaders, and two former Members of Congress as part of the Commission. Of course, John Rhodes has been on that Commission the whole time, and Dick Bolling and Tom Vandergriff were the other two who served in that capacity.

We had many celebratory events, including a Joint Session of Congress. We went to Philadelphia for a meeting that reenacted the signing of the Great Compromise that made the Constitution possible. We had tremendous collaboration with other organizations. Of course, Fred Schwengel and his magnificent contribution to the U.S. Capitol Historical Society, the Library of Congress under Jim Billington, had a magnificent program, all year long, and now into this year as well.

Very solidly among it, I don't know if it is still but an exhibit called My Dear Wife, with letters from Members, during their time in Congress, to their wives, if it is still here, I recommend that Members go to see it.

We also worked with the U.S. Commission on the Bicentennial of the Constitution, particularly in the exhibit of the first Federal Congress at the National Portrait Gallery, which was an exhibit of very, very splendid artistic as well as humanistic interest.

□ 1130

Then, of course, we had with the U.S. Commission on the Bicentennial several collaborative efforts. Chief among them have been the Portait Gallery exhibit and now they are engaged in an encyclopedia of the Congress, an encyclopedia that apparently is badly needed and has the enthusiastic interest of scholars and practitioners all over the country.

We published many volumes. Among them, we upgraded the biographical directory for the first time since 1971.

We put out a book on the architecture of the Capitol, and the bibliography of depositors of former Members' papers and memorabilia. If you have not listed yours in there, I do hope that you will get in touch with the Office of the Historian and make certain that we have your depository, your papers listed as well. There is tremendous interest all over the country in this.

We were swamped with information from universities and colleges, from libraries, from archives and from individuals who are very anxious to have this compiled.

We also published a booklet on blacks in Congress, women in Congress, and a very practical guide to the Capitol grounds and the Capitol buildings for Members to be able to use in their offices.

Through it all, we were encouraged that 11,187 persons who had served in the Congress, 9,395 in the House and 1,195 in the Senate, had upheld the Constitution and had served the Nation through wars and near-wars and the aftermath of wars; through depression and recession and their aftermath; through the rapidly changing times that we have all been exposed to, starting of course with industrialization and then going through the information explosion. It would not have been possible for our system of government to really survive through all these changes without the consistent, wonderful service to the Republic of the Members of Congress.

Through it all, of course, we have fumed and fussed and fought. We have castigated and cajoled, but overall, as has been said here earlier this morning, there has been an overriding, overwhelming camaraderie and the genuine respect and the solid friendships that were formed and fostered, as is certainly evidenced here today.

When Hale, my husband, was the Majority Leader, before that he was the Majority Whip for 9 years, and nobody could know better than I what it takes to be able to bite your tongue and be able to compromise, to be able to push legislation forward for the good of the country, to be able to reconcile differences, sometimes even to simply swallow them because you could never really reconcile them; but through it all, I know that we in the Congress could not have been able to do all this without the encouragement of the spouses of the Members of Congress.

You know, I have had two professions in my life, one as a Member of Congress and one as a congressional spouse, and I am not too sure that congressional spouse wasn't a more difficult profession.

It is no wonder then that 34 wives of Members of Congress have become Members of Congress themselves.

Yesterday evening we were treated to the fact that the auxiliary of this organization is very active and very supportive, as they always have been through your active service days.

But today we meet here at the end of the railroad strike, effective action promptly taken and in cooperation with the President and, of course, that makes us realize that the end of the war has come with prompt effective action and with cooperation by the Congress with the President.

Now we have to make certain that we are able to work with him to secure the peace.

You know, it is very, very close now to the year 2000 until we enter a new millennium. I was so struck by the fact that Walter said that he was 92. Just think, he was born a year before this century began. We have to look forward, as you seem to be doing, to the year 2000. We have to prepare people to serve the Republic for the next millennium and we have to do it in ways that are perhaps different than at other times. It is a very difficult time for the whole country. It is a difficult time for young people and it is a difficult time for recognizing that they are going to live in a global economy, in a global environment, and that they are going to have to be trained for highly competitive jobs.

So it was with great pleasure that I recognize that you are not only reaching out to our proverbial friends, to the Germans, to the Italians and to the Canadians, but that you have also gone out to Poland, to Czechoslovakia, to Hungary, and we are very, very pleased that you made some initial entries into the Soviet Union.

Now we have to think about the actual training of our young people for the rest of this century. Nothing could be more important, as you have heard, than extending the Fellows Program from colleges down to the high school level. I salute you for that, because there is no way that we can possibly train the young people for keeping the Republic in the 21st century unless you are able, of course, to train them today.

So it is with a great deal of pleasure and a great deal of joy that I am given this tremendous honor. It could not have pleased me more than anything else that could be done.

I feel that your work extends out to the whole country. Just think of what you continue to do. We have Manny here today to emphasize it.

After all, the Members of this association, the former Members of Congress, make up half of the Cabinet. Ed Madigan, Dick Cheney, Jack Kemp, Manny Lujan, Nick Brady, and Ed Derwinski are all members of the Cabinet and, of course, in the administration the President and Vice President are both former Members of the Congress as well.

The World Bank is run by our former colleague, Barber Conable.

We have many of you placed in responsible positions in the Government and outside of the Government that keep our country moving and going. So last night as I thought about all this, and I wondered what I was going to be able to confine myself to say today, I felt like going up to that portrait of Dr. Franklin and saying, "Sir, these persons and their counterparts through the history of our Republic have indeed saved the Republic."

Thank you for your contributions and thank you for honoring me in such a meaningful, special way.

□ 1140

Mr. RHODES. Lindy, thank you very much. Your remarks, as usual, were well made, and I am sure that each of us was very pleased to have the chance to be here not only to honor you but to hear your words of wisdom.

If I may be allowed one personal note, Hale Boggs was a very good friend of mine, and I know he is very proud of you. He should be.

I am about to close this meeting. I guess, my year as president of the association is near its completion. I want to thank all the membership for their active participation and wish our incoming president, Bill Hathaway, and vice president Bud Brown every success in the continuation of the development of our association. I particularly want to thank Jed and Linda for all the cooperation and all the fine things which you have done for the association and for me individually.

One of the reasons that I feel very strongly about the work of the committee which John McCollister and Paul Rogers chair is because I hope that it starts in motion a course of action which will lead to the type of financing which we absolutely must have in order to take some of the weight off of Jed Johnson so he can spend more time in doing things which he wants to do for the organization instead of having to worry about where the next dollar is coming from.

So, my good friends and colleagues, again I want to thank you for all of the things which you have done and especially to thank you for the fact that I believe most of you here, and a lot of the people who are not here, recognize the work of this organization.

Dr. Judd's words were absolutely perfect. We have a reservoir of expertise, of capability that the country needs and which we must do our very best to make available in ways that are best adapted to not only our capabilities but to the needs of the country and, in fact, the free world.

So, thank you, and I hope I will see all of you at the Mansfield Room for lunch in a very short period of time.

[Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. MIKVA (presiding). The Chair thanks the gentleman from Arizona for his leadership and for his eloquence, as we thank the distinguished gentlewoman from Louisiana for reminding us of the rare privilege we have all had.

The gentleman from Indiana, Congressman MYERS, said it very eloquently when he talked about this bittersweet experience. We are pleased to see each other, having evaded the grim reaper 1 more year as we at the same time mourn our distinguished colleagues who have not been so fortunate. We remember nostalgically the excitement of having been a part of this great stage with its important policy decisions, and we also remember the frustration of trying to persuade the other 434 prima donnas or 534 prima donnas to agree with our great ideas of how the country should run.

We compliment each other on how well we look even though we know that we are not looking quite as hardy as we used to when our eyesight was better. But overall, the sweet overcomes the bitter and we remember what a rare privilege we had to be in this place, which is the very first institution of our republic and our democracy.

We are grateful that we have had the privilege of serving in the very first branch of government.

Without objection, the Association of Former Members stands in recess sine die, and the House continues its recess.

Accordingly (at 11 o'clock and 45 minutes a.m.), the House continued in recess, subject to the call of the Chair.

□ 1207

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock and 7 minutes p.m.

ADJOURNMENT TO MONDAY, APRIL 22, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BACCHUS). Is there objection to the request of the gentleman from Utah?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 24, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, April 24, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MAKING IN ORDER CONSIDERATION OF BILLS UNDER SUSPENSION OF THE RULES ON WEDNESDAY, APRIL 24, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that it might be in order on Wednesday, April 24, 1991, for the Speaker to entertain motions to suspend the rules and pass each of the following bills: H.R. 427, H.R. 690, and H.R. 749.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD, and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 1210

GETTING RID OF SADDAM HUSSEIN

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I take this time at midday as we begin on special orders to raise a very important issue which has been hotly debated over the past several weeks since we have witnessed the liberation of Kuwait, and that is what do we do with Saddam Hussein.

Freedom loving people throughout the world obviously want to see a resolution of this. We have all witnessed the struggle that has gone on, the horrible pictures we have seen on television of helpless Kurds in the northern part of Iraq who have become refugees, refugees in both Turkey and Iran now. It has become apparent that we need to take action.

We have had a wide range of recommendations come forward—from the statement from President Nixon that I saw in the newspapers a few days ago that possibly the CIA should be taking out Saddam Hussein—to what I think is clearly a balanced way in which we can approach this. We want to get rid of Saddam Hussein, so I would like to announce that I am going to join as a cosponsor with my very distinguished colleague, the senior ranking Republican on the House Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD] who yesterday, along with my California colleague [Mr. LANTOS] introduced a resolution calling on the United Nations Security Council to confer and move ahead with the prospect of bringing Saddam Hussein before a court to be tried for war crimes. I believe that is something which is absolutely essential, and it is clearly a balanced approach for us as we look at this.

He is responsible, as the world knows, for the most heinous acts that we have witnessed in years, and it seems to me that as we look at this problem this is the best approach we can take. I urge my colleagues to join as cosponsors.

This morning I had the chance to meet with some members of the Iraqi resistance, Kurds, Shiites, those in the Sunni movement, and it is apparent to me that people in Iraq clearly want to have a degree of self-determination, and they would like to see Saddam Hussein replaced. I clearly believe that Iraqis, like other people throughout the world, want to see a move toward democracy in their country, and there is a chance for that. But there is not a chance for that as long as the repression by Saddam Hussein continues.

One of the horror stories I was told this morning came from a man who had just seen in the north of Iraq a few days ago, a case of a woman who approached her 12-year-old son who had just been killed, and her immediate reaction was Saddam Hussein had done this. The Iraqi people are looking to the United States of America as well as the United Nations for leadership. I hope very much that this House will be able to pass the Broomfield resolution and that we will be able to successfully see Saddam Hussein tried for international war crimes, and that we will be able to see the people of Iraq have the degree of self-determination which they desperately seek.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, what does the Broomfield resolution call for?

Mr. DREIER of California. I thank my friend for raising the question. The resolution calls for the U.N. Security

Council to confer and meet with members of the coalition and proceed with a trial that would bring to justice Saddam Hussein for war crimes, and that is the step that has been taken.

Obviously there are some details with which I am not familiar, but this is the first step of the resolution.

Mrs. BENTLEY. It is the first step. I have been criticized because I have been saying that he should be dispensed with.

Let us suppose the United Nations acts in calling for the war crime trial but they cannot get their hands on Saddam Hussein, then what do we do? What does the gentleman suggest we should do?

Mr. DREIER of California. Let me respond to that with an answer that was given to that exact question to one of the members of the Iraqi resistance this morning, and that would be as follows: What we should do is provide the degree of encouragement to the Iraqi people who clearly will replace Saddam Hussein, which is what I was told this morning.

Now there has been sort of an up and down indication from the United States, and they were slightly discouraged 2 weeks ago. But the very positive statements which have come from the President and the humanitarian assistance which has come forward has provided them with once again a boost, and I think that that boost itself will move them in the direction to replace Saddam Hussein as long as we and others in the free world continue to provide that kind of encouragement. And frankly, it may be that we would get to the point where some kind of military assistance would be necessary.

Mrs. BENTLEY. I want to commend the very distinguished gentleman from California for bringing this up, for calling it to the attention of all of the Members of the House, because I think it is a very, very important step that must be taken when we consider those thousands and thousands and thousands of refugees who are suffering so severely because of this one man.

Mr. DREIER of California. I thank my friend for her very helpful contribution and her kind remarks.

MISPLACED BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Speaker, yesterday, though I strongly supported the spending priorities set by the House Budget Committee, I reluctantly voted not to support the resolution itself.

Americans have always believed that investment in our children is the key to a vital, competitive economy, and yet the skills, knowledge, and resources of today's generation of young people have not kept pace with an increasingly demanding global marketplace. The priorities for spending outlined in the chairman's resolution—in education, health care, energy conservation, the environment and in our rotting infrastructure—these are important steps in the right direction. The committee, in fact, provided the House with a sorely needed reexamination of our domestic condition and a comprehensive vision of worthy goals.

The alternatives offered by the other side of the aisle, by contrast, were totally unacceptable. Because of its spending targets, almost half the Republicans in this body did not support the President's budget when it came to a vote.

Given today's fiscal constraints at all levels, Federal and State Governments must cooperate in a constructive manner. Thus, I am particularly pleased that the resolution rejected the administration's disastrous block grant proposal. Community development programs have enabled State and local governments to contribute significantly to our housing, educational, and medical needs. With all levels of government enduring the pinch of the current recession, the Federal Government must not desert our communities.

I am also heartened by the resolution's energy security program. Our economic future must not continue to be held ransom by instability in the Persian Gulf, which will always remain the world's most volatile region. Conservation and alternative energy sources must be pursued before reckless drilling into environmentally sensitive areas.

We must also repair our crumbling infrastructure. Quality highways, airports, and mass transit systems have an unquestionably positive impact on our economic vitality, and I am pleased that the committee addressed this need so thoroughly.

Above all, we must continue to invest more in this Nation's human capital, particularly in the areas of education and health care.

A productive work force must have knowledge and skills commensurate with the pace of rapidly changing technology. American students will face even more competition with those of Europe and Asia, and without a commitment by the Congress to give research and education the priority it deserves, their skills will continue to lag. This budget paid more than lip service by providing more funds for research and development.

Our industries will soon face a shrinking labor pool. Technological change and global competition will make necessary a more scientifically and technically capable work force to make up for decreasing numbers of available workers. Thus, we cannot afford to limit educational opportunities to a select few. The resolution acknowledged this need by allowing more funds for Head Start, elementary, secondary and higher education programs.

A healthy work force is a productive work force, and effective, early intervention programs must be given top priority. The committee's efforts on behalf of WIC and other nutrition programs, childhood immunization, and community health centers are to be commended. Likewise, the new priority given to drug treatment programs is a welcome step. These efforts will save millions of dollars in future health care costs.

I support the resolution's priorities enthusiastically. My reservations arose not from the budget's priorities, but the inadequacy of its steps toward fiscal soundness.

Mr. Speaker, I supported last fall's Budget Reconciliation Act, and I have immense confidence in Budget Committee Chairman PANETTA, so it was with great and serious thought that I began to question the extent to which this resolution is fiscally sound.

Under that proposal, we project budget deficits expected to be over $360 billion for fiscal year 1992, down to just over $302 billion in fiscal year 1993, and to $197 by fiscal year 1996.

This optimistic projection of budget deficits is the fifth such hopeful projection I have witnessed in the 4½ years since my return to the House. I believe this projection will turn out to be as false and inaccurate as those predecessor scenarios were. But the national accumulated debt, we are told, will rise from just over $4 trillion in 1992 to just over $5 trillion by 1996. Unforeseen events, such as a prolonged recession, deepening S&L problem, more bank failures, or another national security crisis—any of these could easily undermine the annual deficit reduction targets of the resolution. The debt projection is based on overly optimistic theories, and you can be absolutely certain that the accumulated debt will, by fiscal year 1996, be significantly greater than $5 trillion.

Mr. Speaker, that vote for last year's budget compromise followed 7 months of intensive negotiation between Congress and the White House. I supported it only because it was the best possible at the time, the lesser of the fiscal evils we then faced. I was prepared to do more in terms of raising consumer taxes and increasing spending cuts because the deficit reduction levels were totally inadequate, and I so stated at that time. And we certainly can make greater efforts to cut spending. I am becoming increasingly convinced that more immediate, austere measures are necessary.

It is our responsibility in the Congress to present the American public with not only a clear choice of priorities, but our clear judgment of the magnitude of the problem.

Our collective lack of political will to balance the budget—and the consequent ever-increasing Federal deficit—will remain an economic albatross around the Nation's neck for generations to come. Huge debt continues to tap our national savings and investment. It has left our Nation a net debtor of grotesque proportion. We have found our hands tied by interest payments and obligations to foreign creditors. And it has our young people wondering what burdens await them in the future.

It is with more than passing concern that I note that the Republicans did not win national elections when they ran on a platform of whining and complaining about unbalanced Federal budgets. Only when they promised economic good times and embraced spending to prime the pumps and fuel the economy were they rewarded with the Presidency.

Ronald Reagan, who ran for President on the absolute promise that he would balance the budget in 3 years, and that he could also assure improved economic conditions, instead quadrupled the deficits in that period and became the champion of increasingly unbalanced budgets as a tactic for such prosperity.

It is necessary, he said, to spend our children's resources to have prosperity. Only a negative impact would be had, we were implicitly told, by fiscal discipline. His pitch, which the American people bought was "we can spend ourselves into prosperity." I didn't agree with that theory when it was preached by the Democratic party, and I don't agree with it as a Republican doctrine either.

So it is with some trepidation that I remind my colleagues that we have not done enough to begin to put our economic house in order. More difficult decisions, and probably increasing economic distress, await us in the months and years ahead.

I strongly admire what Chairman PANETTA and the House leadership presented yesterday. That budget was probably the best possible following last fall's budget agreement. But I reluctantly voted to oppose the budget for principally symbolic reasons, because I feel so strongly the need to do more.

□ 1220

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING THE ALLOCATION FOR THE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1992 PURSUANT TO SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, section 603 of the Congressional Budget Act, as amended by the Omnibus Budget Reconciliation Act of 1990, authorizes the chairman of the Committee on the Budget to submit to the House a spending allocation for the Committee on Appropriations if the Congress has not completed action on the budget resolution by April 15.

Although the House has now passed the budget resolution for fiscal year 1992, the Senate has not yet taken up the measure ordered reported by the Senate Budget Committee. Therefore, in order to allow the Appropriations Committee to begin work on its fiscal year 1992 spending bills in a manner consistent with the statutory spending caps, I hereby submit the section 602(a) allocation for that committee:

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs	208,450	203,337
Discretionary programs	513,505	527,458
Total:	721,955	730,795

As required by the act, the allocation is consistent with the discretionary spending limits contained in the President's budget.

I am also attaching an explanation of these figures, prepared by the staff of the Committee on the Budget.

EXPLANATION OF ALLOCATION UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The allocation meets the requirements of the Congressional Budget Act and Balanced Budget and Emergency Deficit Control Act.

As required by Section 603, for all three categories of discretionary programs (defense, international, and domestic), the amount to be allocated is computed by starting with the caps as stated in the "preview report" prepared by the Office of Management and Budget (OMB) and included in Part Five of the Budget of the United States Government, Fiscal Year 1992.

To those amounts are added the special budget authority allowances described in Sections 251(b)(2)(E)(i) and (ii) of Balanced Budget and Emergency Deficit Control Act. These amounts will, by law, cause an upward adjustment of the caps by the end of this session of Congress. By including them, the allocation will be consistent with the figures that will be used for fiscal year 1992 sequester calculations. (Also, it should be noted that the special budget authority adjustment is explicitly allowed to be included in budget resolutions under Section 606(d)(1) of the Congressional Budget Act.)

The special budget authority allowance is a specified percent of the total end-of-session caps, for all three categories over all three years (fiscal years 1991 through 1993). The specified figure is 0.079 percent for the international category and 0.1 percent for the domestic category. The end-of-session caps to which these percents are applied are OMB's start-of-session caps plus adjustments for: (1) the $172 million in new budget authority requested by the President for the IRS "hold harmless increment"; (2) the $12,158 million in new budget authority for the IMF quota increase requested by the President for fiscal year 1992; and (3) enacted emergencies in H.R. 1281 and H.R. 1282.

The three items just listed cause an upward adjustment to the end-of-session caps; these "hold-harmless" are specified in Sections 251(b)(2)(A), (C), and (D), respectively, of the Balanced Budget and Emergency Deficit Control Act. While they are assumed for purposes of computing the caps against which the special budget authority allowance percents are to be applied, they are not directly included in this allocation because Section 606(d)(2) of the Congressional Budget Act hold harmless for these three items by providing that any such funding not be counted for purposes of the Congressional Budget Act.

This computation of the discretionary caps for purposes of the Congressional Budget Act was used by CBO in computing its current estimate of the maximum deficit amount and by both the House and Senate Budget Committees in computing the caps applicable to the fiscal year 1992 budget resolution.

As a matter of policy, H. Con. Res. 121 as adopted by the House provides $392 million less in discretionary new budget authority for the international category (and, therefore, the total allocation) than the amount of the cap included in this allocation. The conference agreement on the budget resolution will establish the ultimate level of the total allocation.

For mandatory programs funded by the Appropriations Committee, the amount allocated equals CBO's current estimate of the fiscal year 1992 baseline level of those programs.

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SEC. 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1992

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs:		
Current level (existing law)	202,859	199,413
Assumed legislation	5,591	3,924
Subtotal	208,450	203,337
Discretionary programs:		
Defense	291,361	295,800
International	22,165	19,751
Domestic	199,979	211,907
Subtotal	513,505	527,458
Appropriations Committee total	721,955	730,795

SHADES OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I have to congratulate our construction industry for being persistent in trying to push into Japan's construction market. Our contractors have been trying for a very long time.

In 1972, President Nixon went to Hawaii to meet with the then Prime Minister and construction was one of the issues discussed along with citrus, aerospace, and other items.

At that time, promises were made to open up that Far East market. Here we are almost 20 years later asking again that Japan open its construction sector to American companies.

In construction, there is no doubt that the Japanese are getting the lion's share in this bilateral or is it unilateral, arrangement. Last year, Japanese

firms won $2.8 billion in new work in the United States—and American firms only $310 million in Japan.

Something must be done quickly because we are running up against statutory deadlines in meeting the terms of the United States-Japan agreement.

Japanese firms must stop following their illegal bidding practices on publicly funded projects. Dango must be stopped. It is illegal in Japan just as it would be here. Bid rigging is not allowed in the United States and certainly not on publicly funded projects.

Japan must liberalize its market on construction projects. By maintaining noncompetitive practices, Japan is introducing inefficiency in its construction practices at the cost of more money to the taxpayers of Japan. By liberalizing its market, everyone wins.

As a signatory to the 1979 Government Procurement Code of the General Agreement on Tariffs and Trade [GATT], Japan is obligated to open up bidding on Government projects to firms from other signatory countries.

Japan needs to live up to this agreement. Recently an American-German joint venture firm bid on a people mover, only to be knocked out by the rewriting of the specifications and giving it to a Japanese firm at a lower cost. The Japanese firm had no experience in building people movers, while the American-German venture had built approximately 14 of the 18 total people movers built in the world.

Another equally astounding story was the one told to American engineers that Japanese soil was special so American engineers would not understand what to do in stopping Japan's manmade island from sinking. Remember, that island is being built for the new airport. What a ridiculous thing to say.

How many manmade islands do we have in the United States? Offhand, I can think of the airport at San Francisco. We had an airport in Baltimore for many years that had been made out of the dredge fill from the bottom of the harbor. It is now a very fine marine terminal, and we have a newer airport, a bigger one.

American engineers have built projects all over the world in every type of terrain and soil. We are experts at construction. Perhaps that is the problem. We are successful at our engineering projects. This is as ridiculous as saying that Japanese snow is different and, therefore, skis made in the United States cannot go down on Japanese snow; Japanese stomachs are different and, therefore, they cannot eat American rice.

Japan has another reason to liberalize its market. If the Japanese have access to our tax-paid Government projects, then American firms should have the same opportunity in Japan.

I agree with the tough United States stance taken by some officials, which was reported in the Washington Post, "that the current thinking called for Japanese companies to be barred from federal contracting in airports, mass transit, highways, water control and other fields."

It is a two-way street. Senator MURKOWSKI's statement, "You fish or cut bait" is right. I heartily endorse that statement.

Mr. Speaker, maybe America's construction workers need to react in the same way that America's small farmers are beginning to: "We do not buy Japanese autos, VCR's, radios, and TV sets until their doors are wide open to all American products and services in the same way that they are open in the United States of America."

Mr. Speaker, I have another item to report along the line of unfair trade.

NINTENDO'S JOY STICK

Last week, Nintendo, the Japanese game giant, was ordered to pay $25 million to consumers who had been gouged by a price fixing scheme.

An 80-percent share of the U.S. market was not enough, and a multibillion dollar U.S. business was not enough.

They wanted it all.

Nintendo wanted every bit of profit it could fleece from the American consumer.

What a classic example of monopoly and how its control of markets leads to unquestioned profits. I have nothing against profits, but profits can corrupt, and absolute profits corrupt absolutely.

The Nintendo case is a classic example of the results of lowering our barriers to let in Japanese products—the Japanese producers coerce retailers to sell at a fixed price or the producer cuts the flow of the product.

And we are not allowed to sell a simple product like rice in Japan.

The farmer who had a 10-pound bag of American rice on display at a trade fair in Japan recently was threatened with criminal action if he did not remove it.

When will we wake up?

There are games being played, and not just the ones programmed for computer screens, but ones programmed to exploit the American consumer. Nintendo has added a definition to joystick. It is not just a gizmo to operate a cursor, it is also the joy Nintendo derives by sticking it to us—the American consumers—while Nintendo laughs all the way to the Bank of Japan—with its branch offices in DC and the RTC.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. OWENS of Utah) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of Utah, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, on April 23, 24, and 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GEKAS.

Mr. GREEN of New York.

Mr. BARTON of Texas.

Mr. BROOMFIELD.

Mr. CAMP.

Mr. ZIMMER.

Mr. OXLEY.

Ms. ROS-LEHTINEN.

Mr. GALLEGLY.

Mr. CUNNINGHAM.

Mr. HASTERT.

Mr. HERGER.

Mr. RINALDO.

Mrs. BENTLEY in three instances.

(The following Members (at the request of Mr. OWENS of Utah) and to include extraneous matter:)

Mr. RICHARDSON.

Mr. LEVIN of Michigan.

Mr. DEFAZIO.

Mr. ACKERMAN.

Mr. PEASE.

Mr. MAZZOLI.

Mr. LANTOS.

Mrs. KENNELLY.

Mr. HALL of Texas.

Mr. MATSUI.

Mr. JACOBS.

Ms. OAKAR.

Mr. FASCELL.

Mr. ATKINS.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 77. Joint Resolution relative to telephone rates and procedures for Operation Desert Storm personnel; to the Committees on Energy and Commerce and Foreign Affairs.

S.J. Res. 102. Joint Resolution designating the second week in May 1991 as "National Tourism Week; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 222. Joint Resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 16. Joint resolution designating the Week of April 21-27, 1991, as "National Crime Victims' Rights Week," and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 222. Joint Resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes p.m.) under its previous order, the House adjourned until Monday, April 22, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1113. A letter from the Secretary of Agriculture, transmitting the annual report on the 1990 Youth Conservation Corps Program, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

1114. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986; to the Committee on Education and Labor.

1115. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 04-91, concerning a proposed cooperative defense program under a memorandum of understanding with the Ministries for National Defense of Spain, France, the Netherlands, and Italy concerning the NATO NMMS, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

1116. A letter from the Assistant Secretary for Finance and Administration, the Smithsonian Institution, transmitting the annual pension report for the year ending 1989 for the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading is Fundamental, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1117. A letter from the Administrator, NASA, transmitting a letter expressing his views about budget reductions in the request from the President; to the Committee on Science, Space, and Technology.

1118. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act to enhance the authority of the Government to recover debts resulting from overpayments of benefits under those acts; jointly, to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 1919. A bill to extend through December 31, 1994, the existing temporary suspension of the duty on certain disposable surgical gowns and drapes; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. MANTON, Mr. HERTEL, Mr. BENNETT, Mr. ECKART, Mr. PICKETT, Mr. FALEOMAVAEGA, Mr. STUDDS, Mr. OWENS of Utah, Mr. JEFFERSON, and Mr. FASCELL):

H.R. 1920. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries; Science, Space, and Technology; and Energy and Commerce.

H.R. 1921. A bill to amend the Oil Pollution Act of 1990 to protect the environment of Antarctica from oil spills, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. ANDREWS of Texas:

H.R. 1922. A bill to restore until January 1, 1995, the rate of duty on myclobutanil that was in effect under the Tariff Schedules of the United States on December 31, 1988; to the Committee on Ways and Means.

H.R. 1923. A bill to temporarily suspend the duty on dicyclopentenyloxyethyl methacrylate; to the Committee on Ways and Means.

H.R. 1924. A bill to extend the temporary duty suspension for certain articles; to the Committee on Ways and Means.

H.R. 1925. A bill to temporarily suspend the duty on 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one; to the Committee on Ways and Means.

H.R. 1926. A bill to extend until January 1, 1995, the existing temporary suspension of the duty on triethylene glycol dichloride; to the Committee on Ways and Means.

H.R. 1927. A bill to temporarily suspend the duty on 2-methyl-4-isothiazolin-3-one; to the Committee on Ways and Means.

By Mr. ANTHONY:

H.R. 1928. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain motor fuel and motor fuel blending stock; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 1929. A bill to extend the existing suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Ways and Means.

H.R. 1930. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BUSTAMANTE:

H.R. 1931. A bill to provide a separate tariff classification for, and to suspend temporarily the duty on, certain opal borosilicate glassware imported in sets; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself, Mr. BLILEY, and Ms. NORTON):

H.R. 1932. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DWYER of New Jersey:

H.R. 1933. A bill to suspend for a 3-year period the duty on Resin Diaion HP 20; to the Committee on Ways and Means.

H.R. 1934. A bill to extend the existing suspension of duty on certain wood veneer; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 1935. A bill to suspend for a 3-year period the duty on m-chloroperoxybenzoic acid [MCPBA]; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself and Mr. RANGEL):

H.R. 1936. A bill to provide permanent duty-free treatment for certain chemicals; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 1937. A bill to amend the Harmonized Tariff Schedule of the United States to suspend the duty on certain clock radios, and for other purposes; to the Committee on Ways and Means.

H.R. 1938. A bill to extend until January 1, 1995, the existing suspension of duty on acet quinone base; to the Committee on Ways and Means.

H.R. 1939. A bill to suspend for a 3-year period the duty on finasteride and finasteride tablets; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (by request):

H.R. 1940. A bill to extend the temporary suspension of duty on 1(1-((4-chloro-2-(trifluoromethyl) phenyl) imino)-2-propoxethyl)-1h-imidozole; to the Committee on Ways and Means.

H.R. 1941. A bill to extend the temporary suspension of duty on 2, 6-dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1942. A bill to suspend for a 3-year period the duty on (3R-(3-alpha(R*),4-beta))-4 (acetyloxy)-3(1-(((1,1-dimethyl ethyl) dimethylsilyl)oxy)ethyl)-2-azetidinone, also known as acetoxy azetidinone; to the Committee on Ways and Means.

By Mr. LIGHTFOOT:

H.R. 1943. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Public Works and Transportation.

By Mr. MACHTLEY (for himself, Mr. ATKINS, Mr. DONNELLY, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. MARKEY, Mr. MAVROULES, and Mr. REED):

H.R. 1944. A bill to provide an 8-percent interim geographic pay increase for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 1945. A bill to amend the Foreign Trade Zones Act to renew the existing customs exemption applicable to bicycle parts, not reexported, in foreign trade zones; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 1946. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

By Mr. SCHULZE:

H.R. 1947. A bill to suspend temporarily the duty on sodium formaldehyde sulfoxylate; to the Committee on Ways and Means.

H.R. 1948. A bill to extend until January 1, 1995, the existing suspension of duty on certain unimproved wools; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mr. YATRON):

H.R. 1949. A bill to suspend temporarily the duty on certain chemical intermediates; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 1950. A bill to extend the existing suspension of duty on 3,5,6-trichloroaslicylic acid; to the Committee on Ways and Means.

H.R. 1951. A bill to suspend temporarily the duty on anthraquinone disulfonic acid sodium salt; to the Committee on Ways and Means.

H.R. 1952. A bill to suspend temporarily the duty on carbonic dihydrazide for use in water treatment; to the Committee on Ways and Means.

H.R. 1953. A bill to suspend temporarily the duty on acid violet 19; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. RICHARDSON, and Mr. SCHIFF):

H.R. 1954. A bill to establish a commission to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to permit an income exclusion for U.S. savings bonds used for the higher education expenses of a grandchild; to the Committee on Ways and Means.

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to provide that the unearned income of children attributable to personal injury awards shall not be taxed at the marginal rate of the parents; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York:

H.R. 1957. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York (for herself and Mr. HORTON):

H.R. 1958. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 1959. A bill to extend the existing suspension of duty on mixed ortho/paratoluenesulfon amides; to the Committee on Ways and Means.

H.R. 1960. A bill to direct the Secretary of the Interior to construct a national training center at the National Afro-American Museum and Cultural Center and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Education and Labor.

By Mr. TAYLOR of Mississippi:

H.R. 1961. A bill to suspend temporarily the duty on phenyl hydrazine; to the Committee on Ways and Means.

H.R. 1962. A bill to suspend temporarily the duty on mandelic acid; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself and Mr. PRICE):

H.R. 1963. A bill to suspend until January 1, 1995, the duty on ranitidine hydrochloride; to the Committee on Ways and Means.

By Mr. ZIMMER:

H.R. 1964. A bill to suspend until January 1, 1995, the duty on certain thermosetting polyimide resins; to the Committee on Ways and Means.

H.R. 1965. A bill to suspend until January 1, 1995, the duty on certain high-purity luminescent grade zinc sulfide; to the Committee on Ways and Means.

By Mr. MAVROULES:

H.J. Res. 228. Joint resolution to designate October 1991 as "National Down Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. TOWNS (for himself, Mr. HORTON, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. HARRIS, Mr. CLEMENT, Mr. DURBIN, Mr. TALLON, Mr. MANTON, Mr. ESPY, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. DEFAZIO, Mr. MARTINEZ, Mr. SERRANO, Ms. PELOSI, Mr. LANCASTER, Mr. OWENS of Utah, Mr. MFUME, Mr. ROE, Mr. FROST, Mr. DYMALLY, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Ms. OAKAR, Mr. SPENCE, Mr. JEFFERSON, Mr. SCHEUER, Ms. NORTON, Mr. LEWIS of Georgia, Mr. FAZIO, Mr. FISH, Mrs. BOXER, and Mr. TORRICELLI):

H.J. Res. 229. Joint resolution designating July 15, 1991, as "National Minority Organ Donor Encouragement Day"; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE:

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress regarding the awarding of contracts for the rebuilding of Kuwait, that such contracts shall reflect the extent of military and economic support offered by the United States in the liberation of Kuwait; jointly, to the Committees on Foreign Affairs and Public Works and Transportation.

By Mr. DIXON (for himself, Mr. LEWIS of California, Mrs. SCHROEDER, Mr. MATSUI, Mr. TOWNS, Mr. MFUME, Mr. THOMAS of California, Mr. MOODY, and Mr. WAXMAN):

H. Con. Res. 131. Concurrent resolution expressing support for humanitarian, refugee, and emergency relief assistance for the refugees and displaced persons of Iraq; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself and Mr. BURTON of Indiana):

H. Con. Res. 132. Concurrent resolution supporting Turkey's inclusion in the full range of political, economic, and military institutions in Europe, including the European Community and the Western European Union; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. By the SPEAKER: Memorial of the General Assembly of the State of Pennsylvania, relative to American made steel being used to rebuild Kuwait; to the Committee on Foreign Affairs.

86. Also, memorial of the General Assembly of the State of Pennsylvania, relative to the migratory waterfowl hunting days; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. MORRISON, Mr. CAMPBELL of California, Mr. MAVROULES, and Mr. DE LA GARZA.

H.R. 299: Mr. ROHRABACHER, Mr. HANCOCK, Mr. DANNEMEYER, Mr. STUMP, and Mr. BENNETT.

H.R. 304: Mr. DORGAN of North Dakota and Mr. MILLER of Ohio.

H.R. 479: Mr. HEFLEY and Mr. DOOLITTLE.

H.R. 524: Mr. TAUZIN.

H.R. 667: Mr. BORSKI, Mr. ROSE, Mr. MCMILLEN of Maryland, Mr. CHAPMAN, and Mr. ERDREICH.

H.R. 739: Mrs. LLOYD and Mr. TAYLOR of Mississippi.

H.R. 744: Mr. CLEMENT and Mr. CARPER.

H.R. 745: Mr. ENGEL and Mr. MACHTLEY.

H.R. 809: Mrs. BOXER, Mr. TAYLOR of Mississippi, and Mr. SCHEUER.

H.R. 906: Mr. HALL of Ohio, Mr. WISE, Mr. SERRANO, Mr. LEWIS of Georgia, and Mr. ENGEL.

H.R. 907: Mr. ABERCROMBIE and Mr. FISH.

H.R. 977: Mr. DWYER of New Jersey, Mr. ECKART, Mr. HAYES of Illinois, and Mr. HERTEL.

H.R. 1027: Mr. ENGEL.

H.R. 1028: Mr. FISH and Mr. ENGEL.

H.R. 1064: Mr. CRANE and Mr. JONES of North Carolina.

H.R. 1116: Mr. KANJORSKI and Mr. FALEOMAVAEGA.

H.R. 1143: Mr. LIPINSKI, Mr. DWYER of New Jersey, Mr. JONTZ, Mr. TORRES, Mr. HAYES of Illinois, Mr. FROST, Mr. OWENS of Utah, Mr. KANJORSKI, Mr. DE LUGO, Mr. GILMAN, Mr. REED, Mr. KOSTMAYER, Mr. MRAZEK, Ms. SLAUGHTER of New York, Mr. FISH, Mr. SOLOMON, and Mr. ENGEL.

H.R. 1154: Mr. DORGAN of North Dakota, Mr. EVANS, Mr. QUILLEN, Mr. JEFFERSON, Mr. STUDDS, Mr. GONZALEZ, Mr. BACCHUS, Mr. NOWAK, and Mr. DURBIN.

H.R. 1186: Mr. DEFAZIO, Mr. GINGRICH, Ms. LONG, Mr. JONES of North Carolina, Mr. OBERSTAR, Mr. SKEEN, Mr. HUTTO, Mr. TAUZIN, Mr. ENGEL, Mr. HUCKABY, Mr. ROSE, Mr. THOMAS of Georgia, Mr. RAMSTAD, Mr. FLAKE, Mr. JOHNSTON of Florida, Mr. PETERSON of Minnesota, Mr. LEACH, Mr. SABO, Mr. COLEMAN of Missouri, Mr. EMERSON, Mr. SMITH of Oregon, Mr. BURTON of Indiana, Mr. GRANDY, Mr. INHOFE, Mr. MCCLOSKEY, Mrs. LOWEY of New York, and Mr. VANDER JAGT.

H.R. 1187: Mr. TALLON, Mr. FRANK of Massachusetts, Mr. PERKINS, Mr. CAMPBELL of Colorado, Mrs. PATTERSON, Mr. BONIOR, Mr. TAYLOR of Mississippi, Mr. JEFFERSON, Mr. WISE, and Mrs. UNSOELD.

H.R. 1202: Mr. FROST, Ms. NORTON, Mr. WOLPE, Mr. WYDEN, Mr. SIKORSKI, Mr. EVANS,

Mr. BONIOR, Ms. PELOSI, Ms. DELAURO, Mr. FOGLIETTA, and Ms. SLAUGHTER of New York.

H.R. 1300: Mr. OWENS of New York and Mr. HOCHBRUECKNER.

H.R. 1346: Mr. DURBIN, Mr. REED, Mr. RANGEL, Mr. SWETT, Mr. VENTO, Mr. GONZALEZ, Mr. WHEAT, Mr. DYMALLY, Ms. WATERS, Mr. NOWAK, and Mr. BROWN.

H.R. 1389: Mr. KOSTMAYER, Mr. LEVINE of California, and Mr. HOCHBRUECKNER.

H.R. 1468: Mr. DOOLITTLE, Mr. GIBBONS, and Mr. PACKARD.

H.R. 1497: Mr. WISE, Mr. DORGAN of North Dakota, Mr. HALL of Texas, Mr. ROE, Mr. BROWN, Mr. RAVENEL, Mr. LEWIS of California, Mr. SMITH of Texas, Mr. SYNAR, Mr. BRYANT, Mr. POSHARD, and Mrs. UNSOELD.

H.R. 1508: Mr. HUNTER.

H.R. 1516: Mr. STUMP, Mr. QUILLEN, Mr. PAYNE of Virginia, Mr. CAMP, Mr. MORRISON, and Mr. BARNARD.

H.R. 1527: Mr. BURTON of Indiana, Mr. RAVENEL, Mr. DARDEN, and Mr. TALLON.

H.R. 1549: Mr. ROE, Mr. SARPALIUS, Mr. LAGOMARSINO, Mr. MCEWEN, Mr. PICKETT, and Mr. ACKERMAN.

H.R. 1598: Mr. BILIRAKIS, Mr. KENNEDY, Mr. MILLER of Washington, Mr. HARRIS, Mr. MCEWEN, Mr. QUILLEN, Mr. FRANK of Massachusetts, Mr. REGULA, Mr. DICKINSON, Mr. YOUNG of Alaska, and Mr. OLIN.

H.R. 1652: Mr. LAGOMARSINO, Mr. ENGEL, Mr. BROWN, Mr. SWETT, Mr. BACCHUS, and Mr. BUSTAMANTE.

H.R. 1711: Mr. GILMAN, Mr. SKEEN, and Mr. HORTON.

H.R. 1727: Mr. SKAGGS, Mr. MCGRATH, and Mr. PETERSON of Minnesota.

H.J. Res. 87: Mr. UPTON, Mr. TAUZIN, Mr. RICHARDSON, Mr. MOODY, Mr. HUTTO, and Mrs. MORELLA.

H.J. Res. 152: Mr. PAXON, Mr. CARPER, Mr. KANJORSKI, Mr. MACHTLEY, and Mr. MCDADE.

H.J. Res. 154: Mr. JOHNSON of South Dakota, Mr. DELLUMS, Mr. COLEMAN of Texas, Mr. CAMP, Mr. MILLER of Ohio, and Mr. TORRICELLI.

H.J. Res. 162: Mr. LEWIS of Georgia and Mr. FALEOMAVAEGA.

H.J. Res. 189: Mr. BALLENGER, Mr. BOUCHER, Mr. BROWN, Mr. CAMP, Mr. CARPER, Mr. COOPER, Mr. ENGEL, Mr. FAWELL, Mr. FISH, Mr. GUARINI, Mr. JONTZ, Ms. KAPTUR, Mr. LANCASTER, Mr. LENT, Mr. MCGRATH, Mr. MOODY, Mr. NEAL, of Massachusetts, Mr. PERKINS, Mr. RANGEL, Mr. RINALDO, Mr. SPENCE, Mr. SUNDQUIST, Mr. TAYLOR of Mississippi, Mr. WOLF, and Mr. YOUNG of Alaska.

H.J. Res. 201: Mr. ROE, Mr. OWENS of New York, Mrs. VUCANOVICH, Mr. MATSUI, Ms. KAPTUR, Mr. LIPINSKI, Mr. DOWNEY, Mr. LEVINE of California, Mr. CONYERS, Mr. ABERCROMBIE, Mr. BONIOR, Mr. RAHALL, Mr. HORTON, and Mr. LEWIS of California.

H. Con. Res. 77 Mr. ENGEL.

H. Con. Res. 100: Mr. ENGEL.

H. Con. Res. 113: Mr. FALEOMAVAEGA, Mr. WOLPE, Mr. GALLEGLY, Mr. STARK, Mr. SCHUMER, Mr. GIBBONS, Mr. ABERCROMBIE, Mr. CHANDLER, Mr. GEJDENSON, and Mr. VALENTINE.

H. Con. Res. 125: Mr. SOLARZ.

SENATE—*Thursday, April 18, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend William L. Corder, Parkwood Baptist Church, Annandale, VA.

The Reverend William L. Corder.

PRAYER

The guest chaplain, the Reverend William L. Corder, offered the following prayer:

Let us pray:

Our Father and our God, we reverence and hallow Your name. We praise You for Your faithfulness, mercy, and love that endures forever. We acknowledge You as our rock, our fortress, and our hope.

Forgive us when as leaders and people we only pay lipservice to our profession that "In God We Trust." As we have stamped this on our coins so we ask You to stamp this on our hearts.

We thank You for this great Nation and the many blessings we have enjoyed as a people. Recognizing that with great blessings go great responsibilities, we beseech You to make us as great spiritually as You have blessed us materially.

Grant to Your servants in the Senate great wisdom, knowledge, and understanding as they grapple with the tough issues and decisions they must make. May they always champion the cause of the poor, the needy, the powerless, and the dispossessed. In doing this work, which is Your work, may they experience the blessings of Your presence and the strength of Your grace.

Bless them also, Father, in their professional lives and in their personal lives as they attempt to meet both the needs of those they represent, and those who make up their families.

Remind the people to always pray for them and to commend them to You.

It is in Christ's name that I pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I yield to the Senator from Arizona.

THE GUEST CHAPLAIN

Mr. DECONCINI. Mr. President, I take great pleasure in welcoming the guest chaplain, the Reverend William L. Corder.

On July 1 of this year, he will retire as pastor of Parkwood Baptist Church in Annandale where he served for 25 years as the church's only pastor. For a quarter of a century he has been a friend of his congregation, as well as minister, and active in the community.

He has provided, as Hubert Humphrey has said, "strength to lean on and an example to learn from."

I know he will be sorely missed by those he served for so long.

The reverend is truly a man who can measure his life by service to others. I have been told some stories by staff members in my office who are members and parishioners of Reverend Corder's church.

What happens when a young woman in the congregation who suddenly became critically ill and her family wanted Reverend Corder to be with them during this time of crisis? Reverend Corder left everything else and stayed with this family for 2 nights until the young woman did pass on.

From a personal note, I have visited his church and you can feel the warmth within that church among the parishioners, the dedication that this man has served not only God and his country but his fellow men in the deepest way one can do.

I am certain that after his retirement Reverend Corder will still be reaching out and helping those not only within his own church but within the entire community.

On behalf of this Senator—and I know I can speak for all of us here—I thank the reverend for his life of service. I wish him God's blessings in future endeavors.

Thank you, Reverend Corder.

Thank you, Mr. President.

The PRESIDENT pro tempore. The majority leader.

CLOSED CAPTIONING OF SENATE SESSIONS

Mr. MITCHELL. Mr. President, those watching the proceedings of the Senate today will notice that the words spoken also appear on their television screens. This open captioning is being shown to inaugurate the closed captioning of all Senate sessions, a practice which will begin with the second session of the 102d Congress.

After today, the words viewers can now see will be visible only to those with decoders. The hearing-impaired, the elderly, and those for whom English is a second language, will all have the same opportunity every other American has had for years, of seeing the Senate in action.

It is important in a democracy that the people know what is being done in their name. Democratic government is government whose officials are accountable to the people.

For government to maintain the confidence of the people, accountability cannot be limited to regularly scheduled elections. People have a right to hear and see and evaluate what their elected representatives are saying and doing on a daily basis.

From the earliest years of our democracy, Americans have had a right to come to the Capitol and see their elected representatives debate the issues of the day. Today, more than a million Americans visit the Capitol Building each year and many of them spend some time in the Senate galleries, listening to debate.

But a short visit to the Senate gallery is no substitute for the ability to see important national debates in full, or for the ability to follow the progress of legislation over many weeks or months.

In the last decade, the televising of Senate sessions made the Senate accessible to an audience far beyond the capacity of the Senate Visitors' Gallery. The expansion of cable television services now brings C–SPAN to almost half our population.

The step of making our sessions close captioned is a logical extension of televising them. It means that the approximately 23 million Americans who are hearing-impaired will have the same opportunity as other Americans to see their legislators in action and to follow the debate.

The Senate undertook to review the goal of closed captioning in July 1987. The result of that review is today's announcement of the Senate's plan to close caption its sessions.

In the meantime, the Congress passed the Americans with Disabilities Act. That law, which took effect in July 1990, prohibits discrimination against those with disabilities and applies to all Federal operations. The Congress has applied that law to its own operations, and the captioning process is one of the major steps being taken to implement the spirit of the law.

The technology which has made our Nation an economic giant has also sometimes made our Government seem remote and unconcerned with daily events.

It is only fitting that technology should now be turned to the task of making this part of Government more accessible to all the people it serves.

The progress of American democracy over two centuries has been marked by broadened opportunities of all kinds. We have sought to expand opportunity to all Americans, not to limit it to the favored few. We have sought to expand prosperity to all, and we have succeeded to an extent never before known in history.

Expanded opportunity depends on the broad involvement of Americans in their Government. It is when they are unable to see or hear what is being done in their behalf that accountability suffers.

Making Senate sessions accessible to the hearing impaired is one more step on the path of giving every American a full opportunity to know what Government is doing in his or her behalf, to become informed, to become involved. The vitality of our democratic system depends on that kind of involvement by all citizens. I hope one effect of closed captioning will be to let us hear from those Americans who have hitherto been barred from hearing us work.

It is our goal that all Americans should have the opportunity to fully use their abilities, not to be limited by their disabilities.

Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

CLOSED CAPTIONING

Mr. DOLE. Mr. President, for too long proceedings in the U.S. Senate could only be seen, or heard, by people in this Chamber. Hard to believe now, but as recently as 1984, television and radio coverage of Senate action was nonexistent.

Now that we have taken the long overdue step into the 20th century, we must now take another long overdue step forward—and that is making Senate proceedings available to the 28 million Americans who are hearing-impaired, 2 million of whom are profoundly deaf.

Today, I am pleased to join with Senate Majority Leader GEORGE MITCHELL in today's demonstration of closed-captioned broadcasting of the U.S. Senate.

Closed captioning not only opens new doors for those with hearing disabilities, but also for those with learning disabilities, and those using English as a second language.

Studies have shown that captioning improves the vocabulary and comprehension of remedial readers. Additionally, those working with illiterate adults have found that captioning is effective in motivating adults to learn reading skills.

I look forward to the day when this capability becomes a permanent part of the Senate, and of our democracy.

Mr. HARKIN addressed the Chair.

The PRESIDENT pro tempore. The time, until 10 a.m., is under the control of the majority and minority leaders.

Mr. HARKIN. Will the minority leader yield me some time?

Mr. DOLE. I am happy to yield to the distinguished Senator from Iowa, who is one of the pioneers and architects of the American Disabilities Act which passed this Chamber by a strong bipartisan vote.

Mr. HARKIN. I thank the leader for his kind remarks.

CAPTIONING OF THE SENATE'S TELEVISED FLOOR PROCEEDINGS

Mr. HARKIN. Mr. President, I want to again compliment the majority leader and the minority leader for their efforts to bring this to fruition. This is indeed, Mr. President, a happy day for all Americans with hearing problems, those who are deaf, those who are hard of hearing, because now when I turned on my television over in the office I could see the opening prayer and you could read it at the bottom of your television screen.

Now, I do not know if people who hear well understand what that means to deaf people. I remember my brother, who is deaf. When I was growing up we did not have television. We had radio. We would gather around the radio set on Sunday evenings and listen to the Jack Benny show and different things like that. My brother could never hear what was going on; never understood what radio was because he could not hear.

I remember that day back a long time ago when we got our first television set, when he could see the programs on television, and how that opened up new vistas for him. But he still could not understand what people were saying. Well, he could read their lips a little bit and stuff like that.

Then it was in 1978, I believe, when I was privileged to join the distinguished Senator from West Virginia, Jennings Randolph, at the White House with President and Mrs. Carter when the first closed caption device was delivered to the President of the United States. There was a big ceremony at the White House and they turned it on and there you could see the closed captions come on the television screen.

I was privileged to have purchased one of the first devices made and delivered it to my brother in Iowa. Watching him as he first turned that on and was beginning to read and to understand what people were saying was like when we first got the television set and he did not have to sit aside from the radio and not understand what was going on. Now he could watch movies, sporting events and, of course, as the National Captioning Institute began to caption more and more programs, his vistas became even broader.

So this is what we are doing now in opening the Senate, and beginning early next year with closed captions is now going to permit our deaf citizens, millions of them across this country, to understand and to watch what this Senate does just like hearing people all over this country. I can tell you they are going to watch and they are going to read and they are going to have a better understanding of what we do here.

But it is not just deaf people. It is people who are hard of hearing. And beyond that, there are people, many people, as we know, in this country for whom English is not their first language, and they are starting, they are trying to learn English. They now can turn on and watch the Senate and the House in session and begin to understand what we are doing here, because they can read it.

So, I am just delighted that we finally have reached this point. I want to congratulate all of the Senators who have worked so hard, again especially the distinguished minority leader who has been a great leader for so many years in being attentive to the needs of our disabled citizens in this country.

We also, I might just add, last year passed legislation, which is now part of the law, that will provide that beginning in 1993 every television set sold in America with the screen size of 13 inches or over will have to have a little chip that will automatically decode every closed captioned program. Every set sold in America 13 inches or above. That little chip is going to cost about $5 more. So now we do not have to buy these great big decoding machines that cost about $200. It also means that when a deaf person travels and goes to a hotel and turns on the television set will understand what is going on all over America. I know it does not mean we have to retrofit, but all the new sets coming in. So perhaps in another 10 to 12 years most of the television sets in America will have that chip and when they turn on the television set and flip a little switch they get the closed captioning anywhere. So we are moving ahead in America.

So I, Mr. President, just wanted to take this time to be here and say what a great day this is, not only for my brother, who can now watch and keep a closer track of what I am doing here, but for all deaf Americans who now see that next January they are going to be able to really understand fully and

comprehend fully what the Senate of the United States is doing.

For too long the deaf and hard of hearing have been excluded from the political process of their country. I am proud to be here today to witness that chapter of our history come to a close.

Mr. President, several years ago, we decided that it was important that we be accountable to our constituents, and that they have the opportunity to partake in the legislative process via television. I am honored to witness today the Senate's initiative to afford this same opportunity to the millions of Americans who are deaf and hard of hearing. And soon, my brother will be able to keep a more informed eye on me.

In 1988, the Commission on the Education of the Deaf issued a report which identified captioning of television as one of the most important technologies for deaf and hearing-impaired individuals. The Commission also found that closed captioning is the more effective technology for speeding the attainment of literacy, and more importantly, in helping the deaf person participate in the wider world that is routinely accessible to those to hear. I subscribe to this view.

It is also important to note that closed-captioned television can be beneficial to more than just deaf people. It can help hearing children and adults learn to read. Captioning can also facilitate the acquisition of the English language by those whose first language is not English.

But, equally as important as all of this, is the message that the Senate will send to the Nation. By closed captioning our televised floor proceedings, we send the message that we are committed to equal access for all Americans with Disabilities. We are committed to implementing the Americans with Disabilities Act in an effective and meaningful way. For too long, deaf and hard-of-hearing Americans have been excluded from the political process. I'm proud to be here today to witness that chapter of our history come to a close.

Mr. STEVENS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I thank you.

I am proud to be here also. I understand the comments of my good friend. My father was blind, as I have said here on the floor many times, for a period of his life, and I understand very much the efforts of those who have tried to deal with those who are permanently impaired in terms of hearing or sight.

I think this effort today to expand access to the activities of the Senate finally coming into fruition is really a great day for us. The captioning being done as we speak is not just a demonstration of technology; it is a demonstration of a commitment to the hearing impaired. By sharing open captioning—which is visible to everyone today—those in our viewing audience can see how closed captioning of the Senate proceedings will appear in the future to those who need or want the written word.

Captioning will be used to assist the hearing impaired become more knowledgeable about their Government. This new tool will enable them to become full participants in our democratic form of government. In addition, these captioned proceedings will aid in sharing our form of government with new citizens and guests in our country who might be new to spoken English.

I do believe these captioned proceedings will also aid our educators who are conducting classes on the legislative process, and teaching debating skills, English, and language arts. There are a great many things this captioning process can aid in our country.

But I would like to state just my opinion that the demonstration is a benchmark really in the Senate proceedings to develop these captioning proceedings.

I commend the Secretary of the Senate, Joe Stewart, and his able deputy, Jeri Thomson, for their efforts to make this technology work for the U.S. Senate and for the American people. They really deserve recognition today. We have asked that it be done on the Rules Committee, but they have made it possible.

Thank you, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDENT pro tempore. The time is under the control of the majority and minority leaders.

Mr. BURNS. I ask unanimous consent that the time be subtracted from the leader time.

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

The PRESIDENT pro tempore. The Senator is recognized.

Mr. BURNS. Mr. President, this is a historical day for the U.S. Senate in using closed caption. In our activities in the Commerce Committee, and particularly on the Subcommittee on Communications, we felt for a long time ago this is one of the most important things we can do for our folks in the United Sates who are handicapped to the point of impaired hearing and these types of maladies. And it was very important.

So I am very honored that I could be a part of this this morning in bringing in this new technology. As technology goes in this country, we are in the middle of a technology explosion. And as these technologies come along, we want to make them available to as many of our American people as possible, so they can use them.

(The remarks of Mr. BURNS pertaining to the introduction of S. 847 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I thank you for your kindness and the time this morning. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Will the Senator withhold the suggestion momentarily?

Mr. FORD. Mr. President, I am pleased to join the majority leader, Senator MITCHELL, and the Republican leader, Senator DOLE, in informing our colleagues of the progress on closed captioning of Senate floor proceedings.

Experience has proven that televising Senate floor proceeedings was the right thing to do. Television coverage makes it possible for people all over the country to observe the Senate from their homes, offices, and classrooms. Television has achieved the ideal that we hoped for when we first turned on the cameras—and that ideal is that the Senate would serve as an educational forum stimulating public discussion and deepening public understanding of the issues facing the Nation. Television has achieved this ideal to an extent that could never be met by the public galleries and publication of speeches and debates in the CONGRESSIONAL RECORD.

But there are some individuals who have been denied access as an audience; and they are those individuals with impaired hearing. The steps the Senate has taken to date with closed captioning will ultimately make Senate floor proceedings available to them.

At this time I would like to review the past efforts to provide captioning. In June 1989, the Committee on Rules and Administration, on which I serve as chairman, reported Senate Resolution 13. This resolution authorized the Secretary of the Senate to enter into a contract with the Secretary of Education for closed captioning of floor proceedings. This action was taken because of the Department of Education's expertise in captioning and the leadership role it has played in the spread of captioning throughout the film and television media. The contract was approved by the Rules Committee and the Appropriations Committee in June of 1990, and the Education Department issued a request for proposals in November 1990, with bids to be submitted by January 1991. Both the contract and the request for proposal set forth the Senate's requirement for verbatim real-time captioning at a rate of 200 words per minute with 95-percent accuracy.

As the majority leader noted, no bids were submitted to the Department of Education pursuant to the RFP. Consequently, the Senate decided to undertake this effort in-house. It is our expectation that the Senate will have

captioned broadcasts with the beginning of the second session of this Congress. I have no doubt that this activity will reflect the same consistent level of quality and excellence that the Senate derives from the Official Reporters of Debate and the Senate Recording Studio.

Thank you, Mr. President.

Mr. KASTEN. Mr. President, I rise today to draw to my colleagues' attention a truly historic event that will take place next January.

Next January—for the first time ever—the television coverage of our Senate proceedings will be closed-captioned for the hearing-impaired. This is a great victory for those of us who have believed for a long time that hearing-impaired Americans deserve improved access to our democratic process.

These men and women will be able to follow our debates on the C–SPAN network. Think what this will mean for millions of Americans.

At the Delavan School for the Deaf in Delavan, WI, and all other educational institutions for the hearing-impaired, they will have direct access to the best civics class in America—live coverage of the U.S. Government in action.

In communities all over this country, no citizen will be denied the right to follow our proceedings just because he or she is hearing-impaired. All they will need, from now on, is access to cable TV.

Last year, I had a deaf intern here in my Washington office. He was a bright and helpful young man. When I think of how much more he could have done if our TV's had had closed captioning, I become more and more convinced that this pilot program is an essential step.

I think this closed-captioning program will be a great success. It will turn many of our hearing-impaired friends and neighbors from silent partners into active participants in the work of democracy.

And that, Mr. President, is what it's all about.

Mr. McCAIN. Mr. President, I am enormously pleased to be able to serve here in the Senate as we begin to caption our proceedings. For over 3 years now, I have joined my colleagues in working to make our Nation's communications network accessible for deaf and hearing impaired Americans. Captioning of the U.S. Senate, the greatest deliberative body in the world, is a major step in that direction.

Since coming to the Senate, I have witnessed considerable progress in this area. In 1989 I introduced the Telecommunications Accessibility Enhancement Act, a bill to mandate that the resources of the Federal Government be fully accessible by telecommunications for the deaf and hearing impaired. Another goal of that measure was to make sure that all Senator's offices could be reached by TDD. I am pleased that these goals have come to fruition.

This body, with my strong support, then passed the ADA, of which I authored the communications section. This mandated that our Nation's telephone system be accessible. We then passed, and the President signed, the Harkin-McCain Television Decoder Circuitry Act, which will enable any American, at the touch of a switch, to view closed captioned television. And now, finally, the U.S. Senate has begun to caption its proceedings. Mr. President, indeed, our progress has been admirable, and I am pleased to have been able to play a part in it.

The reward for what we have done will be great. For too long, much too long, our society has unfortunately closed itself off—most incorrectly I must add—to those who could not hear. For too long our society has suffered because it did not recognize how much our deaf and hearing impaired citizens can offer.

Mr. President, on this historic day, I wholeheartedly welcome our new audience, and I encourage them to become even more involved in the political process, for we will all benefit.

CONCLUSION OF CAPTIONING

The PRESIDENT pro tempore. The time period allocated for the commencement of the captioning of the Senate's session is now concluded. The period for the transaction of routine morning business will continue with Senators permitted to speak therein, and the time between now and 11 o'clock is under the control of the majority leader or his designee. Now will the Senator repeat his suggestion?

Mr. BURNS. 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 assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, as I understand it, under the previous order, the leader has a certain amount of time designated. I ask unanimous consent my time be taken from the leader's time.

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

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

Mr. DASCHLE. Mr. President, I rise this morning in support of S. 2, the Strengthening Education for American Families Act. This bill reflects the Senate's understanding that quality education is fundamental to America's strength and demonstrates its commitment to providing all Americans with an opportunity to reach their fullest potential.

The critical importance of education in an increasingly competitive global economy is clear. To be part of the work force in the year 2000, Americans must set education goals and have flexible and innovative means to reach them. S. 2 accepts that challenge and establishes a framework to meet it.

Clearly, the statistics indicate that we are losing the battle to push our education system to a higher level. In America this year, one student in four will not finish high school; only 7 percent of our 17-year-olds will be able to handle college science courses; and nearly 30 million people, young and old, are illiterate. This is the picture of an education system that has wandered off course.

The implications of this situation are alarming.

Without parents who can read to their children, how will children be motivated to learn?

Without a high school diploma, how will children ever be independent, productive additions to today's highly technological work force?

With these problems amplified across millions of families, how will we, as a nation, maintain a dominant position in an increasingly competitive global economy?

Mr. President, S. 2 represents a bold, innovative step toward addressing the unmet education and training needs in America today.

S. 2 defines national education goals to be reached by the year 2000 and it establishes an independent, National Council on Educational Goals to monitor our progress toward those goals. It sets as its objectives by the year 2000 that illiteracy in America be eliminated; that our high school graduation rate increase to at least 90 percent; that all children in America start school ready to learn; that American students leave grades 4, 8, and 12 having demonstrated competency in a broad range of basic subjects; that our students be first in the world in math and science achievement; that every school in America be free of drugs and violence and offer a disciplined environment conducive to learning; that every school in the Nation possess a highly qualified teached faculty; and that no qualified student be denied the opportunity for postsecondary education because of financial or other barriers.

A nation that can produce a military victory as conclusive as Operation Desert Storm can surely meet these objectives if it has the commitment and will to do so.

S. 2 also initiates a frontal assault on illiteracy in America. Today, nearly 30

million Americans can be considered illiterate. That means they are unable to read and write at a minimum of an eighth grade level.

S. 2 establishes a mechanism to coordinate Federal, State and local efforts to combat illiteracy, broadens literacy efforts to include nonprofit, private, community-based and volunteer organizations, and increases funding for literacy initiatives, including those in the workplace. Elimination of illiteracy is critical as American jobs shift to the service and retail sectors that require high-level problem solving, communication, reading, writing, and math skills.

The bill establishes flexible programs to promote local school-based management techniques, model schools of excellence, enhanced math and science programs, interactive computer learning, and satellite technology for multistate learning networks. By allowing teachers, school administrators and parents to design their own plan to raise student performance levels, this approach will encourage innovative programs targeted to local problems. Above all, it acknowledges the importance of local control over basic education decisions and the fact that local problems cannot be micromanaged from Washington.

Finally, S. 2 extends school dropout assistance to help keep children in school.

The ambitious scope of this proposal may raise concerns in the minds of some about its cost. But consider the costs of not implementing this program.

Today, America's industrial sector spends $30 billion annually on remedial education for its employees. Each year's class of dropouts costs our Nation $240 billion in earnings lost and taxes forgone during their lifetime. Illiteracy costs us over $200 billion annually in lost productivity, crime, accidents, employee errors, extra training programs, welfare payments and remedial education. Those are the figures I hope people will consider: $30 billion for the industrial sector alone; $240 billion in lost earnings and taxes; $200 billion in lost productivity.

S. 2 represents a long overdue investment not only in the future of our students, but the future of our economy. In fact, this legislation might well be titled the Economic Revitalization Act of 1991.

Education is the key to saving America more than just $200 billion in lost productivity. It can save the $101 billion by which our education-starved economy trails behind the rest of the world in trade as well. Without the investments envisioned in this legislation, American students will lag farther and farther behind their Japanese and European counterparts. And, as they lag, so will American business and America's trade performance.

Education underpins our own families and the American family. As we invest in learning, we invest in ourselves and in our country, too.

So, Mr. President, let us make those investments. Let us start with this legislation. Let us build on it in the certain knowledge that the fight for learning is the fight for our future—as individuals, as families, and as Americans seeking a place of pride for their Nation in the century ahead.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant 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. Without objection, it is so ordered.

THE EDUCATION CONGRESS

Mr. WIRTH. Mr. President, a year ago I suspect that many of us in this Congress and many across the country would have difficulty being optimistic about the ability of our society as a whole to understand, much less to meet, the enormous challenges that we face, particularly in the field of education. The statistics were grim and remain so, and there appeared to be the lack of will to take on these issues.

But during the gulf war something quite extraordinary and healthy happened to our country as we watched and waited and prayed together for the safety and success of our men and women in the desert. Americans at home found a new strength and a sense of shared purpose. The war reminded us how much, in a country so vast, we are neighbors still.

In the countless individual acts of generosity to the families of those who were called to duty, Americans put aside their self-absorption and self-seeking. They wrote a collective epitaph for the "me" decade. Now we must build on that determination and that greatness. We have proved our power against an aggressive enemy. We need now to cry out that life at home is as precious as life abroad, that mothers and fathers and children have as much a right to be free from the tyranny of violence, poverty, fear, and ignorance in Kremmling, CO, as in Kuwait.

We must mobilize for that common goal. There are many goals, Mr. President, to which we can and should recommit ourselves. We have great social, racial, and economic divisions to heal here at home. We have a health care system to salvage, a recession to overcome and our environment to repair. We have a whole series of problems, Mr. President, probably the most important of which is the education fabric of the country and our resolve to take that on.

As a nation, we need to rework the last decade's definition of success, asking not what is in it for me but how much I can do for the whole; asking not only how do I take care of me and mine, but how can I help strengthen family and community values and help America regain her moral and economic bearings.

Unless we change our cultural signals and our sense of what is important, we are not going to be able to do what has to be done to preserve our future. And our future is our children. Their needs are critical. They require a comprehensive effort starting now. We must all work together from beginning to end. The country needs all Americans to perform in the best possible way we can. That means Federal, State and local governments must maintain their financial commitments.

We know that the President of the United States will be coming out today with a set of new proposals, and I look forward to reviewing those. I am sure some of his recommendations will warrant immediate consideration and some will be more difficult. But we have a major obligation together to take those on. As we strive to develop new methods and strategies to improve our educational system, we cannot neglect our responsibility at the Federal level. Everybody in this body, I am sure, has during campaigns and on the Senate floor and elsewhere voiced support for cost effective and productive education programs. And during the last 10 years we have in the Congress, often against the budget recommendations of the White House, supported these programs financially.

But what we have done, obviously, has not been enough. Last year we embarked upon a decade-long effort to improve education. We have set ambitious but attainable goals. Achieving them will play a major role in reinvigorating our economy and recapturing our position in the world market. If we do not have the best educated and most skilled work force, our position in the world economy will continue to fall behind.

Our budgets must reflect the importance of these goals. We cannot merely demand results. We have to provide the means to attain them, to put our money where our mouths have been.

Excellence in education is clearly a three-legged stool. With support from Federal, State, and local levels, the system can be solid and strong once more. But only with that kind of backing can we realize the goals that Americans have set for themselves and yearn for for their children. We have reached the point where we must actually confront what we, as Americans, truly value.

Last week we had quite an extraordinary development in the Budget

Committee. By a vote of 15 to 6, a bipartisan vote, the Budget Committee supported the so-called homefront initiative, an amendment which I had offered to dedicate $4.4 billion to our country's children.

This, Mr. President, at a time when we have had so much budget gridlock familiar to all budgeteers, all watchers of that incredibly arcane and difficult process, all of those who are quite discouraged by the inability of the budget process to really set priorities.

But we voted for new dollars, Mr. President, not a reworking of existing programs. A $4.4 billion commitment coming out of the Budget Committee by that overwhelming and surprising vote, reflects, I believe, the very real concern of people across the ideological spectrum, across the political spectrum, across the geographic spectrum, that it is time for us now to readjust our priorities and truly focus on education.

Where did that money come from, first of all? Under the Budget Enforcement Act that we accepted last year, the Congress limited its spending to certain caps for defense, foreign operations, and domestic programs. Within the domestic program cap was a little more than $9 billion of new funding for all domestic programs. What the homefront initiative does is to take almost half of the money available to discretionary programs and focus it on children.

The Budget Committee said this is the priority. Of the money available we are going to spend half of the discretionary money on children. That is our true commitment to education.

Of the $9 billion plus we had available within the cap, we said half of that is going to go to education and child-health programs. The initiative included an increase of $700 million for critical health services to children including WIC, immunizations, infant mortality initiatives, community health centers, and child care grants to help our kids be prepared to learn. It also added about $2 billion to programs that enhance equity in education including chapter 1, handicapped, Even Start, Head Start, and impact aid.

The Head Start Program in particular deserves our attention and concern. We know that over the last 25 years that has been the single most effective program. It has been proven that kids who have gone through the Head Start Program perform better in terms of job performance, are less likely to drop out of school—the whole pattern of measurements of how individuals perform and relate to their society increase significantly if they have been through Head Start. If they have not been through Head Start, their life chances are significantly diminished.

Despite the fact we know how effective Head Start has been, less than one child in three who are eligible for Head Start is enrolled. We are cheating a vast number of our Nation's children.

The homefront initiative included a major increase for Head Start. The President has spoken about Head Start. Everybody in the country talks about Head Start. It is now time that we put some money into Head Start rather than just talking about how great it is but cheating those kids who are not enrolled.

Further, included in the homefront initiative, because competitiveness is absolutely crucial, was about a $600 million increase for programs in math, science, vocational and adult education, literacy, and job training for dislocated workers.

In the final thrust of the homefront initiative is a $1.1 billion increase for student aid an opportunity for programs including TRIO, Pell grants and campus-based aid programs.

Again let me say, Mr. President, $4.4 billion sounds like a lot of money out of a budget that is already under a tremendous amount of pressure. But surely a Nation that can spend $90 million a day to bail out profligate savings and loans can find $12 million a day to aid the education of our Nation. That is our future, Mr. President, and that future is clearly in crisis unless we all join together to focus this as the priority it must be.

This Federal contribution is not going to break new ground and it does not have to. What we have to do is simply follow up on that which we already know how to do. It is support for proven and cost effective programs, programs that are too crucial to leave to nonsupport.

Mr. President, I look forward to working with this administration and its new initiative and particularly with Secretary Alexander.

I ask unanimous consent that additional information about the homefront initiative be inserted in the RECORD.

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

If the Homefront Initiative is fully enacted, it is estimated that there would be an additional: 25,000 more Coloradans served at Community Health Centers; 18,000 more of Colo's kids could get this year's immunizations; $10 million for Chapter 1; $4.5 million for Head Start—bringing the total from 30% to 38%; $4.5 million for handicapped education; $2.5 million for vocational education; and $750,000 for impact aid.

Other programs would receive additional funds as well.

Mr. WIRTH. I believe that President Bush has made a terrific appointment in the Secretary. Secretary Alexander comes out of a very distinguished career in the State of Tennessee, both as its Governor and the president of the University of Tennessee. He has enormous energy and commitment, a great humor and a steely toughness as well to undertake this extremely important set of initiatives. It is now imperative that Members of the U.S. Senate provide this support as well.

A final note, Mr. President: when we were doing this $4.4 billion initiative in the Budget Committee, those of us most outspoken in supporting this were almost derided by some members of the Appropriations Committee who said to us it does not make any difference what we do here in the Budget Committee. It makes no difference what priorities we attempt to set in the Budget Committee—they are not relevant. The appropriators are going to do their own thing anyway.

I do not believe that. This is contrary to what we were told in the Budget Committee by some senior members, that the Budget Committee coming out with a vote on a bipartisan basis with broad support that truly ran the ideological poles of the committee, the geographical poles of the committee, 15-to-6, this initiative came out.

I cannot believe that $4.4 billion focused on Head Start, focused child immunization, focused on early childhood education programs, focused on student aid, focused on Women, Infants, and Children Programs, the guts of what we know how to do and do well—I cannot believe that is not going to meet with a responsive chord among the appropriators. It is imperative that we set some priorities. We cannot be vanilla here. We are too often vanilla and do not set any priorities. It is imperative that set of priorities show up in what the appropriators do just as it shows up in what the Budget Committee has done.

I appreciate the opportunity, Mr. President, to be here this morning to speak on this very important initiative and to thank my colleagues on the Budget Committee on both sides of the aisle who supported this extremely important amendment. The distinguished Senator from Illinois who is here on the floor, Senator SIMON, has led on this front for so many years. I have admired him since we came into the Congress together. He does a great job on this and so many other initaitives. I know his commitment to education is second to none.

Mr. President, I appreciate the time, and I yield the floor.

Mr. SIMON addressed the Chair.

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

Mr. SIMON. Mr. President, I want to commend my colleague from Colorado for his views on this. The budget process is about setting priorities. If that is not what it is about, then let us forget having a Budget Committee. Thanks to the leadership of Senator TIM WIRTH we have set a priority.

Let me just add that I am concerned that in a moment without careful consideration the Budget Committee also took a step backward however in the adoption of an amendment that says, if

we cannot move ahead in terms of any entitlement programs and providing taxing for us, we will have to provide for any new programs out of the current spending.

Two examples: One, long-term care—if we are going to do that, frankly there is no way of taking that out of existing programs. Under the amendment that was adopted, and I hope we will reconsider it on the floor, if we are to have a long-term care program paid for by a half percent increase in Social Security, we could not do that without a 60-vote margin here in the Senate. I think that is a restriction that is unwise.

In an area that I know the Senator from Colorado is very much interested in, the area of higher education, where in the last 10 years we have slipped and slipped perceptively, there is talk in the higher education community of working out a revenue increase to pay for it. A revenue increase that frankly the Senator's predecessor, Senator Gary Hart, was for, and I do not know whether the Senator is in favor of it or not, but talking about an oil import fee to pay for a substantial improvement in higher education. We cannot do that without a 60-vote margin now as I understand the amendment that we adopted way at the end in the Budget Committee. My hope is we can review and modify that.

But it is extremely important that we move ahead and make the priorities that Senator WIRTH has led the fight on. Candidly, I did not expect the kind of vote we had in the Budget Committee on behalf of the amendment. I was tremendously pleased.

If I can add one other comment here, Mr. President, in line with what Senator WIRTH has said. This morning the new Secretary of Education met with some of us about outlining a new program. I hope we really can get a new program.

Yesterday, the Senate unfortunately, and in a partisan split, passed an education bill that really can be of some substantial help. There is no reason education should be a partisan matter. We ought to all unite in moving ahead.

Interestingly, in fiscal year 1949 we spent 9 percent of our Federal budget on education. Today we spend 3 percent of the Federal budget on education. We have to do better.

I applaud my colleague from Colorado for his leadership here.

Mr. WIRTH. Mr. President, I think obviously as the Senator pointed out right at the beginning of the comments, it is our responsibility to set priorities. That is what we are elected to do, not try to be all things to all people even though that might be more convenient and comfortable at times. We have to say that some things are more important than others.

But it is the place as the Senator clearly pointed out—he and I were on the House Budget Committee together and we are now on the Senate Budget Committee—budgets are where you set those priorities. Some things are more important.

I will review very briefly if I might some of the numbers that were brought out by the distinguished Senator from Illinois, absolutely accurately related to choices on domestic versus defense spending.

We came out happy with the euphoria of the situation in the Persian Gulf with great justification. Our military performed brilliantly. We are still in a situation where the amounts of money being spent on defense are still very, very high on any measure.

The measure that I think is the most productive one to the Senator relates to how much money we are spending in 1991 compared to what we spent through the duration of the cold war. It is convenient—and I think one measure, not 100 percent accurate, but one reasonable measure to say how much did we spend during the norm of the cold war expenditures? The answer to that is absent the spike of Korea, absent the spike of Vietnam, absent the very sharp ramp-up of the Reagan buildup in the 1980's, the norm for the amount of money that we spent on defense was $235 billion a year at the height of the cold war. At the time we had this confrontation with the Soviet Union we as a norm spent $235 billion. The cold war is over. We are spending $288 billion.

I think that gives us a sense, not a perfect measure by any means, but if we are going to think about priorities clearly the cold war is over. We have new needs. We have to project power in different ways—all of those things. But even given that, the differential is very striking: $288 billion today. The norm was $235 billion over the last 40 years in constant 1991 dollars.

The Senator from Illinois offered a number of amendments in the Budget Committee, some of which I supported, some of which I did not, but again focusing on these priorities I hope all of us take that to heart. It is easy to kind of rush and put more money into defense. It is much tougher to think about what programs are going to aid those kids in our future, and that is where I think our first priority has to be.

Mr. SIMON. Mr. President, I could not agree more with the Senator from Colorado. Let me just add that the budget agreement we entered into the end of last year restricts us. If I want to take $500 million from star wars and put it into education, into the Head Start Program where I think we face a major security threat long-term to our country, and our failure to do what we should in education, that now takes 60 votes in this body.

I have an amendment that Senator BRADLEY is cosponsoring that would bring that back down to 50 votes. There is no reason that we should have a little sanctuary over here called defense spending where we cannot shift unless you have 60 votes.

One of the things is, for example—and the Senator from Colorado and the Presiding Officer have been among those people who have discussed this—the last 10 years we have been debating the B–1 bomber. Do you know how many B–1 bombers were used in the Middle East? Not a single one. It was useless in that kind of a situation. We have to reevaluate defense spending in today's needs, in today's world. We are not doing it, and the Senator from Colorado is absolutely correct. I applaud his statement, and I applaud his leadership.

Mr. President, if no one else wishes the floor, 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. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that I be able to speak against the time allotted to the majority leader to discuss education issues this morning.

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

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

Mr. BINGAMAN. Mr. President, I rise today to speak in support of S. 2, Strengthening Education for American Families Act. I would particularly like to focus my remarks on title II, the National Academic Report Card Act of 1991.

Over the past decade, we have witnessed a growing concern about educational achievement in the United States. There has been an increasing acceptance that there needs to be a more sustained national effort if the quality of education offered to American students is to improve. If this movement is to be sustained, action must be taken in response to the espoused six national education goals. However, actions taken to date by the National Governors' Association [NGA] and the President have been motivated and manipulated by political, not educational, considerations.

In September 1989, the President and the Governors met at an education summit in Charlottesville. They agreed upon six goals to be achieved by the year 2000: First, all children will start school ready to learn; second, 90 percent of high school students will graduate; third, all students will master basic skills; fourth, U.S. students will

be first in the world in science and mathematics achievement; fifth, every adult American will be literate; and sixth, every school will be drug-free and safe. These are laudable goals. But, goals in and of themselves are not enough to implement change. What is clearly required at this juncture, as we move to address attainment of the national goals, is an independent council or respected assessment experts, who are also education shareholders, and who can bring some order and organization to the methodological chaos: a national council on education goals.

The national education goals were, in effect, drafted by the NGA and adopted by the President. These goals were actually policy decisions made only by Federal and State executives. But, as we all know, policy decisions are not carried out by the executive branch alone. There was minimal participation from parents and the key educational stakeholders who will be responsible for implementing these goals. This policy of exclusion continues to be reflected in the composition of the national goals panel. This composition will lead to a politization of the assessment process. If you honestly want to effect lasting change and produce a credible assessment, politics must be kept out of the assessment process.

A broad-based council made up of people with experience in assessment and policymaking, and those who are education stakeholders is essential to assure the unbiased development of assessment needs as well as the continuing assessment and evaluation of success toward goal achievement.

If we are to improve the quality of American education, there is no doubt that measuring student progress will play a critical role. A joint statement issued at the 1989 education summit stated:

> When goals are set and strategies for achieving them are accepted, we must establish clear measures of performance and then issue annual report cards on the progress of students, schools, the States, and the Federal Government.

Clearly, establishing national goals will have little meaning unless we are able to assess where we currently stand and to measure our progress in attaining these goals.

There was and is no effective mechanism for measuring individual school performance relative to the established national education goals. It is clear that we need more information about the quality of education as well as more information about the conditions under which education takes place and the conditions of children receiving that education. There is a need to establish effective and direct ways to measure progress toward the national education goals so that policymakers at the local, State, and the Federal levels can begin to effectively and substantively address the issue of improving the quality of American education.

Before we can establish appropriate assessment measures I believe that we first need to develop a consensus about what intellectual competencies we expect children to develop in schools; we need a clear understanding of what we expect children to know and to be able to do. These expectations must be sufficiently detailed before there can be a designing of appropriate program assessment instruments or national tests. A national consensus about what standards children are expected to achieve at various stages in their academic careers is a precondition to developing national tests or systems of national assessment. Not the reverse process of developing assessment tools and national tests by experts alone as the current goals panel is doing.

In January 1990, I introduced S. 2034, the National Report Card Act. It established a national council on education composed of highly respected, bipartisan experts to study, evaluate, and report on the progress of the Nation's educational achievement, from preschool through postsecondary education. Title II of S. 2 is an evolution of that bill, taking into account further input the Senate Labor Committee received in its hearings last year. It is essentially identical to the version S. 3095 reported by the Labor Committee last October.

This past, July, a full 7 months after introduction of my National Report Card Act, the Governors and some of the President's advisers met in Mobile, AL. One of the outcomes of this meeting was the establishment of a competing national educational goals panel, which unfortunately falls well short of the mark for an independent report card.

Unfortunately, the Governors and the President chose to ignore the need for independence as expressed originally in my Report Card Act. Instead, they set up a panel comprised of six Governors, four administration officials, and four ex-officio Members of Congress—all political officeholders. In effect, as the people responsible for making and implementing national and State educational policy, they have made arrangements so that they, and no one else, would be the judge of their own work. This would serve the purpose of shielding those who set the goals from any accountability for achieving those goals.

An additional concern is that, in order to keep control of decisionmaking in the assessment process, the Governors enacted a rule whereby the panel cannot act on any proposal or statement unless 75 percent of the 10 members agree. This effectively gives both the Governors and the administration independent vetoes over any reports issued.

Another severely limiting factor in terms of carrying out the panel's mission is that there is no budget for the panel to conduct its business nor any mechanism for it to commission data collection, particularly any new data collection. In essence this is an unauthorized panel which is using education funds originally intended for other educational purposes to fund its operation.

Essentially, the Governors and the President have set up a group—totally ignoring the concept developed in the Report Card Act—to monitor education progress, and this panel is made up of political officials who will be monitoring their own achievement and do not have funding to carry out their mission.

Three major conclusions drawn from hearings held on the Report Card Act were: First, there is a need for a report card that would contain information about school indicators being used to achieve national goals; second, the general public should be meaningfully involved; and third, there should be an independent national council to monitor progress toward the national goals.

I believe that there is no issue of greater long-term consequence to our Nation's future than the performance of our educational system. This is a critical year for education; 3 years since Mr. Bush declared himself the "Education President"; the beginning of the second year of the decade; 18 months since the education summit in Charlottesville. Up to now, fanfare, lipservice, and pontificating seem to have supplanted substantive action. Analytical and evaluative substance will not be forthcoming unless we have an independent, nonpartisan council on educational goal attainment. Instead of two separate panels, S. 2 will authorize the creation of a single council made up of education stakeholders, experts, and policymakers.

Broad-based participation is, I believe, vitally important to achieving the national goals. In order to ensure this broad-based participation, S. 2 authorizes matching funds for State summits of education. State summit reports will help generate the necessary and meaningful discussion of the local level about the national goals. Funding ongoing grassroots deliberation will help keep public momentum behind the process by including and not excluding all of those involved in attempting to achieve the national educational goals.

Credibility and continuity must be a significant consideration for any evaluative group responsible for assessing educational progress. Wise and honest politicians will understand that the better part of politics is to avoid having politics involved in the work of improving education.

This past year saw much wasted time as the administration sought to exercise political control over the assessment process. It was a battle in which the administration was intent on exercising and keeping control over the assessment process for political reasons. The intent of S. 2 is to stress the importance of an independent council to achieve the national goals. Even discussions with the National Governors Association failed to reconcile the differences. It is still my very strong conviction that an independent council is of the utmost importance if we are to honestly and credibly assess and report on our success in attaining the national goals on education.

If this Nation is to improve the quality of education offered to our students and to improve the quality of our work force it is crucial that we pay close attention to monitoring and measuring student progress and that we sustain this effort over a long period of time. The National Academic Report Card Act, title II of S. 2, will also set up a monitoring and measuring infrastructure for education that will have a broad base of community participation. I urge your consideration and support of this entire bill.

Mr. President, I shall summarize for my colleagues my own views at this important time in our country's history as it relates to education. This afternoon the President will announce initiatives he is going to push in the area of education to improve our country's educational system. I certainly, I am sure along with all colleagues in this body, welcome that activity and that initiative by the President.

I also, of course, point out that yesterday in the Labor and Human Resources Committee we were able to report a bill, S. 2, which has in it many of the provisions this Congress has previously passed upon and approved at committee level, and even here on the Senate floor, designed to improve education. I think the President's initiatives today pick up on some of those ideas and add to them.

I believe we are going into a period of heightened attention to education issues; appropriately, we are giving greater attention to education issues. I am very pleased to see the administration join that debate with the Congress because it is a very important debate and one that needs to be joined.

In September 1989, the President and the Governors got together to set some national education goals, or to discuss that, and they did set six national education goals, and I think that was a positive step. There were some flaws in the process and one major flaw in my view was the goals were set by the Governors and the President without the involvement of people in the education community, without the involvement of the business community, without the involvement of all of those who are working in the fields trying to improve education throughout the country.

We have tens of thousands, if not hundreds of thousands of people throughout the country who are in that position who are devoting their lives to providing a better education for our students, and they were not participants in that. I think that process was flawed for that obvious reason.

One other way in which I am afraid the process has become flawed is we do not now have, although there was a call from the Charlottesville summit for the establishment of a national report card to assess progress and to assess how we are all doing in moving toward accomplishment of these education goals, we do not now have in place a credible mechanism for assessing that progress.

The mechanism we have is one which the Governors and again the President established on their own without coming to Congress for advice or consultation, and it is essentially a 10-person panel made up of 6 Governors, 3 Democrats, 3 Republicans, which is entirely appropriate, and then 4 representatives of the administration: Mr. Sununu, Mr. Darman, Mr. Porter, all of whom of course are advisers, and an assistant to the President, and of course the Secretary of Education as well.

Again, my concern with the establishment of this so-called assessment panel is that it again does not involve those who are in education, those who have been working in this field, and people in the business community who have shown great leadership in trying to help deal with this.

Very frankly, Mr. President, the assessment panel now in place—and the administration resists any effort to change that assessment panel—is not independent.

We have a rule the panel operates under which is that 8 out of 10 of the members of that panel have to agree in order for the panel to make recommendations or include something in their report. They are intending to issue a report this fall assessing progress toward educational goals, issue another report in the fall of 1992 assessing progress toward educational goals, and each year after that.

One of the provisions in S. 2 which, very frankly, has been controversial is a proposal I made last year in the Congress to establish a national report card, a panel at the national level, that would be independent, would not be made up of politicians, would not be made up necessarily of those in office, but would have a majority of its Members be people who were independent and able to exercise objective opinion on how much progress is in fact being made.

I think that is crucial and it is crucial not only because we need the findings of this panel to be above suspicion but it is also crucial that we need to have this national panel that was the assessment of progress toward national goals to assess not only the States, not only the school district, not only the student, but as to how the Nation is doing. That means those of us here in the Federal Government, assess how the Congress is doing, assess how the President is doing, assess how the Department of Education is doing.

I fear very much on the track we are on today, absent S. 2, we will not get that kind of fair and objective and independent assessment of how we are all doing.

Very simply, and I have made this point several times in the committee and here on this Senate floor already, we need a broader-based panel. We need to involve people who have made a career of this and whose judgment and opinions are not subject to question for their political motivation.

I think we have a provision in title II of S. 2 that would accomplish that for us. So I am very hopeful the Senate will move expeditiously to pass the bill. I do hope the initiatives the President announces this afternoon can be quickly presented to the Congress in legislative form and that we can have hearings on those and include some of those in legislation that will be passed this year intended to improve education.

But one of the key elements I believe is essential we not lose sight of is the credibility and independence of the group, the mechanism we have established to assess our progress and to give us real legitimate feedback. If we have a stacked deck, if we have a group driven by some political motive, then I think we will all be poorly served.

The panel which I have proposed would be half Democrat, half Republican. There would be no basis, as I see it, for a claim of partisanship in that panel. It would not only be half Democrat and half Republican. The majority of people on that panel would not be officeholders, would not be people running for office. I think that is a very important element for the people of this country to focus on as we go foward, and hopefully cooperatively, working toward achievement of these national education goals.

I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent I be recognized for up to 5 minutes out of the majority leader's time.

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

EDUCATION FIRST

Mr. PELL. Mr. President, this is "Education First Week," a period not only to look at what needs to be done but also to look at what we have accomplished.

Under Democratic leadership the Congress has reauthorized two major pieces of education legislation over the past 3 years. In 1988 we reauthorized

the Elementary and Secondary Education Act and strengthened the chapter 1 program of compensatory education for poor children. We provided a new focus upon basic skills for disadvantaged students in both elementary and secondary school. We also required each chapter 1 school to increase the test scores of its disadvantaged students in order to qualify for additional Federal aid.

Last year we enacted a new Vocational Educational Act. For the first time that act requires linking basic skills instruction and vocational training. It also stipulates that training be state of the art, and be provided for jobs that actually exist in the community. We include provisions for performance standards to evaluate the progress of Federal vocational education programs.

We also attempted last year to enact major parts of the President's education initiative, a much-needed National Literacy Act, and a National Teacher Act to attract talented people into teaching and to upgrade the skills of those already in the classroom. Unfortunately, that legislation was killed by objections from the other side of the aisle in the closing hours of the session.

This year, we have also gotten out of the gate fast. We are already hard at work with hearings on reauthorization of the Higher Education Act and the Office of Education Research and Improvement. Already we are focusing upon the need to improve educational opportunity not only for the poor but also for hard-pressed middle-income families. Already we are giving careful consideration to the need for better assessment of student achievement in our Nation's schools.

Just yesterday the Senate Labor and Human Resources Committee approved S. 2, the Strengthening Education for American Families Act. That legislation expands the goals work done last year and includes new goals in teaching and postsecondary education. It folds in the National Literacy Act authored by Senator SIMON. And, it includes a series of new initiatives that focus upon such critical areas as upgraded math and science instruction, and greater innovation and flexibility in local school programs. It also extends critically important programs in areas such as dropout prevention and state-of-the-art technology instruction.

In education funding, we have also provided strong leadership. Where the President sought an increase of only 2 percent, about half the inflation rate, the Democrats sought and achieved education funding increases totaling almost 10 percent. This year, with a President seeking only $750 million in additional education funding, we are pushing hard for $3.1 billion in new education spending.

That increase would provide a maximum Pell grant of $2,800 and more grants for more deserving students. It would enable the chapter 1 program to reach more students and to extend basic skills instruction into more grades. It would also provide important increases in literacy, vocational education, and math and science instruction.

Mr. President, while the administratiion has talked about education, the Democrats have done something. We have worked hard to streamline and modernize existing programs, start new initiatives where needed, and provide sufficient funding for our education programs to be effective.

We welcome the President's new initiative in education and will give it the same careful consideration we gave to his education initiative last year. Partisanship aside, every American wants the President to become the Education President. But we want him to do it the old fashioned way—to earn it.

And earning it means not only rhetoric. It means strengthening programs already in place, and it means facing up to the fact that education needs to be better funded. More money isn't the only answer, but you cannot expect to move ahead without adequate funding. It also means new programs that strike more than a political chord and actually go to the heart of our problems in education.

If we are to achieve the goals set forth last year by the President and the Governors, we must recognize that all of us has an important role to play, that there may be other goals that are equally important, and that programs to speed education on its way toward meeting all those goals are required at every level.

For our part, in the Senate we stand ready to build upon what we have already done. We stand ready to work with the President just as we sought to do last year. But most of all, we stand ready to help build the kind of educational system that will keep America in the forefront of competition in the world economy.

EDUCATION

Mr. LOTT. Mr. President, I look forward to the recommendations from the President this afternoon on education matters. I am convinced that our new Secretary of Education, Lamar Alexander, is an innovator. He is going to have some very strong proposals to present to the Congress for us to consider.

I think it is appropriate that we give education that high level of recognition and consideration and support financially, as we try to improve the overall education of our country.

S. 2: A DEMOCRATIC INITIATIVE TO ACHIEVE EDUCATIONAL EXCELLENCE BY THE YEAR 2000

Mr. SANFORD. Mr. President, events of the past few months have demonstrated that when the United States dedicates itself to getting a job done, we can accomplish our mission with stunning success. The United States has shown the world that we are leaders in military capability and technology. A much-heralded component of our military success was our so-called smart bombs. My question is: If we can create a generation of smart bombs, why can't we also produce a generation of smart kids? By similarly focusing our leadership and resources in the field of education, we could achieve results equally as impressive as our victory in Kuwait.

The new Democratic legislative initiative, S. 2, the Strengthening Education for American Families Act, is a step in the right direction. The bill establishes goals for a decade of education. It addresses some of the most compelling and heartbreaking problems in our society today—high dropout rates, illiteracy, lack of school readiness. Most importantly, the bill focuses attention where it rightfully should be directed: at the State level. The goals included in the legislation were formulated with the participation of Governors around the country. The Governors have committed themselves to achieving eight fundamental national education goals in their States and communities. S. 2 gives States the support and resources they need to carry out their tasks, while giving them the flexibility they need to respond to local concerns. The legislation allows the Federal Government to focus attention on education—to declare that major improvements in our educational system are a national priority—which demands cooperation between the Federal, State, and local governments. The Democratic Congressmembers supporting this bill are saying:

Take notice! Education is a critically important issue for our Nation's future. We cannot continue to prosper as a nation when 25 percent of our young people never finish high school, when 2 in 10 adults are functionally illiterate. We must do a better job. It's up to you States to carry out the work, but we're going to give you the support you need to do that.

Let me talk briefly about some of the national education goals articulated in S. 2. One crucial Democratic proposal is that by the year 2000 all children in the United States will begin their school careers physically and emotionally ready to learn. The best remedy for starting school with the self-confidence and motivation necessary for learning is to grow up in a strong, supportive, stimulating home environment. Unfortunately, not all children are lucky enough to have this type of

family life, and the Government cannot ever serve as a replacement for that. What Government can do, however, is to see to it that children who begin life at risk have access to programs that we know help them overcome some of their disadvantages—they must have access to quality day care and to a positive preschool experience. The most successful program we have is Head Start: we ought to fully fund it. This is the obvious answer to meeting the first national education goal of having 100 percent of our children ready to begin school. Let me repeat: we ought to fully fund Head Start.

The national education goals supported in S. 2 call for increasing the high school graduation rate to 90 percent by the end of this century. That's a tall order, given that currently some 25 percent of our students fail to graduate from high school. The goals call for students to demonstrate competency in varous subject matters throughout their school careers, and for the United States to produce the world's top science and math students. To meet these goals, schools simply have to do a better job of teaching, and of teaching all students. We cannot allow students to fall through the cracks year after year, moving through grade levels without learning basic reading or math skills; if we do, we will never graduate 90 percent of our students, we will not produce a generation of students highly qualified in the sciences, math, or any other subject, for that matter. This means that when students are struggling with basic academic skills, they must have access to quality remedial programs such as chapter 1. In addition, we have to increase students' motivation to stay in school and to do well there. This is an area where States and local school districts must do the most crucial work, by designing programs that build student and parental enthusiasm for local school initiatives.

But the Federal Government can certainly do its part to help in this area, by funding higher education and setting national standards for teaching professionals. One of the national education goals states that no qualified students shall be denied postsecondary education because of financial barriers. If students know that staying in school is a path to bigger and better things—that college or advanced technical schooling is an option for them—then they have an added incentive to remain and even to excell in school. From a national policy perspective, this calls for a greater emphasis on grants over loans. It also demands a more attentive regulatory role by the Federal Government. While we want to help finance education for deserving students who could not otherwise attend school, the Federal Government certainly does not want to be the prime supporter of fly-by-night, supposed trade schools that are more than happy to take tuition money from students but often do little else for them.

A key to achieving any of these national education goals is having a highly qualified and diverse teaching faculty in every school in the Nation. We must elevate the importance of teaching, giving teachers at all grade levels the respect and admiration they deserve. This is a simple, cost-free step. All it requires is a change of attitude that should come about automatically once a strong educational system is seen as a top national priority. We can also work toward establishing national standards for teachers—another goal we moved closer to when Congress appropriated funds for the National Board of Professional Teaching Standards in a supplemental authorization bill passed last month.

Another point on this subject: if we are to recognize teachers as true professionals, we must pay them as such. We cannot expect to attract talented, bright, energetic people into teaching careers when this line of work offers meager rewards both in terms of status and salary. If salary levels offer any indication of the importance we place on an occupation, one would conclude that as a society we regard caring for and educating our children, especially our youngest, to be among the least valued professions in the nation.

If we hope to remain internationally competitive in the next millennium, we must dedicate ourselves—our resources and our energy—toward better educating our children. The Democratic Party has shown leadership and commitment to these concerns for decades. The Strengthening Education for American Families Act is the latest example of our party's initiative in this vitally important area.

IN HONOR OF THE DALAI LAMA

Mr. AKAKA. Mr. President, I rise to pay special tribute to a man of peace, whose dedication to the cause of truth, understanding, and fraternity exemplifies the essence of the human spirit. His Holiness, the Dalai Lama, has toiled and sacrificed on behalf of the human rights and freedoms of the Tibetan people during more than three decades in exile. As the religious and spiritual leader of the people of the Tibetan Buddhist Sect, he has stood in witness to their continued persecution. Congress and the administration have recorded the human rights violations against the Tibetan people. Recent actions by the Government of China have included the brutal suppression of demonstrators in March 1989, which led to the deaths of as many as 60 Tibetans, continued restrictions against Tibetans from engaging in the worship of their religion and the conduct of thier religious activities, and constant credible reports of torture and mistreatment in penal institutions in Tibet.

The Dalai Lama has vigorously and tirelessly sought a peaceful end to the conflict which has claimed the lives of over 1 million of his Tibetan followers. The suffering and torment in Tibet have raised deep concerns in the U.S. Congress, among my constituents in Hawaii, and the people through the world.

Throughout the Dalai Lama's life, he has charted a course of peace. In 1989, he was awarded the Nobel Peace Prize for his lifelong work. His five point peace plan, presented before the Congress on September 21, 1987, and his Strasbourg Proposal of June 15, 1988, provide a realistic basis upon which to establish a constructive dialogue between China and Tibet. It is my hope that through greater trust, mutual respect, and cooperation, peace will come to Tibet.

Mr. President, my grandfather brought from China to our great Nation the legacy of a noble tradition. My Chinese ancestors believed, as many Chinese still believe, in the words of the ancient Confucian philosopher Mencius, who said that no nation can long survive without the virtue of humanity. It is only through a humane government that there can be respect and commitment from the people for their leaders. As Americans, we live in a nation where humanity is a sacred virtue. We are committed to justice and dedicated to the rights of the individual. We should commend His Holiness, the Dalai Lama, for his struggle for this sacred virtue of a more humane government.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. HEFLIN. Mr. President, I rise today to pay tribute to our friend and colleague, John Heinz, who was struck down as he endeavored to fulfill his duty to his constituents. As bits of the news about a small plane crash with a helicopter began to be heard here in Washington, I joined fellow Senators in praying that the rumors would be false and that John would not be involved. Unfortunately, we learned that this tragedy had taken the lives of seven people including this devoted man who had served the people of Pennsylvania as the consummate public servant for over 20 years.

During my 12 years in the Senate, I have had an opportunity to observe the compassion, the intelligence and the devotion which John Heinz brought to this job. He was an outstanding Senator who has been, at times, a trusted ally and, at other times, a formidable opponent. Above all he has represented all that is good about the Senate and about public service. He had the intelligence to have well thought out beliefs

and the convictions to back those beliefs with his undivided attention. He was an outstanding representative for his Pennsylvania constituents, but perhaps more importantly, an able and competent representative for the entire Nation.

John Heinz' devotion to the elderly citizens of this country is legendary. He has been responsible for many of the protections and benefits which have come their way in the last several years. He was a steadfast defender of the Medicare system and helped ensure the passage of the nursing home reform legislation in 1987. Just last year his efforts to remove the Social Security trust funds from Federal deficit calculations were finally rewarded. It is somewhat ironic that such a young man would for so many years serve as one of the staunchest crusaders for elderly rights. But that is one of the apparent contradictions that made John Heinz such an interesting man.

Mr. President, in my judgment, it is fitting that John Heinz would be performing his duties when this crash occurred. His well-known work ethic had him travelling to a field hearing on this horrible day. To the end, he was working to represent the people who elected him. I join the people of Pennsylvania in offering my prayers and my support to his wife Teresa, their three sons and the entire Heinz family.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,224 day that Terry Anderson has been held captive in Lebanon.

MS. SHIRLEY BURFORD OF MEMPHIS, TN, HONOREE OF THE POINTS OF LIGHT FOUNDATION

Mr. GORE. Mr. President, I am proud to pay tribute to Shirley Burford from Memphis, TN, who is being honored by the Points of Light Foundation for her countless hours of community service through the Corporate Volunteer Council of Memphis. Ms. Burford serves as chair of this council, an organization which provides a framework for workplace volunteers to establish and refine their volunteer programs and learn about community needs and concerns.

Through Ms. Burford's leadership, the Corporate Volunteer Council supports literacy programs, community-wide collection drives of various kinds, corporate fundraising for projects to meet community needs, Junior Achievement, Adopt-a-School, and programs designed to break the cycle of poverty in underprivileged areas in Memphis and Shelby County.

I know that many lives have been touched and improved through Ms. Burford's dedication to her community, the State of Tennessee, and the Nation. It is my pleasure to join with the Senator from Massachusetts in honoring her today. I congratulate Ms. Burford on this achievement and wish her every success as she continues in her efforts in behalf of the people of Shelby County.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The Foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The Foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the Foundation launched their 12-day Celebration of Service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during their Celebration of Service, the Points of Light Foundation will recognize one or two Americans as Service Ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senator GORE in commending Shirley Burford of Memphis, TN, an exemplary American who has made a significant contribution to her community and her country.

It is a privilege to work with the Foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

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

THE POINTS OF LIGHT FOUNDATION

BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created *pro bono* by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek the help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

SENATOR ROBERT C. BYRD RECEIVES AWARD FROM ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

Mr. HARKIN. Mr. President, our distinguished chairman of the Appropriations Committee, Mr. BYRD of West Virginia, was honored recently by the Association of Community College Trustees with its highest public service award, the National Education Service Award.

It was given at the Association's annual Washington seminar, attended by some 600 college trustees and administrators from more than 40 States, in

recognition of Senator BYRD's tireless support of education as a national priority. Indeed, as both appropriations chairman and former majority leader, Mr. BYRD's leadership has been a constant force, particularly in the last dozen years, in maintaining the opportunity programs that help struggling Americans in their pursuit of marketable skills.

Under his leadership, the appropriations process last year produced one of the largest 1-year increases that Congress has ever adopted for Department of Education programs, an increase of $2.7 billion or 13 percent. Most important for the people seeking postsecondary training to gain competitive skills was the $566 million increase in Pell grant funding, which allowed a boost in the maximum Pell grant to $2,400. This program, which has helped some 25 million students over two decades, has become a cornerstone of American competitiveness.

In his response to the award, Mr. BYRD challenged educators to rededicate themselves to the pursuit of excellence. I ask unanimous consent that the text of his message to the ACCT membership appear at this point in the RECORD.

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

REMARKS BY SENATOR ROBERT C. BYRD, ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES, WASHINGTON, DC, FEBRUARY 24, 1991

I sincerely thank you for naming me the recipient of your 1991 National Education Service Award.

I have nurtured a lifelong faith in education. I have always believed that formal education and skills training—vocational education, if you will—can open doors of opportunity to young people and even older adults—doors that would otherwise be closed to them.

As trustees of literally hundreds of public community colleges, junior colleges, and technical schools across our country, you are stewards of the dreams of millions of American men and women—young, middle-aged, and older.

As you have chosen to honor me here today, I want to take this opportunity to salute all of you for the outstanding efforts that you are expending as trustees and officials of your individual boards and institutions.

Some years ago, I began searching for some means by which I might make a direct contribution toward the education of young men and women in my home state of West Virginia, and I came up with a modest idea.

Since 1969, I have annually presented Robert C. Byrd Scholastic Recognition Awards to the valedictorians of the graduating classes of West Virginia's public, parochial, and private high schools, and Schools for the Deaf and Blind.

To date, those Robert C. Byrd Scholastic Recognition Awards have been presented to more than 5,800 West Virginia high school graduates.

The Robert C. Byrd Scholastic Recognition Awards consists of U.S. Savings Bonds, paid for out of a private trust fund that I established.

In 1985, the success of the Scholastic Recognition Awards prompted me to initiate a national Honors Scholarship program. Awarded on a merit basis, these national, federally funded, $1,500, first-year Robert C. Byrd Honors Scholarships are intended to encourage excellence in education by giving motivated and able students a boost in pursuing their college educations.

Thus far, 19,856 Robert C. Byrd Honors Scholarships have been awarded nationally since the inception of this program.

I am proud that my name is associated with an effort to promote educational excellence in our society. And I shall not flag in my commitment to advance education in America.

At one time, most jobs and occupations available to Americans required little or no formal education.

But we long ago passed the point of zero-education.

According to a recent study, more than half of the new jobs created between now and the year 2000 will require some education beyond high school.

Further, by the year 2000, roughly one-third of all U.S. jobs will require a college degree.

Frankly, I believe that traditional higher education—that offered at most of our great private and state universities—is in a crisis today. I likewise believe that many of your institutions offer our best opportunities for, if not solving this crisis, at least blunting its impact on our culture and our economy.

Ironically, at the same time that the requirement for a college-level education is increasing, the cost of higher education is soaring out of sight at most of America's most prestigious colleges and universities.

That is the first facet of the crisis in traditional higher education: the Crisis of Price.

According to the New York Times, for this current academic year, the cost for tuition, room and board, books, and incidental expenses for one year for an undergraduate student at Harvard will be an estimated $22,160. For Yale, that estimated cost will be $22,520. For Princeton, the estimate is $22,400. At MIT, the cost is $22,994.

Here in Washington, the estimated cost of one year at George Washington University is $19,600. At American University, the figure is $18,264. And the 1990-91 estimated cost at Georgetown University for tuition alone is $14,440.

Even at public universities, prices are climbing. At Maryland, tuition alone for state residents this year is $2,269, while Virginia residents will be expected to pay tuitions of $2,966 at Charlottesville.

In effect, the costs of one year of college at America's premier institutions of higher education are being priced out of the reach of most middle- and moderate-income American families.

At the same time that costs are soaring at major universities, large numbers of scholars at the most prestigious universities have lost the desire to teach, particularly if that means teaching undergraduates or nonresearch-oriented adults.

That is the second facet of the current crisis in traditional higher education: the Crisis of Purpose.

For added prestige—Nobel prizes, recognition through publications in professional journals, and other institutionally enhancing activities—many schools are paying inflated salaries for research-oriented personnel. As a result, undergraduate students at many top-flight schools receive no exposure to those institutions' most acclaimed scholars, having instead to depend on graduate students for basic instruction.

Surprisingly, at the same time at some large campuses, a decline in academic integrity and a confusion of purpose have led to the proliferation of questionable and even fatuous nonsense courses.

At Vassar, for example, one can take for credit a course entitled "Sociology of Sociability"—a course purporting to study the social dynamics of fraternity partying and similar social gatherings.

Not to be outdone, the University of Massachusetts offers "Ultimate Frisbee"; Kent State has "Dance Roller Skating"; Illinois provides credit for "Pocket Billiards"; and the University of North Carolina at Greensboro offers a credit course called "Deadhead 101"—a semester-long examination of the cassette-recorded music and video-filmed concerts of the rock group called the "Grateful Dead."

Related to this unfocused sense of purpose is the third facet of the crisis in traditional higher education: the Crisis of Perspective. Against this background of soaring costs and blurred aims on large and prestigious campuses, our community colleges and their related sister institutions offer attractive alternatives to much traditional higher education.

Because of their proximity to large and concentrated potential constituencies, tuition and costs at community colleges can be, and are, significantly lower than at more distant campuses. Commuting and working students can obtain quality courses at reasonable prices.

Likewise, rooted as they are in stable communities, many community colleges have built up working relationships with important local businesses and industries. The curricula in these community colleges can often be directly tailored to prepare students for specific careers or for career advancement—goals that increasingly qualified and accomplished community college faculties find neither abhorrent nor compromising.

Similarly, the pragmatic orientation of most community colleges precludes the development of wasteful and frivolous course offerings.

With their ties to living, vibrant American communities, community colleges can permit young students to move more maturely and naturally to adulthood and useful citizenship in our society.

We should entertain no illusions. America is locked in genuine competition with our world trading partners and trading rivals alike for markets and customers. If our way of life and our standard of living are to be preserved, we will require the talents, skills, and faculties of well-educated, well-trained men and women.

Cultivating and producing those qualified people will be more and more a role for community colleges, vocational and career schools, and junior colleges. At your colleges and institutions, increasing numbers of young Americans and working adults are building for their futures and for our future.

Again, I commend you for the exceptional contributions that you are making to America's educational strength and economic progress through your efforts as trustees and officers of our community colleges, and I hope for the institutions that you represent even greater success as we move toward the twenty-first century.

H.R. 598: THE DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT OF 1991

Mr. CRANSTON. Mr. President, yesterday, April 17, 1991, the Senate passed H.R. 598, the Department of Veterans Affairs Health-Care Personnel Act of 1991. In my remarks in the RECORD—beginning on S. 4537—I referred to an explanatory statement—developed jointly by the House and Senate Veterans' Affairs Committees—in which the provisions of this legislation are described in detail. Contrary to my stated intention, the portions of the explanatory statement describing titles II, III, and IV of the bill were not submitted for printing in the RECORD at the conclusion of my remarks.

Thus, Mr. President, I now ask unanimous consent that these portions of the explanatory statement of H.R. 598 as agreed to by the committees and passed by the Senate on April 17 be printed in the RECORD at this point.

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

EXPLANATORY STATEMENT ON TITLES II, III, AND IV OF H.R. 598

H.R. 598 as amended by the Senate reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills relatings to Department of Veterans Affairs physician and dentist pay and labor relations considered in the Senate and the House of Representatives, but not enacted, during the 101st Congress. Those bills are H.R. 4557, which the House passed on May 1, 1990, and S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 598 as amended. Differences between the provisions contained in H.R. 498 as amended (hereinafter referred to as "Compromise agreement") and the related provisions in the House-passed version of H.R. 4557 (hereinafter referred to as the "House bill") and S. 2100 as reported in the Senate (hereinafter referred to as the "Senate bill") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

EXTENSION OF COLLECTIVE BARGAINING RIGHTS TO TITLE 38 EMPLOYEES

Current law: Under the Federal Service Labor-Management Relations Act (FSLRA), which was enacted as part of the Civil Service Reform Act of 1978 (Public Law 95-454) and codified in chapter 71 of title 5, United States Code, federal employees are granted the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with the terms of that Act.

Section 4108 of title 38 provides that the Secretary of Veterans Affairs "shall prescribe by regulation the hours and conditions of employment and leaves of absence" of health-care professionals appointed under title 38.

In a July 1988 decision, the U.S. Court of Appeals for the District of Columbia Circuit held, in the case *Colorado Nurses Association and VA Medical Center, Ft. Lyon, Colorado,* v. *Federal Labor Relations Authority,* 851 F.2d 1486 (D.C. Cir. 1988), that the VA Secretary has exclusive discretion to establish regulations concerning the working conditions of those employees appointed under the title 38 personnel system and is, therefore, not under any obligation to bargain with such employees under the FSLRA.

House bill: Section 301 of H.R. 4557 would amend section 4108 of title 38 so as to provide that the Secretary's authority to prescribe by regulation the hours and conditions of employment and leaves of absence of title 38 employees is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5, which relates to labor management relations.

Senate bill: Section 249 would provide that the provisions of chapter 71 of title 5 would generally apply to the personnel-administration authorities in section 4108 of title 38.

Compromise agreement: New section 7422(a) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

Scope of Collective Bargaining

House bill: Section 301 of H.R. 4557 would provide that collective bargaining and any grievance procedures provided under a collective bargaining agreement may not cover, or have any applicability to, any matter or question concerning, or arising out of, "professional conduct or competence" (defined as (a) direct patient care, (b) clinical competence, (c) professional judgment, and (d) peer review).

Senate bill: Section 249 would provide that the collective bargaining rights of employees as set forth in chapter 71 of title 5 would not apply with respect to (a) the prohibitions set out in section 4108(a) (1) through (6) (relating to work outside VA and conflict-of-interest situations) or (b) matters covered by section 4110 (certain disciplinary actions, which are proposed to be limited to certain major actions by section 250 (discussed below)).

Compromise agreement: New section 7422(b) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment clarifying that collective bargaining and any grievance procedures established under collective bargaining may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

The Committees note that the reference to peer review in this section is intended to refer to, but is not limited to, the operation, determinations, and membership of the Professional Standards Boards of the Department.

The reference to "professional judgment" has been deleted from the definition of "professional conduct or competence" because it is the belief of the Committees that the meaning of that term is fully encompassed by the term "clinical competence".

Review of Secretary's Collective Bargaining Determinations

House bill: Section 301 of H.R. 4557 would grant the Secretary exclusive authority to determine, not subject to collective bargaining or review by any other agency or by any court, whether a matter concerns, or arises out of, professional conduct or competence.

Senate bill: No provision.

Compromise agreement: New section 7422(d) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment deleting the prohibition against court review of the Secretary's determination whether a matter concerns, or arises out of, (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation.

Jurisdiction for Certain Cases

House bill: Section 301 of H.R. 4557 would provide that a petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving title 38 employees, or arising out of the applicability of title 5 to title 38 employees, may be pursued only in the United States Court of Appeals for the District of Columbia Circuit.

Senate bill: No provision.

Compromise agreement: New section 7422(e) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

PERSONNEL ADMINISTRATION: FULL-TIME EMPLOYEES

New section 7423 (as provided to be added by section 202 of the compromise agreement) is a recodification in the proposed new subchapter II of chapter 74 of the provisions contained in current section 4108(a) (1) through (6), which set forth prohibitions relating to work outside VA and conflict-of-interest situations applicable to full-time, title 38 employees.

ADVERSE PERSONNEL ACTIONS

Disciplinary Actions and Appeal Procedures

Current law: Section 4110 of title 38 requires the Chief Medical Director (CMD), under regulations prescribed by the Secretary, to appoint disciplinary boards comprised of not less than three nor more than five employees, senior in grade, of the Veterans Health Services and Research Administration, to determine charges of inaptitude, inefficiency, or misconduct of any full-time, permanent health-care professional appointed under title 38.

House bill: Section 302 of H.R. 4557 would replace current section 4110 with four new sections: 4110, 4110A, 4110B, and 4110C. Revised section 4110 would provide that full-time, permanent title 38 employees have the right to appeal an adverse personnel action resulting from a charge brought by the CMD (or an official designated by the CMD) based on conduct or performance, as follows:

(a) In any case involving or including a question of professional conduct or competence in which a major adverse action was taken, the appeal would be required to be made to a Disciplinary Appeals Board (DAB) under new section 4110A (discussed below).

(b) In any case involving or including a question of professional conduct or competence in which a major adverse action was not taken, the appeal would be required to be made through Department grievance procedures under section 4110B (discused below).

(c) In any case not involving or including a question of professional conduct or competence in which either a major or minor adverse action was taken, the appeal would be through Department grievance procedures under new section 4110B, except that an employee covered by a collective bargaining agreement would be authorized to elect to appeal through either the 4110B procedures or the grievance procedures provided through collective bargaining.

For these purposes, a major adverse action is an adverse action that includes a suspension, transfer, reduction in grade, reduction

in basic pay, or discharge, and a question of professional conduct or competence is a question involving direct patient care, clinical competence, professional judgment, or peer review.

Senate bill: Section 250 would:

(a) Retain current 4110 disciplinary boards but provide that a disciplinary board is not required in a case in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(b) Establish a new adjudication and review procedure for cases in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(c) Require that (1) the Secretary authorize review, under procedures established through collective bargaining, of (A) grievances by employees covered by a collective bargaining agreement, and (B) lesser disciplinary actions involving such employees, (2) in a case involving a question of clinical competence, as determined by either party, any person selected to serve as an arbitrator be qualifed as an arbitrator and also be a physician, dentist, or nurse, or otherwise qualifed in examining and adjudicating health-care issues, and (3) the Secretary authorize, through a Department review procedure, review of lesser disciplinary actions (suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand or admonishment) imposed on, and grievances of, supervisors and employees not covered by a collective bargaining agreement.

Compromise agreement: New section 7461 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except the reference to "professional judgment" has been deleted (as in new section 7422, relating to collective bargaining) from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of this term is fully encompassed by the term "clinical competence".

Judicial Review of Disciplinary Actions and Appeals

House bill: New section 4110(d) would provide that an issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency or by any court.

Senate bill: No provision.

Compromise agreement: New section 7461(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that the language that would prohibit court review of the Secretary's determination as to whether a matter or question concerns, or arises out of, professional conduct or competence is deleted.

As in section 202 of the compromise agreement (relating to collective bargaining) the Committees have deleted the reference to "professional judgment" from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of that term is fully encompassed by the term "clinical competence".

Publication of Proposed Regulations

House bill: Revised section 4110(e) would require the Secretary to publish in the Federal Register for notice-and-comment, not less than 30 days before the date on which they are to take effect, regulations the Secretary proposes to prescribe under proposed new sections 4110, 4110A, 4110B, and 4410C.

Senate bill: No provision.

Compromise agreement: New section 7461(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Appeal Procedures for Major Disciplinary Actions Involving Professional Conduct or Competence

House bill: New section 4110A(a) would provide that disciplinary appeals boards (DABs) appointed under new section 4110C would have exclusive jurisdiction to review any case which arises out of (or which includes) a question of professional conduct or competence of a full-time, permanent title 38 employee and in which a major adverse action was taken.

Senate bill: Section 250 would require that section 4110 disciplinary boards be maintained to determine the charges in any disciplinary action brought on the basis of performance or conduct.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Mixed Cases

House bill: New section 4110(A) would require a DAB to include in its record of decision in a "mixed case"—a case including both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence—a statement of the board's exclusive jurisdiction.

Senate bill: No provision.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Notice and Opportunity to Respond—Major Adverse Actions

House bill: New section 4110A(a) would provide that in a case in which charges are brought against a title 38 employee involving a question of professional conduct or competence which could result in a major adverse action, the employee:

(a) is entitled to (1) advance written notice from the CMD or other charging official specifically stating the basis of the charge, the adverse actions that could be taken and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated, (2) the opportunity to present an answer orally and in writing to the CMD or other deciding official, who must be higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer; and

(b) is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill, with amendments to clarify the notice and opportunity to respond that would be required to be available to employees. Thus, new section 7462(b) provides that in any case in which charges are brought against an employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to at least 30 days advance written notice. An exception is made for situations in which there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned, in which case the 30-day written notice would not be required. New section 7462(b) also provides that an employee has at least seven days to present an answer orally and in writing in response to the notice that charges are being brought.

The Committees note that these requirements parallel the notice requirement applicable to civil service employees under section 7513 of title 5.

Decisions

House bill: New section 4110A(b) would provide that (a) if a proposed adverse action covered section 4110A is not withdrawn, the deciding official must render a decision in writing within 21 days after receipt by the official of the employee's answer; (b) the decision must include a statement of the specific reasons for the decision with respect to each charge and in the case of a major adverse action, state whether any of the charges sustained arose out of a question of professional conduct or competence; and (c) if any of the charges are sustained, the notice of the decision to the employee must include notice of the employee's rights of appeal.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority to Hold Proposed Adverse Actions in Abeyance

House bill: New section 4110A(b) would provide that a proposed adverse action may be held in abeyance for up to a year if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Opportunity to Respond to Charges

House bill: New section 4110A(b) would authorize the Secretary to require that any answer and submission from an employee be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill with an amendment to provide that the Secretary may not require an employee to submit an answer prior to the passage of seven days after the date of written notice of the charges.

Timeliness of Appeals to Disciplinary Appeals Boards

House bill: New section 4110A(b) would require that the Secretary require any appeal to a DAB from a decision to impose a major disciplinary action be received within 30 days after the date of service of the written decision on the employee.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Determination of Jurisdiction

House bill: New section 4110A(c) would require a DAB to determine whether a matter is properly before it prior to considering an appeal in a case under this section.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority of Disciplinary Appeals Boards

House bill: New section 4110A(c) would require a DAB to sustain, dismiss, or sustain in part and dismiss in part, each charge appealed to it and, if the deciding official is sustained (in whole or in part) with respect to any charge, to approve the action as imposed, approve the action with modification, reduction, or exception, or reverse the action.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: New section 4110A(c) would require that a DAB (a) afford an employee appealing an adverse action an opportunity for an oral hearing and, if such a hearing is held, provide the employee a transcript of it, and (b) render a decision within 45 days of completion of the hearing, if a hearing is held, and in any event no later than 120 days after the appeal commenced.

Senate bill: No provision.

Compromise agreement: Subsections (c) and (d) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Secretary's Action

House bill: New section 4110A(d) would provide that (a) except as discussed in items (b) and (c), below, after resolving any question as to whether a matter involves professional conduct or competence, the Secretary must cause the DAB decision to be executed in a timely manner and in any event not later than 90 days after it is received and, pursuant to the DAB's decision, may order reinstatment, award back pay, and provide such other remedies as the board found appropriate, including expungement of records relating to the action; (b) authorize the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, to (1) reverse the decision of the DAB, or (2) reverse the decision of the DAB and remand the matter for further consideration; (c) the Secretary may mitigate the adverse action imposed if the Secretary finds that DAB decision (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges; and (d) the Secretary's execution of a DAB decision would be the final administration action in a case.

Senate bill: No provision.

Compromise agreement: Subsections (d) and (e) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment to clarify that the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, may vacate a decision of the DAB and remand the matter for further consideration.

Management Representation Before Disciplinary Appeals Boards

House bill: New section 4110A(e) would authorize the Secretary to designate a Department employee to represent management in any case before a DAB.

Senate bill: No provision.

Compromise agreement: New section 7462(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Judicial Review of a Final Decision by a Disciplinary Appeals Board

House bill: New section 4110A(f) would (a) authorize a title 38 employee adversely affected by a final decision of a DAB (after action by the Secretary) to obtain judicial review of the decision; and (b) require that a reviewing court review the record and hold unlawful and set aside any action, finding, or conclusion found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence.

Senate bill: No provision.

Compromise agreement: New section 7462(f) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Disciplinary Actions and Appeal Procedures Applicable to Cases other than those Involving Major Adverse Actions Arising out of Professional Conduct or Competence

House bill: New section 4110B(a) would require the Secretary to prescribe by regulations procedures for the consideration of grievances of title 38 employees arising from an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence.

Senate bill: Section 250 would require that the Secretary prescribe regulations for the consideration of a proposed action in which the proposed action is suspension of 14 days or less, reassignment without reduction in basic pay, reduction in rank without reduction in basic pay, reprimand, or admonishment.

Compromise agreement: New section 7463(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: Subsections (a) and (b) of new section 4110B would provide in a case of an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence (a) DABs would have no jurisdiction; (b) an employee who is a member of a collective bargaining unit may seek review of the adverse action either under Department grievance procedures prescribed by the Secretary or through grievance procedures determined through collective bargaining, but not under both; and (c) the employee's election of which grievance procedure to follow is nonrevocabale.

Senate bill: No provision.

Compromise agreement: Subsections (a) and (b) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Required Components of Appeal Procedures

House bill: New section 4110B(c) would require grievance procedures established under section 4110B to include:

(a) A right to formal review by an impartial examiner within VA, who, in a case arising from a question of professional conduct or competence, would be required to be selected from the panel of employees designated by the Secretary as qualified to set on a DAB.

(b) A right to a prompt report of the findings and recommendations by the impartial examiner.

(c) A right to a prompt review of the examiner's findings and recommendatiions by an official of a higher level than the official imposing the adverse action.

(d) A right to be represented by an attorney or other representative at all stages of the appeal procedure.

Senate bill: Section 250 would provide that an employee against whom a lesser disciplinary action is proposed would be entitled to:

(a) Advance written notice stating the specific reasons for the proposed action.

(b) A reasonable time to answer orally and in writing and to furnish affidavits and other supporting documentary evidence in support of the answer.

(c) Representation by an attorney or other spokesperson.

(d) A written decision and the specific reasons for the decision at the earliest practicable date.

Any agency review procedure would be required to include:

(a) An informal review by an official of a higher level than the official who made the decision.

(b) A prompt decision by such higher level official and a right to formal review by an impartial examiner within VA.

(c) A prompt report of the findings and recommendations by the impartial examiner.

(d) A prompt review of the examiner's findings and recommendations, together with any comments by the employee and the Department on such findings and recommendations, by an official of a higher level than the official who conducted the review.

Compromise agreement: Subsections (c), (d), and (e) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment provding that an employee against whom are brought charges not involving professional conduct or competence which could result in a major adverse action being imposed is entitled to the same notice and opportunity to answer those charges as provided in the case of an employee against whom are brought charges involving professional conduct or competence that could result in a major adverse action. In any other case in which charges are brought against an employee, the employee would be entitled to (a) an advance written notice stating the specific reason for the proposed action, and (b) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

Appointment of Disciplinary Appeals Boards

House bill: New section 4110C(a) that would require that (a) the Secretary from time to time to appoint boards, to be known as DABs, to hear appeals of major adverse actions; (b) each DAB consists of three Department employees who are senior in grade or the same grade as the employee appealing an adverse action; and (c) the Secretary designate one member of each DAB to be chairman and another to be secretary and that both would have the authority to administer oaths.

Senate bill: Section 250 would provide that, as under current law, the 4110 disciplinary boards would have not less than 3 nor more than 5 members who are senior in grade to the charged employee and that the majority of the board members would be required to

be employed in the same category of position as the charged employee.

Compromise agreement: New section 7464 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that a majority of the members of a DAB are required to be employed in the same category of position as the appealing employee.

Regulations Pertaining to Disciplinary Appeals Boards' Operations

House bill: New section 4110C(b) would require that the appointment of DABs and the DABs' proceedings be carried out under regulations prescribed by the Secretary.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House provision.

Maintenance of Verbatim Records of Hearings.

House bill: New section 4110C(b) would require that verbatim records be maintained of DAB hearings.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Confidential Records

House bill: New section 4110C(c) would (a) authorize, notwithstanding sections 3301 (regarding the confidential nature of claims) and 4132 (regarding the confidentially of certain medical records), the chairman of a DAB, upon the request of the employee whose case is before the DAB (or the employee's representative), to review records or information covered by those sections; (b) authorize the chairman of a DAB to authorize the disclosure of such records or information to the employee (or representative) to the extent the DAB considers appropriate for purposes of proceedings of the DAB in the case; (c) authorize the chairman, in cases where the chairman has exercised the authority to review or release to the employee information that is covered by sections 3301 and 4132 (relating to confidentiality of medical records), to direct that measures be taken to protect the personal privacy of individuals whose records are involved; and (d) provide that any person who uses or discloses such a record or information for any purpose other than in connection with the DAB's proceedings shall be fined not more than $5,000 for a first offense and not more than $20,000 for a subsequent offense.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Designation of Employees to Serve on Disciplinary Appeals Boards

House bill: New section 4110C(d) would (a) require the Secretary to provide for the periodic designation of VA employees who are qualified to serve on DABs and provide that those designated shall constitute the panel from which DAB members are appointed; (b) require that the Secretary provide without charge a list of the names of those employees on the panel to any person who requests one; (c) require the Secretary to announce periodically (at least once a year) at VA medical facilities and in the Federal Register that the roster of employees on the panel is available; (d) require that the Secretary provide notice of a new name being on the list of panel members at least 30 days before the individual may serve on a DAB or as a grievance examiner; and (e) authorize employees, employee organizations, and other interested parties to submit to the Secretary comments concerning the suitability for service of anyone named on the list.

Senate bill: No provision.

Compromise agreement: New section 7464(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Training of Panel Members

House bill: New section 4110C(d) would require that the Secretary provide training in the functions and duties of DABs and in grievance procedures for employees selected to be on the panel.

Senate bill: No provision.

Compromise agreement: New section 7464(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Requirement to Prescribe Regulations

House bill: Section 303 of H.R. 4557 would require the Secretary to prescribe regulations under new sections 4110, 4110A, 4110B, and 4110C within 180 days after the date of enactment, and require that such regulations be published in the Federal Register for notice-and-comment not less than 30 days before they are to take effect.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

Preservation of Existing Collective-Bargaining Arrangements

House bill: Section 304(a) of H.R. 4557 would provide that any determination under chapter 71 of title 5, of a collective bargaining unit within VHS&RA, any recognition under chapter 71 of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit for VA employees, that is in effect on the date of enactment shall not be affected by the amendments made by the Act and shall continue in effect in accordance with the terms of such determination or regulation.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

Pending Actions

House bill: Section 304(b) of H.R. 4557 would require that cases pending on the date of enactment or brought before either the establishment of Department grievance procedures pursuant to new section 4110B or a negotiated grievance procedure through collective bargaining proceed in the same manner they would have if the provisions of this legislation had not been enacted.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

TECHNICAL AMENDMENTS TO THE NURSE PAY ACT OF 1990

RATES OF PAY FOR PHYSICIAN ASSISTANTS AND EXPANDED-FUNCTION DENTAL AUXILIARIES

Current law: The Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366) established a new section 4141 of title 38, pursuant to which rates of pay for registered nurses working in VA, and for certain other health-care positions as determined by the Secretary, generally, are to be established at locally competitive levels based on local wage surveys. The authority provided in section 4141 to establish ranges of basic pay for grades in covered positions replaced the authority in prior section 4107(b) to establish a schedule for nurses (and, by cross reference, for physician assistants and expanded-function dental auxiliaries).

House bill: Section 301(a) of H.R. 598 would require that, after August 14, 1990 (the day before the date of enactment of the Nurse Pay Act), physician assistants and expanded-function dental auxiliaries continue to be paid according to the salary schedule in section 4107(b) of title 38 as in effect on August 14, 1990, until the effective date of a determination by the Secretary that one or both of these occupations are to be covered by a new salary schedule and thus be paid based under the provisions of section 4141.

Senate bill: Section 301(a) of S. 675 is substantively identical to the House bill.

Compromise agreement: Section 301(a) contains this provision.

The Committees note their expectation that the requirement for continuation of payments to physician assistants and expanded-function dental auxiliaries "according" to the salary schedule in section 4107(b) as in effect on August 14, 1990, will mean that employees in these groups will receive any cost-of-living adjustment to the rates in that salary schedule since August 1990.

RATES OF PAY FOR CENTRAL AND REGIONAL OFFICE EMPLOYEES IN POSITIONS COVERED BY THE NURSE PAY ACT OF 1990

Current law: Section 4141 of title 38, enacted in the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366), contains provisions which (a) require the adjustment of the rate of basic pay for each grade in a position covered by a new schedule created according to section 4141 (1) whenever there is an adjustment under section 5305 of title 5 in the rates of pay under the General Schedule, and (2) at such additional times as the director of a VA health-care facility determines appropriate, with respect to covered positions at that facility (section 4141(d)(1)); (b) prohibit the director of a VA health-care facility from adjusting rates of basic pay for any pay grade so that the minimum rate of basic pay for that grade is greater than the beginning rates of compensation for corresponding positions at non-VA health-care facilities (section 4141(d)(3)); (c) provide that, if the director of a VA health-care facility determines—after conducting a survey under the new authority or at any other time that a adjustment in rates of pay is scheduled to take place under section 4141—that it is not necessary to adjust the rates of basic pay for employees in covered positions at that facility, the director is not required to make such an adjustment (section 4141(d)(4)).

House bill: Section 301(c) of H.R. 598 would (a) require the Chief Medical Director to prescribe regulations providing for the adjustment of the rates of basic pay for Regional Office and Central Office employees in positions covered by the new pay schedule, and (b) provide the Chief Medical Director with the same authority to adjust or not adjust rates of basic pay for Regional and Central Office employees in covered positions as is provided to facility directors in section 4141(d).

Senate bill: Section 301(b) of S. 675 is identical to the House bill.

Compromise agreement: Section 301(b) contains this provision.

EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE

Current law: Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (Public Law 99-272) requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs an annual report for each of fiscal years 1986, 1987, 1988, and 1989 on the impact of that law on the furnishing of medical care and services to veterans.

House bill: Section 302 of H.R. 598 would extend the requirement for that annual report through fiscal year 1991.

Senate bill: Section 302 of S. 675 is identical to the House provision.

Compromise agreement: Section 302 contains this provision.

MODIFICATION OF ADMINISTRATIVE REORGANIZATION REQUIREMENTS

Current law: Section 210(b)(2) of title 38 imposes certain requirements for advance notification to the Congress of planned VA administrative reorganizations which result in full-time equivalent employees (FTEE) reductions that exceed specified levels.

Definition of an Administrative Reorganization and a Covered Facility

Current law: For certain reorganizations, an advance report detailing the reorganization must be provided to the Congress not later than the date on which the President submits the budget for the fiscal year in which the reorganization is to be implemented. For purposes of this report-and-wait requirement, an administrative reorganization of a covered field office (a VA facility outside of the Central Office that is the permanent duty station for 25 or more employees) is defined as one which results in a reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 15 percent or more. An administrative reorganization of a covered Central Office unit (a Central Office unit that is the permanent duty station for 100 or more employees) is defined as one which results in a reduction in the number of FTEE with permanent duty station at the office by 25 percent or more during any fiscal year, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 30 percent or more.

House bill: Section 301 of H.R. 5740 would for purposes of this report-and-wait requirement (1) redefine the administrative reorganization of a covered field office as one which results in reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 15 percent or more, or by a percentage which, when added to the percentage reduction of FTEE during the preceding year, is 25 percent or more; and (2) delete Central Office units from the coverage of this requirement.

Senate bill: No provision.

Compromise agreement: Section 303 follows the House bill.

Reporting Requirement

Current law: As noted above, reorganization proposal for a fiscal year must be submitted to the Congress no later than the day the President submits the budget in January for that fiscal year.

House bill: Section 301 of H.R. 5740 would revise this report-and-wait requirement so as to allow action to implement a reorganization of a covered field office to begin upon the expiration of 60 days of continuous Session of Congress following the date of submission of the report, regardless of when the report is submitted.

Senate bill: Section 703 would require that a VA reorganization proposal be submitted to Congress not later than April 1 of the year preceding the fiscal year in which the reorganization is to be implemented, thus shortening the current waiting period by approximately two-and-a-half months.

Compromise agreement: Section 303 follows the House bill except that it would require a waiting period of 90 days, rather than 60 days, of continuous Session of Congress.

Notification Requirements for Central Office Reorganizations

Current law: The Secretary of Veterans Affairs is required to provide the Congressional Committees on Veterans' Affairs notice of a reorganization of a Central Office unit if the unit is the duty station for more than 25 but less than 100 employees and the reorganization involves a reduction in any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage reduction made in the preceding year, is 15 percent or more.

House bill: Section 301 of H.R. 5740 would modify the 30-day advance notice requirement to apply only to administrative reorganizations of VA Central Office units that are duty stations for 100 or more employees and then only if the reorganization results in the reduction of 25 percent or more of the office's FTEE in any fiscal year.

Senate bill: No provision.

Compromise agreement: Section 303 would require a 30-day advance notice to the Committees of an administrative reorganization of the Central Office unit if the unit is the duty station for more than 30 employees and the FTEE reduction would be 50 percent or more in any fiscal year.

Exemptions

Current law: For the purposes of the report-and-wait provisions in section 210(b)(2), an administrative reorganization means the consolidation, elimination, abolition, or redistribution of functions under the authority granted to the Secretary.

House bill: Section 301 of H.R. 5740 would exempt from the report-and-wait requirements a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Services and Research Administration at a VA medical and regional office center, if after the consolidation or redistribution the same number of FTEE continues to perform the affected functions at the facility.

Senate bill: Section 703 of S. 2100 contains a similar provision and would further limit the report-and-wait requirements to offices and facilities which have as their primary mission providing care and services to veterans.

Compromise agreement: Section 303 follows the House bill.

TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES

Current law: The Omnibus Reconciliation Act of 1990 (OBRA), Public Law 101-508, amended Section 3203(f)(1)(B) of title 38 so as to limit, from the date of enactment until September 30, 1992, monthly VA pension payments to $90 to veterans receiving a VA pension who are also eligible for Medicaid, have no dependents, and receive nursing home care in a nursing home participating in Medicaid.

House bill: No provision.

Senate bill: Section 304 of S. 675 would make a technical correction to section 3203(f)(1)(B) so as to provide, consistent with the express intent of the OBRA conferees (H.Rept.No. 101-964, pages 982-83), that veterans receiving care in State veterans homes would be excluded from the reduction in pension payments.

Compromise agreement: Section 304 follows the Senate bill.

RECEIPT OF HONORARIA BY VETERANS HEALTH ADMINISTRATION EMPLOYEES

Current law: Section 601(a) of the Ethics Reform Act of 1989 (Public Law 101-194) prohibits all federal officers and employees (except members and staff of the Senate) from receiving a payment of money (or any other thing of value), except for certain necessary travel expenses, for an appearance, speech, or article.

House bill: Section 303 of H.R. 598 would amend sections 4233 and 4114 of title 38 so as to permit an employee of the Veterans Health Administration to receive and retain fees (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.

Senate bill: No provision.

Compromise agreement: No provision.

REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

Current law: Current chapter 73 of title 38, entitled "Department of Medicine and Surgery", contains provisions relating to the organization of VA's health-care system.

House bill: No provision.

Senate bill: Title IV of S. 675 would divide existing chapter 73 into two new chapters—chapter 73, entitled "Veterans Health Administration—Organization and Functions", which contains provisions dealing with the overall organization of VA's health-care system, and chapter 74, entitled "Veterans Health Administration—Personnel", which contains all of the personnel-related provisions relating to VA's health-care system. In addition, these provisions renumber provisions in current chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78, 81, 83, and 85 so that the provisions would be renumbered to begin with the first two digits of the chapter. This same renumbering is carried out in new chapters 73 and 74.

Compromise agreement: Title IV follows the Senate bill.

The Committees note that the changes made by title IV are purely technical in nature and are meant to have no substantive impact.

S. 64, A BILL TO ESTABLISH A NATIONAL COMMISSION TO STUDY LENGTHENING THE SCHOOL YEAR

Mr. PELL. Mr. President, last evening the Senate approved and sent to the House, S. 64, which would establish a National Commission on a Longer School Year. I believe this bill is an important initiative, and I am proud to have been a cosponsor. It would not mandate an increase in the length of the school year, even though that is something that I, personally, believe should be done. Instead, it would establish a national commission to study the feasibility of lengthening the school year and then to report its findings to the President and Congress.

I have a strong, long-held interest in a longer school year. For years, I have carried with me a chart showing how the United States ranks with other nations. We do not fare well. The average length of the school year in the United States is 180 days. In Japan, however, it is 243. In South Korea, 220; in Italy,

216; in the Soviet Union, 210; in Thailand, 200; in the United Kingdom, 196; in Canada, 196; and in France, 190.

American students today spend more than half of the year not in school but on vacation. To my mind, if we are to retain our leadership in the world economy we need to take a very careful look at increasing the length of the school year.

I must point out, however, that any such action must also be accompanied by a commensurate increase in teacher pay. It would be unwise, indeed, to increase the length of the school year and not recognize the additional demands that would be placed on our teachers.

I understand that the administration may well be interested not only in the idea of a longer school year but also in the concept of a longer school-day. I believe we would all welcome their active participation and support for this legislation. For my own part, I would most definitely welcome the opportunity to work with them in examining the merits of lengthening the schoolday.

The two amendments that were a part of S. 64 are also important. The enactment of authorizing language for the national writing project is something that has been of great concern to Senator COCHRAN, and I am very glad that we were able to accommodate him in this area. He has worked hard to secure appropriations for this program, and the enactment of authorizing language would mean that the funds already appropriated would not lapse.

We also seek in the legislation we passed yesterday to reauthorize the Bicentennial Competition on the Constitution and change its name to We the People. This is the highly successful education program on our Constitution run by the Center for Civic Education under the able leadership of Chuck Quigley. This program enjoys widespread support and is generally recognized as the best education program to come out of the Commission on the Bicentennial of the Constitution. It would be a shame, indeed, if we did not continue this program beyond the life of the Commission, and that is just what our legislation seeks to do.

Mr. President, this is a small, but important piece of legislation, and I am very pleased that we have been able to take favorable action and send this bill to our colleagues in the House for their consideration.

SENATOR MOYNIHAN: STILL RIGHT AS RAIN ON SOCIAL SECURITY

Mr. HOLLINGS. Mr. President, our distinguished colleague PAT MOYNIHAN is, with good reason, recognized as the Senate's foremost champion and watchdog of the Social Security Program. In part, this is a function of his chairmanship of the Finance Subcommittee on Social Security. But even more so it is due to the simple fact that no other Senator—and few other Americans—can match Senator MOYNIHAN's knowledge of the Social Security Program, its historical evolution, its financing, and its impact on the social fabric of our Nation. On this issue, Senator MOYNIHAN combines the sharp insights of an Ivy League professor with the protective instincts of a subcommittee chairman. It is a formidable combination.

Right to the point of the Social Security payroll tax, Senator MOYNIHAN is right as rain in insisting that this excessive and regressive tax be cut. Today, that payroll tax is generating vast revenues in excess of the current expenses of the Social Security Program. The crux of the problem is that, concerning the Social Security trust fund, there is no trust and no fund. Every last dime in this de facto slush fund is being siphoned off to cover the general operating expenses of the Government. At best, this is an outrageous hoax. At worse it is simple criminal fraud. Either way, it is high time to put a stop to it.

Mr. President, there is an old maxim in this body that first-rate Senators hire first-rate staff, and certainly Senator MOYNIHAN is a good case in point. Both on his subcommittee and on his personal staff, Senator MOYNIHAN has assembled an exceptionally knowledgeable and competent team to advise him on Social Security issues. One of those experts, Eduard Lopez, published a superb article in the April 22 issue of the New Republic on the financing of the Social Security Program. I ask unanimous consent that the article be reprinted in the RECORD at the conclusion of my remarks.

Mr. President, Senator MOYNIHAN knows that he has my energetic support in his campaign to roll back the Social Security payroll tax and to put the Social Security System on a sound, pay-as-you-go basis. I am confident that a solid majority of our Senate colleagues will agree that this tax cut is a matter of basic equity and fairness to working Americans.

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

DÉJÀ VIEWS

(By Edward A. Lopez)

The setting is Washington, D.C. A political debate is under way on the subject of Social Security taxes. A senator has denounced the Social Security financing arrangements favored by the president of another party. The scheme involves the buildup of large reserves, invested in Treasury bonds, to pay benefits at a far future date. The senator, a member of the Finance Committee, charges trickery: the funds are being used to finance budget deficits, and the tax burden falls disproportionately on those least able to pay. There are liberals and conservatves on both sides of the debate.

Daniel Patrick Moynihan versus George Bush, right? Wrong. The senator was Arthur Vandenberg, a Republican from Michigan, and the president was Franklin Delano Roosevelt. The year was 1937. The debate was the first of only two in the history of Social Security over the fundamental question of whether the program should be financed as a reserve plan or on a pay-as-you-go basis (that is, whether the system should build a reserve to pay future benefits, or simply schedule future tax rate increases to handle projected costs). The debate lasted three years and was finally resolved in favor of pay-as-you-go on recommendations from a bipartisan advisory council.

The second debate now comes fifty years later. Is there anything to be learned from the first in the context of the second?

The Social Security Act of 1935 was developed by President Roosevelt's Committee on Economic Security, which was headed by Labor Secretary Frances Perkins. The act established payroll taxes for employees and employers, set at a rate of 1 percent each starting in 1937 and scheduled to rise incrementally to 3 percent by 1949. Wages in excess of $3,000 per year were not taxable. The act also established earnings-related old-age benefits, which were scheduled to begin in 1942. The financing arrangements called for accumulating a reserve of $47 billion by 1980 to cover anticipated costs as the system matured.

Roosevelt's contribution to the plan was his specific instruction that it be financed from employee and employer payroll taxes. The main factor in Roosevelt's thinking was his belief that the program should be on an insurance model. Social Security was not to be a welfare program. People would establish entitlement to benefits through their work and contributions. This way, Roosevelt hoped, the program would enjoy enough popular support to survive any subsequent attempts at political sabotage. Another key factor, however, was more practical. The payroll tax would start in 1937 and benefits would not begin until 1942. Payroll tax revenues would be invested in U.S. Treasury bonds. The Treasury could thus use the money for years to finance other New Deal programs.

The financing debate began soon after enactment in August 1935. Republican presidential candidate Alf Landon charged that billions of dollars would be raised and wasted by Washington big spenders. This wasn't an extreme position. Similar views were expressed by the AFL, the U.S. Chamber of Commerce, and The New York Times, keynesian economists voiced concern about the effects on a weak economy of raising so much more in Social Security taxes than would be immediately spent on benefits.

The debate was stepped up in January 1937 when the payroll taxes went into effect. Senator Vandenberg questioned the fiscal prudence and political viability of building up a $47 billion Social Security reserve. The envisaged reserve would be more than enough money to buy all the farms in the United States. That such a fund "would remain intact and not suffer periodical depletions," the senator declared, "is more than human nature in a political democracy can rationally anticipate." He recommended that benefits begin sooner, that the tax rate increase scheduled for 1940 be postponed, and that the fund's accumulation be limited.

Eventually a commission was set up to investigate the financing method. The first Social Security Advisory Council was appointed in May 1937, the same month the Social Security Act was held to be constitutional. The council deliberated for a year and a half. Business delegates wanted to resolve the issue in favor of a pay-as-you-go plan. A council member from the CIO wanted to keep the reserves and use them to finance construction projects. In April 1938 Senator Henry Cabot Lodge proposed cutting payroll taxes by almost half. The economy was in a recession and the tax cut would be remedial, he argued. The Senate rejected the proposal, but Roosevelt was worried enough to ask the council to report before the next session of Congress in January 1939.

The council's report came out in December 1938. It recommended new benefits for wives and widows and children, and proposed that benefit payments begin two years earlier, in 1940. The benefit expansion and accelerated start-up meant something of a retreat from the existing reserve financing plan, since the increased spending would mean a smaller fund accumulation. On the question of financing, the council recommended a "reasonable contingency reserve." Congress enacted the council's recommendations, and also postponed the 1940 tax rate increase, in the Social Security Amendments of 1939. Social Security was managed on a pay-as-you-go basis for the next fifty years.

Well, almost. In 1977 the Social Security system was in financing trouble. Inflation was in double digits, and benefits were indexed to inflation according to a faulty formula enacted in 1972 that actually overindexed benefits in times of very high inflation. The formula was modified, but Congress took the opportunity to inject more near-term revenues into the system by accelerating the increases in the tax rate schedule. For example, a rate increase scheduled for 2011 (to garner more revenues when the baby boomers start to retire) was moved up to 1990. By 1983 the system faced another crisis caused by still high inflation and the 1981–82 recession, which curtailed revenues. Benefit outlays were trimmed and the tax rate increase schedule was further accelerated.

The 1977 and 1983 revisions represented a reversal in financing policy, but the shift was hardly debated. As a result of the change, the Social Security system is projected to build a reserve over the next thirty-five years of some $9 trillion in Treasury debt. The reserve now stands at roughly $240 billion, or close to a year's worth of benefits—a reasonable contingency reserve. But it is rising by more than $1 billion a week this year, a rate that will rise to $2 billion by 1996 and $3 billion a week by 2000. The last rate hike planned in current law went into effect on January 1, 1990. The rate is now 6.2 percent each for both employers and employees (excluding 1.45 percent for Medicare). Before 1977 this was the rate planned for 2011. If we were to go back to pay-as-you-go financing, we would not need this rate until 2015.

On the eve of the last rate increase, Senator Daniel Patrick Moynihan, for whom I work, announced a proposal to cut the Social Security tax rate to 5.1 percent. We should, he said, go back to pay-as-you-go financing, with a reasonable contingency reserve. (Robert J. Myers, who served as Social Security chief actuary for twenty-three years and was on the staff of Roosevelt's Committee on Economic Security, had been urging this for years). Moynihan's main argument has been that large sums of Social Security revenue are being used to finance budget deficits, violating the integrity of the Social Security trust funds and making government finance more regressive. This year he added a new twist: the economy is in a recession and the tax cut will provide a needed stimulus.

Sound familiar? An element common to both debates is an underyling polemic that is political in nature but produces unusual political allies and opponents. In the first debate Republicans Alf Landon and Arthur Vandenberg tried to exploit the financing issue in order to undermine Roosevelt's success with the New Deal. By focusing their attack on the financing of Social Security, they found allies in those who supported the program but had concerns about its financing aspects, including liberals in the labor movement and the Keynesians. On the other side, Roosevelt was defending a financing system considered by many liberals to be too conservative for its reliance on regressive payroll taxes.

In the current debate the Moynihan proposal was quickly seen by many liberals as a good political issue for the Democrats. New York Governor Mario Cuomo and Democratic National Committee chairman Ron Brown believed it would be a good counterpoint to President Bush's proposed capital gains tax cut. (A year later Senate Majority Leader George Mitchell endorsed the plan.) They also recognized an opportunity to steal the tax-cut issue from the Republicans. Many conservatives embraced the proposal too because it was, after all, a tax cut, and perhaps because they feared losing the tax-cut issue to Democrats. But many conservatives and liberals, such as President Bush and House Ways and Means Committee chairman Dan Rostenkowski, opposed the idea because they were worried about having to make up to revenue loss with other tax increases.

Another element common to both debates is the concern over the use of Social Security reserves to finance other government programs. The first time around, conservatives feared that the availability of the funds would lead to a socialistic expansion of government programs. They also said that the reserve would inevitably tempt Congress to liberalize Social Security benefits and create larger obligations for the future. Five decades later Moynihan has argued that the government's growing reliance on payroll-tax revenue is shifting the fiscal burden to low- and middle-income workers. He also seems to share the conservative concern of the 1930s that Congress cannot be trusted with large Social Security reserves.

A third common element is the economic argument that a Social Security tax cut would help an ailing economy. In 1936–37 the country was in a recession. Some, perhaps, took the opportunity to urge a payroll tax cut for political gain. But Keynesian economists also argued for a tax-cut stimulus, eager to give their new views practical application and effect. The government, however, was unwilling to give up the money. In 1991 we are again in a recession. Some supply-side and Keynesian economists argue that a Social Security tax cut would be a good economic stimulus. Others are worried about the budget deficit and the potential effect on interest rates of cutting Social Security taxes. The governments is still unwilling to give up the money.

One thing at least can be learned from all of this. In 1937–38 a bipartisan advisory council thrashed out fundamental political, social, and economic issues in order to resolve the first debate. Labor representatives on the council wanted to spend the reserves on works projects to create jobs. Some economists and business representatives wanted to go to pay-as-you-go financing. The Roosevelt administration wanted to keep the reserve plan. In the end, the council proposed new benefits and a reasonable contingency reserve. The benefit expansion pleased liberal critics and the retreat from reserve financing satisfied others. Roosevelt got to keep his Social Security program financed with payroll taxes. A political compromise, to be sure. But one that worked well for more than fifty years. And one based on sound financing principles that we should now return to.

(The remarks of Mr. LOTT pertaining to the introduction of S. 848 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DALAI LAMA AND TIBET

Mr. KERRY. Mr. President, it is ironic and disturbing that in this year in which the United States committed its military might, its political will, its financial muscle, and the blood of its soldiers to wrest the tiny emirate of Kuwait from the ruthless invasion of a neighboring giant, Iraq, the United States has yet to express an adequate outrage over the plight of Tibet and the similar invasion and occupation it has suffered at the hands of the Government of China.

We are about to honor the Dalai Lama, but we are not honoring the Dalai Lama in the way many of us wanted to. We wanted to have a joint meeting of the U.S. Congress. That joint meeting is not taking place because of various reasons, but I think most realistically because we do not want to offend China.

In disregard of the principles of support for democracy and self-determination and human rights that the United States has always stood for around the world, we continue to permit the administration to support Beijing in its illegal, illegitimate, and wrongful efforts to retain its hold on Tibet.

This is the policy of real-politik that we have engaged in since Henry Kissinger and Richard Nixon broke the barriers toward a relationship between the United States and China. I do not want to see that relationship broken. China is far too important a country to ever again be as isolated as it was in the decades after the revolution. But I do believe that it is in the interests of the United States, of the rest of the world, and of China itself, for the United States to take the strongest possible stand on Chinese violations of human rights and democracy at home, and Chinese imperialism and conquest abroad.

China's conquest and annexation of Tibet has caused decades of suffering and deformation upon the Tibetan people. China's approach to subjugating Tibet has been, unfortunately, all too similar to Saddam Hussein's approach to subjugating Kuwait—killing those

who resist, stripping the country of resources, and occupying it, in disregard of the human rights and basic needs of the people. China has stolen Tibet from its people, and the United States should never, for a moment, suggest that this is acceptable to us.

As the Boston Globe editorialized recently:

To undo Iraq's annexation of Kuwait, Bush forged a coalition of 30 countries and waged the most intensive bombing campaign history has ever known. His response to China's brutal efforts to exterminate the culture, religion, and nationhood of Tibet has been a timorous acquiescence to Beijing's line—that it will not tolerate interference in the internal affairs of China.

Tibet is about as much an internal province of China as Kuwait is an internal province of Iraq. The difference is we have tolerated China's rule of Tibet almost as if we did not care about the people, while we put everything we had into recovering Kuwait.

Maybe the difference is about oil. Maybe the difference is about the Middle East. But if you look at the impact on people, there is no difference. And the United States needs to use, at the least, some of our wide panoply of resources to demonstrate to China that its policy toward Tibet must change.

The Soviet Union for years suffered economically not only because of the ineptitude of management under a Communist system, but also because the West, led by the United States, cut off the Soviet Union from the cream of Western aid and Western technologies.

If China wants to advance as it ought to, and to assume its full place in the community of nations for the long term, it will need to find a way to democratize internally, and cease oppressing its neighbors, particularly Tibet.

We should impose economic sanctions on China which are significant enough to send a message to the current regime that the principles we fought for in the gulf do not apply only to Saddam Hussein.

The irony is that the Tibetan people themselves are represented during this period of suffering by a man who epitomizes the opposite approach to life from that of conquest and aggression. The Dalai Lama is not merely the religious leader of the Tibetan people, and thus the living symbol in exile of the nationhood that has been otherwise denied them by the Chinese; the Dalai Lama is also a calm and moral man who asks each of us to find in truth a "kinder, gentler" world.

President Bush has talked of how he wants human progress to be led by people from all over the land working as individuals to better the world, which he calls "a thousand points of light."

The Dalai Lama's life has been dedicated to trying to restore even a single point of light to the Tibet he was forced to flee from by the Chinese invasion four decades ago.

The people of Tibet live for the day of freedom. They have the right to wonder why we are not doing more to help them in their fight. Mr. President, we have resolved in the past to help Tibet. But it is up to the President to carry the message to the Chinese. I hope every Member of this institution will take this up with the White House, and that the cause of the Tibetan people will never be forgotten until they are free.

I ask unanimous consent that the Boston Globe editorial, "Another Kowtow to Beijing" be printed in the RECORD.

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

[From the Boston Globe, Mar. 29, 1991]

ANOTHER KOWTOW TO BEIJING

In his latest gesture to the regime in Beijing, President Bush seems to be saying that some invaders of their neighbors are more equal than others.

Four decades ago, China did to Tibet what Saddam Hussein tried to do to Kuwait. More than a million Tibetans have perished as a consequence of China's genocidal occupation of their country.

To undo Iraq's annexation of Kuwait, Bush forged a coalition of 30 countries and waged the most intensive bombing campaign history has ever known. His response to China's brutal efforts to exterminate the culture, religion and nationhood of Tibet has been a timorous acquiescence to Beijing's line—that it will not tolerate interference in the internal affairs of China.

Bush gave the masterminds of the Tiananmen massacre a flagrant proof of his docility when he thwarted an address that the Dalai Lama was to have given to a joint session of Congress on April 16. To preclude an event that would have peeved the heirs of Mao Tse-tung, the administration sponsored an appearance on the same date by Violeta Chamorro, the Nicaraguan president whose election Bush originally celebrated as a victory over the Red menace in Central America.

Fortunately, as compensation for the joint-session address that the administration sabotaged, the Dalai Lama will be able to speak for his people's survival at a special ceremony in the Capitol rotunda on April 18.

The legislators who arranged this ceremony are to be commended. However modestly, they are defending the principle that Saddam's theft of Kuwait is no less intolerable than the Soviet occupation of the Baltic nations, Indonesia's annexation of East Timor, or China's colonization of Tibet. A new world order, if it is to be truly just, can be founded only on this principle.

Less admirable is the inconstancy of the Democratic leadership in Congress. Having originally supported a joint session for the Dalai Lama, Democrats fearful of defying a popular president on an issue of foreign policy reneged on their word. Their fear of Bush may be less blatant than his subservience to the rulers in Beijing, but it is shameful nonetheless.

The imperious attitude of the Chinese regime was on display in nearly identical letters its consulate in New York sent on March 20 to the presidents of Cornell University and Massachusetts Institute of Technology. Seeking to prevent appearances by the Dalai Lama this week at those colleges, the deputy consul general wrote:

"The Chinese government resolutely opposes his visits to other countries in whatever capacity and under whatever reason to deliver reports distorting Tibet's history and current situation or advocating 'Tibetan independence.' It also opposes any country that takes advantage of the 'Tibet issue' to interfere in China's internal affairs." The letter concluded with the "hope that you would kindly use your influence to handle this matter properly."

The presidents of Cornell and MIT resisted this attempt to interfere in the internal affairs of their universities. The president of the United States should have been no less resistant to Chinese interference in the affairs of his country.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 12 o'clock.

Thereupon, at 11 a.m., the Senate recessed until 12:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BOREN].

FUTURES TRADING PRACTICES ACT

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Bond-Wirth-Garn amendment No. 68, to make applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by an insured depository institution or credit union, or a Federal or State branch or agency of a foreign bank.

(2) Bond-Wirth amendment No. 69, to improve intermarket coordination.

Mr. DOLE. Mr. President, I consider a compromise to be a process through which adjustments and concessions are made on all sides in order to reach a settlement. While we may not have a settlement in this case, since nothing is a done deal until the votes are in, the ink is dry, and the bill is on the President's desk, I believe that everyone will agree that adjustments and concessions have been made on all sides with respect to the futures groups

and their primary regulator and the securities groups and their primary regulator.

The compromise legislation before us, as modified by the committee amendment, is the result of exhaustive work by the distinguished Senator from Vermont, the chairman of the Agriculture Committee, and the distinguished Senator from Indiana, the ranking Republican on that committee, who have done an excellent job at piecing a bill together that is sensitive to all sides of a controversy that has been going on for 3 years.

PROCESS WAS FAIR

While certain groups and individuals have taken issue with the process followed in the resolution of issues and the drafting of the legislation before us, I must emphasize, Mr. President, that this legislation is the result of over 3 years of work and countless meetings, studies, hearings, and reports. In my book, Mr. President, nothing could be fairer.

I also wish to emphasize that this compromise is the result of extensive negotiations in recent weeks—and I emphasize extensive—between officials at the Treasury Department and those at the CFTC since S. 207 was unanimously reported by the Agriculture Committee on March 6.

I believe it is fair to say that everyone knew that these negotiations were going on, that the purpose of these negotiations was to achieve a compromise, and that any interested parties could have availed themselves of the opportunity to offer their suggestions and input into the shaping of that compromise.

When we embarked on the path of crafting this legislation, we all knew that any bill addressing the issues set forth in title III has by its very nature all the makings for dispute and controversy given that it touches on such highly sensitive matters as jurisdiction between regulatory agencies, jurisdiction between congressional committees, and jurisdiction among futures exchanges, stock exchanges, and other financial organizations for the right to trade financial products worth literally billions of dollars.

In addition, the fact that this legislation deals with some of the most complicated and technical matters that this body can consider has not made the situation any easier to deal with.

Although the bill before us, as modified by the committee amendment, by no means satisfies everyone who has an interest in this legislation, it does represent the closest we have come after 3 years of debate and squabbling to resolving these seemingly intractable problems.

As I read the two alternatives we are considering—S. 207 as modified by the committee amendment, and the Bond-Wirth proposal, the issue boils down to hybrids and who decides who gets to trade hybrids and who gets to regulate hybrids.

We have heard testimony on these issues and talked to all the experts and I feel it is fair to say that there is an impressive consensus out there shared by the Treasury Department, the CFTC, segments of the securities industry, the futures industry, and a host of other groups representing a broad scope of interests who believe that S. 207—including the hybrid provision—is an improvement over current law and stalemate.

Mr. President, we started out on the course of drafting this legislation with the purpose and intention of ensuring tighter regulation over—and coordination among—this Nation's financial markets that over the last decade have become increasingly related and interdependent.

The historic 508-point stock market break of October 1987 and subsequent market disruptions underscored the need for congressional intervention on the critical issue of market regulation, and it is my deepest concern and regret that it has taken us over 3 years to get where we are today.

The American public is not getting its money's worth if we continue to delay and bicker over the passage and implementation of this legislation.

We are all in agreement that title I contains critical reauthorization language for the CFTC and title II gives the CFTC important and much-needed regulatory tools and responsibilities with respect to its oversight role over the futures markets. Let us not stop these important reforms when it comes to title III which makes a serious and solid attempt to deal with the jurisdictional issues stemming from the need to better coordinate the futures and stock markets by reforming margin oversight on stock index futures and providing a way to determine whether a product should be traded and regulated as a future or a security.

Mr. President, the issues raised in this legislation are extremely important and certainly no good comes—and indeed possibly a great deal of harm may come—from further procrastination.

I know that there are Members on both sides of the aisle who have concerns over S. 207 and its impact on the securities markets. I think, however, that after 3 years of meetings, countless studies by the experts, and hours upon hours of negotiations, the time has come to put jurisdictional politics aside and support the important policy reforms—reforms that are supported by the Secretary of the Treasury and the CFTC—which are contained in this legislation.

So, Mr. President, for all the reasons I have stated—and I believe it will be settled today—I also want to commend my distinguished friend from the State of Illinois, who has worked long and hard on this legislation, and many others who have certainly been actively involved and personally involved. I hope we can resolve the issue today and pass this legislation and defeat the Bond-Wirth amendments and go on and get it out of here and get it resolved after 3 years of work.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, first, I want to express my personal appreciation to my distinguished colleague and warm friend, the senior Senator from Kansas, who has been a formidable leader here for many, many years. He has been a fair and very decent person in respect to this very contentious matter now for a period of time spanning over 3 years, and in his sage counsel this morning.

I hope Members on both sides will pay close attention to this bill, S. 207, which is an accommodation of honor. It is a compromise.

The distinguished senior Senator from Kansas, who has spent so many years here, has been involved in a lot of compromises.

While I am only in my 11th year in the U.S. Senate, Mr. President, I served 20 years in the Illinois Legislature; 12 years in the Illinois House; 8 years in the Illinois Senate—leadership in both bodies—and I guess I have voted for thousands of compromises in my life, most of which did not totally suit me.

May I say, Mr. President, to my friend from Kansas that this one does not totally suit me, but this is a compromise. My friend from Kansas, in his usual, careful way, has come right to the heart of the situation in suggesting that we ought to get this behind us.

I simply want to say, in the Banking Committee the other day, Secretary Glauber of Treasury was there, and he said something I think is so wise: "Let us not ruin a good bill to try to get one that some of us think would be a better bill."

This is a good bill. It deals with a problem that has been before us for so long.

Mr. President, I am saying to the distinguished Senator who was in the cloakroom with me a moment ago, and who is now in the chair, Senator DASCHLE, "what an inside dispute." The Washington Post is our newspaper here in this town that reports fully on what we do.

Mr. President, you could read the whole Washington Post today from cover to cover; there is not one line about this debate that has consumed this whole week, this whole week.

We have been on nothing but this bill either in the committee or on this floor. There is not one jot, one line, one paragraph anywhere in the Post, either in the news or on the editorial page,

about this inside dispute, which is largely a turf battle.

Mr. President, I hope my colleagues and friends of all different political persuasions will remember this simple truth as we come here to vote about noon today. This whole thing arose out of the stock market crash of 3½ years ago when the Dow dropped 508 points. The distinguished Secretary of the Treasury, whose imprimatur is on this bill, S. 207, who embraces this and who through his responsible efforts brought about this compromise, came before us as a head of the Brady Commission, made four recommendations to the Congress to be done to solve this whole problem. Every one of them has been done, the circuit breakers, the communications between the markets, and so forth; all of that has been done. The only thing left that has not been done is the question of margins.

In this very title III that my friend, the Senator from Missouri, KIT BOND would attack we have the margins question taken care of finally.

There is not anybody in the Chicago market, may I say to my friend from Kansas, or this Senate that likes that. They will live with it. So I say there is a responsible result.

What does it simplistically do? It just simplistically says look, there are a whole bunch of instruments out there we call hybrids; you cannot tell whether it is truly a stock or truly a futures contract. As to all those hybrids that nobody can really figure out which agency they belong in, if they are more than 50 percent of future contracts they could go under the CFTC; if they are more then 50 percent a stock they go under the SEC. What could be fairer than that? Put them where they belong.

Some say, oh, let them pick their own market. Let me tell you the last time we tried that in deregulation—and that was recommended by the same chairman of the SEC—that was in the thrift experience. It did not turn out very well at all.

I think we need regulation to protect the consumer, to protect the marketplace. And that is what we do in this legislation. I think it is a piece of legislation nobody likes very much, but it is a piece of legislation that accurately deals with the problem in an accommodation of honor between people of all different political persuasions.

I would say, Mr. President, to my colleagues and friends here, let us settle this contentious thing that we have lived with all these years, since the stock market crash; let us get rid of it today; let us reject the Bond-Wirth amendment and vote for S. 207 and send it to the conference and determine finally what is to be done.

I thank very much the President and my colleagues and will appreciate a vote against Bond-Wirth and a vote for this bill.

Mr. HARKIN. Mr. President, I rise in support of S. 207 as reported by the Committee on Agriculture, Nutrition, and Forestry, and as modified by the committee amendment.

Chairman LEAHY andd Senator LUGAR have done an excellent skillful job in working out a compromise on the very complicated and contentious issues in this legislation. I urge my colleagues to vote in favor of this measure without subjecting it to amendments that would weaken the legislation and the protections it provides to agriculture and other commodity-based industries, investors, and the public.

The history of this legislation has been recounted before in this debate, but I believe it merits a brief revisiting. The Agriculture Committee reported out a strong piece of legislation in November 1989 to reauthorize and strengthen the Commodity Futures Trading Commission and to provide important new regulatory safeguards and protections relating to futures trading.

That legislation was developed in response to momentous events involving the futures exchanges that undermined confidence in the honesty and integrity of those markets and raised questions about the effectiveness of the Federal system for regulation of futures trading.

As a Senator representing one of our leading agricultural States, I want to underscore the critical importance of the futures market to the agricultural community, to farmers and to anyone buying or selling agricultural commodities. Farmers, grain elevator operators and others need markets that they know to be honest and that they can use with confidence for hedging and management of risks associated with movements in commodity prices. But price movements in the futures markets affect not only those who trade in the markets. The cash prices that farmers receive are set largely in reliance on the futures markets.

And just as the futures markets are important to agriculture, they are also indispensable to the whole range of industries and businesses that deal with commodities and are affected by movements in their prices.

Moreover, in recent years the futures markets have assumed a broader and extremely important role in helping investors manage risks associated with movements in the financial markets.

Those in agriculture and other industries who depend on the futures markets need markets that are honest and that they can use with confidence. Investors will not use these markets if they do not have confidence in their integrity. And because of the importance of the futures markets to many segments of our economy and, indeed to our Nation's economy as a whole, the public has an important stake in ensuring the integrity of the futures markets and maintaining confidence in their functioning.

Mr. President, I would like to note a few of the provisions of the first two titles of the bill that I believe are particularly significant from the standpoint of improving the regulations of futures trading and increasing protection for those in agriculture, investors, and the public.

The bill reauthorizes the CFTC and increases the authorized levels of spending by the agency in order to enhance its regulatory capabilities. The bill gives the CFTC new authority and powers to regulate futures trading and prevent abuses.

The bill requires the futures exchanges to develop computerized audit trials to reduce the potential for fraud in executing and recording transactions.

The bill suspends dual trading unless the exchanges have systems to police the activity adequately.

The bill also requires futures exchanges to take steps to prevent conflicts of interest in exchange actions, to prevent insider deals, and to broaden representation on governing boards to include farmers and others who are affected by the exchanges' actions. These provisions are especially important to give farmers, the public and others affected by exchange decisions a voice in the decisionmaking process.

The bill provides for civil punitive damages and higher penalties for trading violations.

Unfortunately, these improvements in the regulation of futures trading that are so important to agriculture, investors and the public have been held in limbo as a debate has raged about which Federal agency will have regulatory jurisdiction over certain financial futures. Notwithstanding the assertions that have been made, this is a battle over the turf of regulatory agencies.

The bill reported by the Agriculture Committee, and as modified by the committee amendment, contains a rigorously nogotiated compromise that deals fairly with the competing interests and the controversy involved in the jurisdictional question. The bill represents a truly significant compromise on the issue of jurisdiction over certain products that have attributes of both futures and securities.

The jurisdictional issues had their genesis chiefly in the concerns which arose after the October 1987 stock market crash that insufficient mechanisms were in place to regulate the margin requirements for stock index futures. The controversy surrounding that issue is fully resolved in S. 207. The bill contains a compromise that lessens the CFTC's authority with respect to stock index futures margins and gives the Federal Reserve Board oversight powers regarding the margin requirements for these futures. The Agriculture

Committee's bill thus eliminates the controversy on this root issue in the jurisdictional battle.

However, the critics of the existing futures regulatory system have broadened their arguments and expanded the jurisdictional issues far beyond the matter of regulating margins on stock index futures. The Agriculture Committee dealt with these issues as well, reaching compromises that are fair and that reflect sound policy.

In the debate on these jurisdiction issues there has been a lot of talk about the importance of encouraging financial innovation and promoting fair competition. These matters are seen as very important in maintaining the United States' role in global financial markets.

S. 207, however, allows ample opportunity for innovation. The CFTC is given broad powers to exempt products in order to facilitate the development of new instruments and trading mechanisms.

The bill establishes a specific test that excludes from CFTC jurisdiction those hybrid financial products as to which less than 50 percent of the return arises from futures or options components subject to CFTC regulation. This provision will determine regulatory jurisdiction as between the CFTC and the SEC based on whether the product is predominantly a futures product or equity product.

Many attempts have been made to craft a test for allocating regulatory jurisidiction between the CFTC and the SEC. While the formulation in S. 207 may not be a perfect test, it is the best that anyone has been able to devise. It is, moreover, a test that makes sound practical sense because it is based on the attributes of the product and the way in which the financial return on the product is obtained.

Index participations, which have been held by a Federal court of appeals to fall under the exclusive jurisdiction of the CFTC under current law, would be allowed to trade on securities exchanges if they were approved or proposed prior to December 31, 1990. This provision thus represents a significant curtailment of the CFTC's jurisdiction.

A number of questions have arisen pertaining to the regulatory status of swap transactions under current law and the manner in which swaps should be treated in legislation dealing with the jurisdiction of the CFTC. S. 207 clarifies the regulatory status of swap agreements by requiring that most of them be exempted from the Commodity Exchange Act.

S. 207 would also exempt from CFTC jurisdiction bank deposits that are not otherwise excluded under the bill's test for jurisdiction of hybrid products. In this regard, I would note that I would be concerned about exempting from CFTC jurisdiction transactions or arrangements that would in fact constitute and function as futures.

Mr. President, I want to point out that this compromise received the unanimous approval of the Agriculture Committee and is supported by the administration in the spirit of compromise. S. 207 has the support of all the major farm and agricultural commodity organizations. Twenty-five of these groups have signed a letter urging support for S. 207 and opposing alternative proposals that would upset the jurisdiction compromise that has been reached.

We must not lose sight of the fact that S. 207 does represent a compromise. By definition that means that not everyone is pleased with it. But it is a fair compromise and it is one that is necessary to move this piece of legislation and the important improvements it contains pertaining to futures trading regulation.

The alternative proposal concerning the jurisdiction issues offered by Senator BOND and Senator WIRTH is unsound from the standpoint of regulatory policy and offers less protection to agriculture, investors and the public.

It has been asserted that S. 207 encroaches on the jurisdiction of the SEC, giving too much power to the CFTC. But in fact the bill carves out a significant segment of the CFTC's statutory jurisdiction under current law and gives that to the SEC. The alternative proposal, by contrast, would shift the balance dramatically in the direction of the SEC, giving it authority to assert jurisdiction over various products that are predominantly futures.

The proponents of the alternative also argue that S. 207 will foster uncertainty and litigation concerning the proper regulator of new hybrid products. Under current law, however, there have been only 2 litigated cases during the existence of the CFTC in which the jurisdiction of the agency was in dispute. S. 207 further clarifies the allocation of jurisdiction between the CFTC and the SEC.

The alternative amendment would also allow the authors of new products to choose the Federal agency by which they will be regulated. This approach is very dubious policy. As others have noted, such a scheme would allow selection of the less rigorous regulator. The sponsor of a product could circumvent the protections applicable to futures trading by labeling it a security. The alternative would thus allow fragmentation of regulation and generate uncertainty in circumstances where clarity is needed.

The jurisdiction provisions of S. 207 are based on the rationale that it is logical and practical to have one regulator with authority over futures products and one regulator with authority over securities products. The bill leaves regulatory jurisdiction with the agency that has been involved in the development of the various innovative products—futures-based products with the CFTC and securities-based products with the SEC. The CFTC has regulatory expertise regarding futures products because that has been the agency's specialty. The SEC does not have such expertise, but would be given the power to regulate futures products under the alternative proposal.

Maintaining the jurisdiction of the CFTC over futures products is very important from the standpoint of ensuring that the regulatory safeguards apply to the trading of futures products. It is generally recognized that trading in futures is more risky than in securities. That is why the Commodity Exchange Act provides specific protections relating to futures trading that are enforced by the CFTC. The SEC does not provide these protections.

The alternative proposal even goes as far as to give the SEC power to remove a futures product from CFTC jurisdiction and allow it to be sold retail without regulation. It would indeed be ironic to adopt in this legislation significant new protections applicable to futures trading and then allow the SEC to exempt futures products from those protections.

It is argued that the CFTC is included to hold the reins too tight, thereby stifling innovation in the financial markets and driving business overseas. The U.S. futures industry has been tremendously innovative under current law. S. 207 gives the CFTC additional authority to exempt innovative products and directs the CFTC to exempt certain products, such as most swap transactions. I cannot subscribe to the argument that innovation requires abandoning the regulation of products that function in practice as futures.

Finally, I want to return to the importance of this legislation to agriculture. It has been said that the issues involved in title III and the Bond-Wirth alternative do not involve farmers. That is not so. The agriculture community has a strong interest in having a regulatory agency with adequate authority and jurisdiction overseeing commodity futures trading. If the CFTC loses authority to regulate trading in futures, either through limitations or a transfer of authority to the SEC, serious doubts would arise about the ability of the CFTC to regulate the agricultural commodity futures trading. The fragmentation of futures trading reflected in the Bond-Wirth proposal also raises the possibility that futures products relating to agricultural commodities could be traded as securities outside CFTC regulation. And I would again note the stated opposition of the major agricultural groups to amending the jurisdiction provisions of S. 207.

49-059 O—95 Vol. 137 (Pt. 6) 38

Mr. President, for these reasons I urge my colleagues to support S. 207 as approved by the Agriculture Committee and to reject efforts to upset the carefully crafted jurisdictional compromise it contains.

AMENDMENT NO. 68

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, in lieu of the amendment that I had reserved the right to offer, I ask unanimous consent that I might have 2 minutes to engage in a colloquy with the floor managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, and I do not intend to object, I wonder if we could expand that to give me the option of having 1 minute in addition after the colloquy in case there are any uncertainties raised in that colloquy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that he be allotted 1 minute following the 2 minutes allotted to the Senator from Texas?

Hearing no objection, without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, a great deal of analysis occurred last night on the pending amendment. Much of the amendment, in the opinion of experts, is already included in the bill that has come out of the Agriculture Committee. There are a couple of additions that I think give some people concern. I think basically we are all in agreement with the intent of this amendment. The intent of this amendment is to exempt legitimate traditional deposits and legitimate traditional loans from the jurisdiction of the CFTC.

I am concerned, however, that in drafting it, since none of us are experts in this area, we have included, for example, loans that are subject to the Truth in Lending Act as exemptions. The Truth in Lending Act is policed by the Federal Trade Commission. The Truth in Lending Act involves finance companies and pawnshops. I do not think any of us knows the ramifications of that. I think there are some concerns about foreign banks. There are concerns about the absence of a definition of loans.

But, Mr. President, in a spirit of accommodation so that we can solve this contentious issue, I am prepared to support this amendment. I want, however, to ask the assurance of the Republican floor manager, recognizing these complicated areas where we do not have expertise, that the floor manager will take into account what we are trying to do here and will look at finance companies and pawnshops, foreign banks, and the whole definition of loans and of deposits. I hope that he will do that to assure that, in the final bill, since there is no provision in the House bill, we are doing what we intend to do, which is to exempt traditional deposits and traditional loans.

Mr. LUGAR. I am very pleased to respond to the distinguished Senator from Texas. I agree with him. However, in the interest of proceeding with completion of the bill, I will join him in support of the amendment offered by Senator BOND. But I indicate to the Senator from Texas that my support is not without reservation.

I am concerned that, by excluding from the CFTC regulation all instruments that are called deposits or loans, we may be unintentionally opening up the door for development of unregulated futures products, and that concerns me. I am also concerned we might be tipping the playing field, and that concerns me. But I respond by indicating those concerns will be with us when we proceed to the conference.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I begin by extending my sincerest thanks to my colleagues, the distinguished Senator from Indiana and my good friend the Senator from Texas. I appreciate very much their support on this vitally important matter. We have, as I indicated last night in the debates, discussed this extensively with Federal Reserve Chairman Greenspan and his staff, who have been very helpful. It was their clear indication this language is appropriate. There are definitions in the law on deposits. They say that the common law with respect to the definition of a loan is very clear. They urge the support of this amendment. I have a letter from Chairman Greenspan, dated this morning, for anyone who wishes further confirmation. I thank my colleagues and I urge all colleagues to support this vitally important amendment.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, notwithstanding any other unanimous-consent agreement, I ask unanimous consent to proceed for 3 minutes on the Bond-Wirth amendment covering bank deposits.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, if we are going to have a continuing debate on this, I would ask for the same time.

Mr. LEAHY. I include that as part of my request.

The PRESIDING OFFICER. Is there objection? Without objection the Senator from Vermont has 3 minutes and the Senator from Missouri has 3 minutes.

Mr. LEAHY. Mr. President, yesterday, in order to move this bill forward and take at least one controversy off the table, I offered to accept a provision of the Bond-Wirth amendment covering bank deposits. S. 207, as reported from the Agriculture Committee, requires the CFTC to exempt bank deposits containing CFTC-regulated futures or options components if they met a "public interest" test. The Bond-Wirth provision excludes these products directly from commodity laws.

The Banking Committee insisted, however, that this amendment be widened to include also an undefined range of bank loans.

I did not consider the bank loan provision necessary. In fact, I have heard from many interested groups since yesterday on this issue raising concerns that the language could have adverse effects.

I received a memo from the Securities Industry Association raising strong concerns about it. I ask unanimous consent that that memo be printed in the RECORD.

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

APRIL 18, 1991.

MEMORANDUM FOR SECURITIES INDUSTRY ASSOCIATION

Re Proposed Bond-Wirth amendment to S. 207 relating to bank deposits and loans.

The captioned amendment proposes an exclusion from the Commodity Exchange Act for bank deposits, bank loans and consumer credit loans.

The proposed amendment would have a number of potential adverse consequences.

Because the exclusion is not subject to any substantive limitation, the scope of the activity that may be conducted under the exclusion is unclear and potentially extremely broad, including the offer of futures- and option-like instruments directly to the general public.

This would afford banks and unjustified competitive advantage both over securities broker-dealers, who have no similar exclusion, as well as futures exchanges, whose activities are subject to extensive CFTC regulation. This is entirely inconsistent with the notion of a level regulatory playing field to promote fair and efficient competition.

Moreover, insofar as the exclusion extends to consumer credit transactions, it would also apply to transactions which do not necessarily involve banks, such as pawn shop and car sales financings.

As important, under an exclusion, the covered activities would no longer be subject to a public interest determination by the Commodity Futures Trading Commission (CFTC). As a result, the Commission would not be in a position to take steps to protect the public interest should developments warrant such action in the future. This is particularly troubling in light of the potential scope of the excluded activities and involvement of the general public. In the event of unanticipated adverse developments, either

in terms of adverse impacts on the futures markets, or inventor protection concerns, the CFTC will have no ability to take protective action. Unlike securities, transactions in bank deposits and loans are not subject to a parallel regulatory scheme focused on investor and market protection.

Mr. LEAHY. Mr. President, I still intend to accept the amendment, and support it. I note, however, that the House does not have a similar provision. Before going to conference with the House, I will confer with responsible regulatory officials to make sure that this language will not create a danger to public investors. Out of fairness to the Senator from Missouri and others supporting it, I should note that.

If I have any time remaining of my 3 minutes, I yield it back.

Mr. BOND. Mr. President, again, I thank the distinguished chairman of the Agriculture Committee, my good friend, for his accommodation today and last night. I assure him, as I have my colleagues, that the language has at least been approved by the Federal Reserve, and I will ask that the letter of today's date from Chairman Greenspan be printed in the RECORD.

I make one final point with respect to the need for this legislation. I pointed out last night that, in December of 1987, the CFTC at that time proposed an exemption for bank deposits, which would require approval of the CFTC for the issuance of bank deposits, which are under the jurisdiction of banking regulators. For that reason, the Federal Reserve and other bank regulators feel this amendment is vitally necessary.

With that, Mr. President, I send this letter to the desk and ask unanimous consent that it be printed in the RECORD.

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

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, April 18, 1991.

Hon. CHRISTOPHER S. BOND,
Committee on Banking, Housing and Urban Affairs, U.S. Senate,
Washington, DC.

DEAR SENATOR: I understand that the Senate is considering additional amendments to S. 207, as modified by amendments transmitted by Chairman Gramm of the Commodity Futures Trading Commission to the Chairman of the Senate Agriculture Committee by the letter dated April 9, 1991 ("CFTC Alternative"). These additional amendments would add to the CFTC Alternative an exclusion from the CFTC's jurisdiction for certain deposits at insured banks and certain loans made by these banks. I understand that these additional amendments would be considered as a substitute for the language that accompanied your letter to the April 12, 1991 ("Bond-Wirth Alternative").

As you are aware, I have previously indicated that the exclusivity provisions of S. 207, as passed by the Senate Agriculture Committee, would preserve impediments in the Commodity Exchange Act ("CEA") to innovation in hybrid's and risk management products and would forestall developments in swap markets that could reduce systemic risk. I have also previously indicated that the CFTC Alternative generally addresses the difficulties created by the exclusivity provisions of the CEA more effectively than the version passed by the Agriculture Committee, but that it continues to rely on discretionary, and potentially restrictive exemptive procedures for dealing with swaps and bank deposits and does not address lending transactions at all.

Although the addition of specific exclusions for loan and deposit transactions involving insured banks to the CFTC alternative would consitute a further step toward resolving the uncertainties created by the exclusivity provisions of the CEA, this step would still fall short of the Bond-Wirth Alternative. The Bond-Wirth Alternative would extend the more certain exclusionary approach to swap transactions, provide the CFTC with broader general authority to exempt hybrid products, thus facilitating innovation and competition, and would provide greater certainty for securities hybrid products. For example, as I understand it, the Bond-Wirth Alternative would permit certain securities hybrids to trade on both securities exchanges and contract markets subject to the jurisdiction of the CFTC. For these reasons, I believe that the Bond-Wirth Alternative would be preferable to the CFTC Alternative even with the proposed amendments.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. BOND. Mr. President, I see no one else seeking recognition, so I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri. The yeas and nays have been ordered and 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.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—98

Adams	Dodd	Kohl
Akaka	Dole	Lautenberg
Baucus	Domenici	Leahy
Bentsen	Durenberger	Levin
Biden	Exon	Lieberman
Bingaman	Ford	Lott
Bond	Fowler	Lugar
Boren	Garn	Mack
Bradley	Glenn	McCain
Breaux	Gore	McConnell
Brown	Gorton	Metzenbaum
Bryan	Graham	Mikulski
Bumpers	Gramm	Mitchell
Burdick	Grassley	Moynihan
Burns	Harkin	Murkowski
Byrd	Hatch	Nickles
Chafee	Hatfield	Nunn
Coats	Heflin	Packwood
Cochran	Helms	Pell
Cohen	Hollings	Pressler
Conrad	Inouye	Reid
Craig	Jeffords	Riegle
Cranston	Johnston	Robb
D'Amato	Kassebaum	Rockefeller
Danforth	Kasten	Roth
Daschle	Kennedy	Rudman
DeConcini	Kerrey	Sanford
Dixon	Kerry	Sarbanes
Sasser	Smith	Wallop
Seymour	Specter	Warner
Shelby	Stevens	Wellstone
Simon	Symms	Wirth
Simpson	Thurmond	

NAYS—0

NOT VOTING—1

Pryor

So, the amendment (No. 68) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order the pending business is the Bond-Wirth title III amendment. There remains 15 minutes of debate, to be equally divided and controlled in the usual form.

Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 2 minutes.

Mr. President, I will be very brief. The amendment before us, the Bond-Wirth amendment, is better public policy, it better promotes competition, it better fosters innovation, and it better provides for legal certainty. That is not just the supporters on the floor talking about it. At the hearing on Tuesday before the Banking Committee, the Federal Reserve, the Treasury, and the SEC said that it is better public policy. The CFTC disagreed with fostering innovation, promoting competition and providing legal certainty. The choice is really between the public interest and the interest of a monopoly which wants its way of life preserved.

So what is the Bond-Wirth amendment seeking to replace? It is not a compromise, although supporters may call it that. How can someone call it a compromise when the Federal Reserve and the SEC strongly oppose it? Where I come from, that is no compromise. Where are the farmers? Senator KASSEBAUM and I agree that farmers in our States——

Mr. WIRTH. Mr. President, I make a point the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. BOND. Mr. President, the farmers in Missouri and the farmers who talked to Senator KASSEBAUM in Kansas say that from the CFTC they want a tough cop on the beat so that the Feruzzi soybean scandal does not recur nor does the FBI need to be infiltrating the grain pens. They certainly do not think the CFTC regulatory burden should be expanded.

Many of you just agreed with me that the CFTC should not be regulating bank deposits or loans. As simple as that seemed to all of us, it was fiercely

resisted for a long time. That is why we need to take the next step of resolving the equally simple exclusions of insurance products, individually negotiated contracts and securities. That is why we need Bond-Wirth.

Mr. President, let me repeat, every one of the Nation's major financial regulators with the CFTC the sole exception told us that the Bond-Wirth proposal was better public policy, better for fostering competition and innovation and better at providing legal certainty.

Mrs. KASSEBAUM. Mr. President, I rise to support the amendment.

At the onset, I want to emphasize that this is not a debate about agriculture or about farm commodities. This debate is about very sophisticated financial products that have nothing to do with the business of farming in any way. The debate is over hybrid financial instruments that are a cross between traditional stock certificates and traditional financial futures contracts.

The debate is over where such hybrid products should be traded. Should they be traded on securities exchanges or should they be traded on futures exchanges? Mr. President, I believe the free market should decide where hybrid products should be traded.

Mr. President, does it make sense to prohibit a product having substantial securities attributes from being traded on a securities exchange? Does it make sense to prohibit a product having substantial futures attributes from being traded on a futures exchange? Common sense dictates hydrid products should be free to trade on both futures and stock exchanges. Free market competition will ensure that products are directed to the exchange where they serve their best and highest purpose. If we are going to have overlapping products—then we need overlapping competition. It is that simple.

Some have argued that the Bond-Wirth amendment only establishes one-sided competition. Mr. President, I know Senator BOND is committed to two-way competition. If the opponents do not feel the Bond-Wirth amendment is clear on this point, then I know Senator BOND would welcome their suggestions of more specific statutory language.

Both the SEC and the CFTC are competent regulators. As long as one of these independent agencies is regulating the product, I am confident sufficient Government oversight is being provided to the public. How can one argue against overlapping regulatory expertise? What better way to achieve overlapping regulatory expertise than having hybrid products competing directly against each other on both securities and futures exchanges.

This common-sense approach is wholeheartedly endorsed by Federal Reserve Chairman, Alan Greenspan. As the country's lender of last resort, Chairman Greenspan is our point man whenever the market crashes or our economy is threatened. Chairman Greenspan is in a unique position to understand the linkage between the futures markets and the securities markets. Chairman Greenspan stated clearly and unequivocally that hybrid products should be traded in direct competition on both futures and stock exchanges. Chairman Greenspan stated that only through such competition will such hybrid products achieve their highest and best use in the marketplace.

The idea of a mathematical test to determine where a product should be traded puzzles me. This sounds like something that would be done in Eastern Europe. Determining a products highest and best use before placing it in the free market produces anomalies.

Let us take a moment to explore the analytical reasons for this test. On which exchange would a product trade if under the test it is exactly 50 percent futures and exactly 50 percent security? If a product's attributes are evenly divided would there be a compelling analytical reason to choose one exchange over another?

Let us take this a step further. What if the hybrid product is 50.001 percent futures and 49.999 percent securities? From a policy standpoint should the .001 percent be the determining factor as to where the product should be traded? Such a hairsplitting test is rather artificial.

Mr. President, yesterday was a significant triumph for the discipline of the free market over economic engineering. In Poland a stock exchange was established in the former Communist headquarters. At a time when Eastern Europe is moving toward free markets and away from artificial economic tests, we are on the verge of sliding down the slippery slope of preventing the free market from determining where hybrid products should be traded. This is a mistake that flaws the otherwise good reforms of S. 207. Let's take the reforms of S. 207, strike this one flaw, and pass a bill where the free market decides where hybrid products should be traded. This will ensure hybrid products are put to their highest and best use.

Mr. GORTON. Mr. President, at the conclusion of my statement yesterday, I indicated that I was prepared to support any amendment which I think will enhance the coordination of and reduce the volatility in our financial markets beyond the modest steps taken in the Futures Trading Practices Act of 1991. The Bond-Wirth alternative is one such amendment.

Although the Bond-Wirth amendment does not reform the regulation of our markets to the extent I believe is necessary, it nonetheless offers some important regulatory reforms which will stabilize our markets and promote innovation.

The Bond-Wirth alternative would authorize the Federal Reserve Board to set margin levels on stock-index futures. This important step will protect against risks to the financial system from inappropriate margins on stock-index futures by ensuring that an independent third party oversees margin levels.

The Bond-Wirth alternative also would provide the CFTC with broad exemptive authority to promote innovation. Under current law most futures and options governed by the Commodity Exchange Act must trade on a commodity exchange. Many new financial products are not suitable for trading on a commodity exchange, either because they are customized to suit the needs of specific companies or are more efficiently traded in private markets. In addition, many new financial products are subject to extensive regulation under other Federal or State laws.

The purpose of the exemptive authority contained in the Bond-Wirth alternative is to foster responsible economic or financial innovation and to promote vigorous and fair competition between domestic markets and between foreign markets. With this exemptive authority, the CFTC can facilitate the development of additional new products that might be considered futures contracts under the terms of the Commodity Exchange Act but that are not amenable to trading on a designated contract market. This provision will provide greater regulatory flexibility with respect to transactions in existing markets, as well as for new transaction or markets.

A final significant provision in the Bond-Wirth alternative would encourage financial market innovation and foster competition by permitting hybrid products to trade in both securities and futures markets with the consent of the SEC and the CFTC. This section would make clear that instruments that are securities as currently defined under Federal securities laws are not governed by the Commodity Exchange Act. This would allow index participations [IP's] to trade in the market for which they are best suited.

Mr. President, these are only a couple of the very good elements contained in the Bond-Wirth alternative. I strongly support this amendment. I encourage my colleagues to do what is best for America's capital raising system and to also support this amendment.

Mr. BOND. 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. Who yields time?

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, as we proceed to vote on the amendment that will significantly affect U.S. financial markets, I want to make just two brief points.

I must admit that I am becoming a little more than frustrated when I hear about the interest of farm groups in passing S. 207. I want to see S. 207 passed. I support the farmers. Their interests are addressed in titles I and II, which I fully support.

Title III has nothing to do with farmers. I want to make this as clear as possible. The Bond-Wirth amendment does not affect the farmers at all. The fact is that three sections of title III, which the Bond-Wirth amendment addresses, do not mention farmers or agriculture. If you have any doubts, I encourage you to read the amendment. We can pass this amendment; we can also pass S. 207, and the farm groups will be happy.

While political considerations often tend to dictate policy, I think it is also worth noting that the Bond-Wirth amendment is good public policy. Each of our country's principal financial regulators, with the exception of the CFTC, has written or testified that the provisions of title III as reported by the Agriculture Committee will adversely affect U.S. financial markets.

I hope none of my colleagues, with the banking situation in this country we have today, want to hurt our financial markets, impairing our competitiveness, and chilling product innovation.

In the Banking Committee hearing just this past Tuesday, Fed Chairman Alan Greenspan, Under Secretary Glauber, and SEC Chairman Breeden stated that the Bond-Wirth amendment was the preferable alternative to title III.

I urge my colleagues to support the Bond-Wirth amendment. It presents the same issue as the Bond-Wirth amendment we just passed so overwhelmingly.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may take of what is remaining.

We talk about who supports this. The administration supports our compromise. Whether we are talking about this person or that person testifying one way or the other, the administration supports our compromise.

Yesterday, one of the Senators put in the RECORD a letter referencing 25 major farm groups across the country saying that they support it. The reason they do, of course, is that the Bond-Wirth amendment, the one on which we are about to vote, which is substantially different than the one on which we just voted, would take away CFTC jurisdiction in basic areas.

The amendment has two main problems. First, it is not fair. Second, it is one-sided. More than half of the futures industry current trading volume and half of the CFTC's jurisdiction are affected. Under the amendments, the question of fairness is a one-way street. The amendment also sacrifices customer production. It promotes regulatory forum shopping. It allows identical products to trade under either system. What will happen? People will go around to which market has the loosest rules and say: "Let's go there."

I want these products to trade where the toughest regulations are not the loosest. The amendment makes no provision for oversight once futures products begin trading on the securities side. I do not believe in that. I want tough, tough oversight.

We know what happens in financial markets when there is not tough oversight. Eventually, the consumers and taxpayers pay for it. We do not want that to happen. That is why the administration supports our compromise.

Let me tell you right now, Mr. President, that we do not want an amendment that takes away the strict enforcement and oversight provisions of S. 207. I urge my colleagues to support the committee, support the administration, and vote against the Bond-Wirth amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I strongly associate my position with that of my chairman, Senator LEAHY, and the unanimous Agriculture Committee view. We have looked at this issue for 2½ years.

Senator LEAHY has expressed the basic issue.

Let me try a different way. There are different ways in which SEC and CFTC might take a look at a hybrid instrument, an instrument which has an element futures, and an instrument which has a degree of security. That is the basic argument.

In the case of the SEC position, the Bond-Wirth amendment incorporates the so-called jump ball approach; that is, if you come out with an innovative idea, you try to find your regulator and you choose whichever one you think will give you the best deal. The position that the Agriculture Committee takes, Senator LEAHY and I, Senator GRAMM and others, is that we ought to take a look at whether or not this instrument is more a security or more a future. And there are definitive ways of making that determination from the stream of income which comes from the instrument.

That way it is defensible.

Most importantly, our method makes certain that no instrument escapes regulation altogether. I think that point is very important. Our allegation is that under the Bond-Wirth amendment some contrivances might escape regulation altogether.

For these reasons I urge Senators to vote against the Bond-Wirth amendment and preserve the bill S. 207 as it came out of the committee.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. I yield 1 minute to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, the CFTC needs an authorization and Congress should pass an authorization bill.

I have no problem with titles I and II of this bill.

I would like to focus on title III, which attempts to address the need for intermarket coordination between the stock markets and the futures markets. This is important because without enhanced intermarket coordination our capital markets are vulnerable to potential, radical, market volatility.

Many of the agriculture groups are supporting title III as the Agriculture Committee would write it. I recognize that the commodity exchanges are extremely important to the cattlemen and other agriculture constituents. They don't want the CFTC weakened and neither do I. But that isn't the objective, nor would that be the outcome, if Congress enacted intermarket coordination reform as provided in the Bond-Wirth amendment. Stock index futures are only about 5 percent of all futures trading, and allowing them to trade on a securities exchange would not weaken the CFTC or the commodity exchanges.

Some of the agriculture groups are concerned that the Bond-Wirth amendment would be the camel's nose under the tent and the first step toward the SEC taking over commodity futures regulation. No one has contemplated that. The CFTC was created to ensure the integrity and stability of the commodity futures markets. This is as important today as it was when the CFTC was created in 1974. But intermarket coordination isn't a problem dealing with soybeans, or wheat, or porkbellies, or other commodity futures. It isn't a hypothetical about what might be proposed in 5 years.

It is a real problem. The need for, and deficiency in, intermarket coordination was dramatically illustrated on October 19, 1987, when the stock market fell 508 points. This was the largest one day drop in market stock prices since the Dow Jones began computing index numbers in 1885.

The various studies on why the October 19 market break occurred and how to insure it never happens again concluded that markets for stocks, stock options, and stock index futures are really "one market." In light of this reality, reforms need to be made to better coordinate the stock index futures markets and the equity markets.

The financial community already recognizes the one-market reality, as do regulators in other countries. Yet Congress is on the threshold of taking a step backward if it enacts title III as amended by the Agriculture Committee.

If we want to minimize the likelihood of another market break we need to make some regulatory changes to help contain the risk to this country's financial system. The Bond-Wirth amendment addresses some of these concerns. A failure to enact this amendment will impede innovation, and drive new financial instruments to overseas markets.

A second issue is how to best foster capital formation innovation.

It is an issue that deals with market stability, investor confidence and efficient capital markets.

CONGRESS' FIRST OPPORTUNITY

This is the first opportunity this Congress will have to address modernizing our financial system to make it more competitive.

Some of the products we will be discussing are reasonably new. Some types of swaps, LP's, and other hybrid instruments were not in existence when Congresss created the CFTC.

Innovation is making the regulators' job more complicated.

Innovation is making Congress' job more difficult.

But innovation is also one of the hallmarks our capital markets. And this type of innovation is keeping U.S. companies and financiers on the cutting edge.

As financial markets have become more global the need for currency and interest rate swaps has grown. New products have been developed to meet the needs of the marketplace. In some cases they have been tailor made for individual transactions.

Congress has a responsibility to make sure our laws encourage this innovation while keeping in place a regulatory framework that guarantees the integrity of our financial markets.

MARGIN RULES

All versions of the bill and the Bond-Wirth amendment contain the same margin rule requirements. The Federal Reserve would be granted the authority to set margin levels on stock index futures. This would put all margin requirements under the Federal Reserve's jurisdiction. This affords maximum protection against systemic risk, and volatility.

EXEMPTIONS VERSUS EXCLUSIONS

The "exclusivity" clause of the Commodity Exchange Act [CEA] has been interpreted by the courts to require that any financial instrument with any degree of "futurity" to be traded on a futures exchange. But many of the new "hybrid" financial products are not suitable for trading on a futures exchange.

Some of them are tailor made for specific risk management situations, and to address interest rate or currency fluctuations. These are risks of doing business in the 1990's. These are needs that were not contemplated when the Commodity Exchange Act was enacted.

The exclusivity clause has been the subject of protracted litigation over what constitutes a "future." The exclusivity clause and the related litigation has stifled innovation. The exclusivity clause pigeonholes where products can trade. The result is the business has moved overseas markets.

Mr. President, I have been convinced that we cannot be competitive if we spend all our time in court. At Tuesday's banking hearing I asked whether a developer of a hybrid product could be sued by a futures exchange for offering a financial product with elements of a future on a securities exchange.

In London, the answer is no.

In Paris, the answer is no.

In Frankfurt, in Toyko, in Amsterdam, in Hong Kong the answer is no, no, no, and no.

But under S. 207 the answer is yes. Under Bond-Wirth, the answer is as it should be—no.

As we start to modernize our capital markets and financial laws, we should put an emphasis on limiting litigation. S. 207 would impede capital formation and foster litigation. That is not the type of economic activity that will keep America in the competitive forefront.

Another question asked at the hearing Tuesday was, "in the major markets around the world who decides whether a company's financial hybrid product should trade on a futures exchange or a securities exchange?"

In London: the company who developed the product decides.

Ditto for Paris, London, Luxembourg, and Frankfurt.

Under S. 207, the CFTC staff, and/or a judge would decide. Under Bond-Wirth, the company that developed the product would decide.

The Agriculture Committee bill would provide a very complicated mechanism for exempting certain bank products and swaps. Bond-Wirth would exclude them from coverage under this bill. Exclusion is clearer, it is better, and it is more final. Exclusions can not be revoked by agencies, exemptions can.

The exemption mechanism and the 50-percent test for hybrids reminds me of the bureaucratic mess Congress set up for section 89 of the Tax Code—the nondiscrimination rules for fringe benefits a couple of years ago. Diagrams of how the fringe benefit provisions worked looked like a spaghetti bowl. The diagram outlining the steps for swap exemptions and hybrid trading under this bill is more spaghetti out of the same bureaucratic pot. They are just as complicated as section 89. Congress had to correct its mistake on section 89. Congress should not enact another unworkable scheme. If we do not enact the Bond-Wirth amendment now, we will have to correct our mistakes later.

Mr. President, the U.S. financial market has traditionally been the most innovative in the world. We should enact regulatory mechanisms to maximize that innovation and to ensure that these products are appropriately regulated. I hope the Senate will enact Bond-Wirth amendment.

Mr. President, I came into this debate as one who had no memory of past jurisdictional disputes. Let me say to my fellow Senators that if you do not adopt the Bond amendment, what you have actually done is made future American hybrid securities noncompetitive in the world markets. You will have forced them overseas because there is no question but you have created a jurisdictional dispute between two regulatory agencies; a regulatory nightmare and a litigation bonanza. This will drive the hybrid business overseas because product developers will go where they do not have to litigate and argue about which was the right exchange on which to trade. That is it in a nutshell.

Reference has been made to the danger of letting the developer of the hydrid financial product decide which regulated market would be best suited for trading that product. Some have suggested that this will lead to regulator shopping. I don't think that would happen, but does it really matter if it did?

Who does not have confidence in the Securities and Exchange Commission to regulate future innovative hybrid securities? Anyone? The SEC is one of the most respected, professional agencies in Federal Government. They are tough and they are effective.

The SEC did not want to regulate stock index futures at first. But nobody is saying the SEC is incompetent.

Why are we making things so complicated? Why are we turning the innovation of financial futures hybrids into a dispute over whether 51 percent of the value is in one jurisdiction, 49 in the other? The only real significance is that litigation would ensue. This prospect cripples innovation and capital formation. As a result you do not get a market for hybrid American securities of this type. That is the issue as I see it.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, the time will be deducted equally.

Mr. BOND. Mr. President, I yield a minute to my distinguished cosponsor, the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President. I thank the distinguished Senator from Missouri for doing such a good job on an important amendment.

Mr. President, I urge my colleagues to support the Bond-Wirth amendment to S. 207.

I want to emphasize that the debate over title III is not simply a jurisdictional dispute between the Commodity Futures Trading Commission and the Securities and Exchange Commission. Important public policy issues are also at stake here.

The current regulatory structure reduces investor confidence in our capital markets, limits the ability of regulators and markets to address market breaks and periods of high volatility, and stifles the development of new financial products, reducing the competitive position of our markets.

These issues are really important here. They are what Senators should consider when deciding how to cast their votes.

During Tuesday's Banking Committee hearing, Federal Reserve Board Chairman Alan Greenspan, SEC Chairman Richard Breeden, Under Secretary of the Treasury Robert Glauber, and CFTC Chairman Wendy Gramm were all asked whether the Bond-Wirth alternative or S. 207 as revised was preferable from a public policy point of view.

Three of the four—everyone but CFTC Chair Gramm—responded that the Bond-Wirth alternative was better public policy.

The result was the same when the four were asked which proposal would better promote innovation and competition. Everyone but the CFTC Chair indicated that the Bond-Wirth alternative is preferable to S. 207 as revised in this area.

Because we do not believe title III as revised adequately addresses the public policy concerns central to this issue, Senator BOND and I have worked to develop an alternative to that portion of the legislation. I urge my colleagues to support the Bond-Wirth alternative.

Two important points to be made. First, as Senator GARN said, it has absolutely nothing to do with agriculture. We are talking about financial instruments. Second, this issue should not be here on the floor of the U.S. Senate. The reason we are all here is, in effect, a failure of the ability of the administration to come to grips with this issue clearly and firmly as they should.

Having said both of those, this has nothing to do with farms. We really should not be doing this. This is something that should be done by the regulators.

Two central issues remain. One, the competitive—untouched upon by the distinguished Senator from New Mexico.

We have seen the U.S. share of these markets go offshore very rapidly because the CFTC has blocked the offering of a lot of these instruments. Our amendment makes this more competitive.

I think more important, Mr. President, is the safety and soundness issue. We saw a major problem in the markets in 1987 and again in 1989.

The prudent vote is a vote for Wirth-Bond.

Mr. LEAHY. Mr. President, I yield to the Senator from Illinois 1 minute.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I thank the distinguished manager.

Mr. President, I would like to take this opportunity to put this amendment in perspective. As my colleagues know, the proponents of this amendment argue that it promotes innovation, reduces uncertainty, and serves investors. None of these contentions are accurate.

There have been a number of major innovations since the Commodity Futures Trading Commission was created in 1974. Two of the most important are financial futures, traded on futures exchanges, and regulated by the CFTC, and junk bonds, not traded on any exchange and regulated by the SEC. Financial futures have been enormously successful. Junk bonds were a major cause of the thrift debacle.

The CFTC has been the biggest promoter of financial innovation, and has been responsible for more innovation than any other Federal agency. The SEC, on the other hand, the major beneficiary of this amendment, has been hostile to innovation at every turn, and even in 1978 turned down stock index products on the grounds that they served no economic purpose. This amendment, therefore, is not pro-innovation.

This amendment is supposed to increase certainty and decrease litigation. But this is a nonsolution to a nonproblem. There have only been two jurisdictional court cases in the last 17 years, and the $2.5 trillion swaps market has grown up without any CFTC interference. If the foundation for swaps was some sort of jurisdictional "quicksand," then how could it have grown so fast?

Let us keep a few things in mind. First, the CFTC does not now have, and does not argue that it has, jurisdiction over traditional swaps. The truth of this assertion can easily be seen from the size of the swaps market, which has grown up, as I pointed out earlier, without any CFTC interference.

What the CFTC does have, however, is jurisdiction over swaps that are not just economically the same as futures, but which also have all the characteristics of exchange-traded futures but for the fact that they are traded off-exchange;

The CFTC also does not now have jurisdiction over bank deposits, or loans, or insurance products. This is a total red herring. No bank or no insurance company even hinted that this was ever even a potential problem. We should also remember that bank deposits and other bank products are not at issue here. That issue has been taken care of, even though it was never an issue in the first place. I have talked to the American Bankers Association about this matter, and they assure me that the deposits clarification was and remains their only interest in this debate.

Some backers of this amendment claim that the CFTC only has jurisdiction over futures if they are traded on futures exchanges. If that is true, however, then it has no jurisdiction at all, because the exchanges would disband to avoid the costs involved with CFTC regulation.

Backers of this amendment assert that it was put together in a back room in the dead of night and that some parties were left out of the compromise. Let's set the record straight. First, title III is the only compromise that has gone through the regular committee markup process. Second, every party had an opportunity to participate in the negotiations that led up to the compromise. Third, the SEC deliberately decided not to compromise. Chairman Breeden, in fact, was in Hong Kong during the final negotiations, which demonstrates that he never had any serious intent to compromise. Fourth, last year's compromise was no compromise at all, and this year's Agriculture Committee hearings demonstrated that no one on any side of the issue supported it. Finally, it may seem strange that this issue is before the Agriculture Committee, but it is no more strange than Banking Committee jurisdiction over transit, a transportation issue, or export controls, a foreign policy/national security issue, or the Defense Production Act, a Pentagon procurement issue.

Frankly, in my view, the procedural arguments all go the other way. This amendment was only shown to the Senate late yesterday. It has not been well-considered and it has serious drafting flaws. It could, in fact, either deregulate most futures trading, or legitimize bucket shops, or transfer inadvertently much more jurisdiction to other agencies than the proponents of this amendment claim. This is not a

good way to make law, and the amendment should be rejected for this reason alone.

It is worth keeping in mind that there is no customer protection in the swaps market. Bank regulators and the SEC are only concerned with the solvency of the bank and securities firms swaps dealers.

While the SEC can, in theory, protect customers in non-exchange-traded securities products, such as junk bonds, its practical ability to do so is very limited, since it has little surveillance capabilities in these areas.

It is argued that customer protections are not important because only institutions participate in the swaps and hybrids marketplaces. But these institutions include State and local governments, insurance companies, pension funds, and businesses. Do not these participants deserve a fair and equitable marketplace?

Titles I and II of S. 207 are based on the proposition that even institutional customers deserve protection to ensure a fair, equitable marketplace. If protection is thought necessary for futures, why not for other, equally high-risk products that become marketplace traded, whether on an exchange or on an off-exchange basis?

Further, Mr. President, it is worth keeping in mind that problems have arisen in other areas. For example, just last week, institutions trading in junk bonds complained they were victimized by insider trading.

Finally, consider the S&L experience. They were institutions, and some S&L's were clearly victimized in the junk bond market. Would not it have been better if the SEC had been able to detect the fraudulent trading practices early and therefore lessened the damage to these S&L's?

As I said at the outset, proponents of this amendment argue that the issues here are innovation, litigation avoidance, competition, and investor confidence. Yet, the amendment promotes innovation by weakening the most innovative agency, pursues litigation avoidance by destroying certainty and creating a vast new lawyers relief act, advances competition by fixing the results, and promotes investor confidence by weakening investor protection.

Almost no one understands these new products. We should therefore be very cautious before we abandon the fundamental principles of functional regulation and customer protection, as this amendment seeks to do. If institutional customers don't need protection, then why do they need it to trade currency futures on a futures exchange? If functional regulation is not important, then why not let the CFTC regulate securities traded on a futures exchange, and let bank regulators handle bank securities activities?

If, however, functional regulation is important, if fair, open, honest marketplaces are important, then this amendment should be rejected.

We started this issue 3½ years ago because of a stock market crash. We are three-quarters of the way finished in responding to the recommendations made by the Brady Commission on how to prevent another such crash. We have enacted large trader reporting, and coordinated clearing, and circuit breakers are now in place. This bill has the last piece, on margins oversight.

That is what is important here, not the Wirth-Bond proposal. Not one bank, not one securities firm, and not one investor has called on me to express the view that future financial innovations are being jeopardized because of inadequacies in the law. We should therefore enact what is important, title III as we have it before us, and go slow on fundamental changes based not on problems that do exist but only on problems that might someday exist.

I urge my colleagues to defeat this amendment.

I remind my colleagues that this vote is a vote against an honorable accommodation, a compromise that has been worked out over 3½ years that deals with this problem fairly by saying if it is more than half a futures contract it goes under the CFTC; if it is more than half a stock it goes under the SEC.

It is fair. It is reasonable. The administration signed off on it. I urge my colleagues to reject the Bond-Wirth amendment and then to vote for S. 207. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, I ask unanimous consent that a minute be added to each side so I might ask the Senator from Missouri for 30 seconds.

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

Mr. BOND. Mr. President, I am happy to yield to the distinguished chairman of the Banking Committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank my colleague. I rise in support of the Bond-Wirth substitute. There is a very important distinction between it and S. 207.

Alan Greenspan, who I think is probably the most arms-length observer who can comment meaningfully on this, has made it very clear the Bond-Wirth proposal is better for markets; it is better for stability. We have debated it fully over the last 2 days. I strongly urge my colleagues to support the Bond-Wirth amendment.

I yield the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. We have spent hours discussing this issue. Strong statements and good speeches have been made on both sides. The fact is that we have in title III a compromise designed not to disturb any industry's existing products but still allow innovation. That is why the administration and the Secretary of the Treasury support it. They know that without compromise we will never resolve this issue.

We have been marching up and down this field for 2½ years. The distinguished Senator from Indiana and I have brought this issue before the committee numerous times. We have had hours and hours of meetings with distinguished Senators from both sides of the aisle, from both the Banking and Agriculture Committee, trying to resolve this.

There is no way to pass a bill where any side declares total victory. We have a good compromise which the Treasury Department supports, which makes sense within the industry, and which allows the United States to continue to be the leader in innovative financial markets. I urge my colleagues to accept it.

We still have a long road ahead on this bill including a conference with the House. We have a bill that has real teeth in it. We have a bill that is going to make sure we cut down the potential for cheating in the markets. We have a bill which makes sure that those few traders who succumb to the temptation to be dishonest will get caught and be severely punished. That is something we can do for the American people.

We should go forth knowing that no one Senator is going to be able to write a bill with everything they want. This bill does not have everything I wanted. But it is a result of 2½ years of heavy work among every single interested party. That is why we have a product that is unanimously reported from the Agriculture Committee and with the support of the administration.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Missouri has 30 seconds.

Mr. BOND. Mr. President, I will be very brief.

Bond-Wirth is better public policy; better promotes competition; better fosters innovation and better provides for legal certainty.

And that is not just me talking. The Federal Reserve Board, the Treasury Department, and the SEC—as well as a whole host of financial experts—are the ones who have made this point.

Choice is really between the public interest and the interest of a monopoly which wants its way of life preserved.

So what is Bond-Wirth seeking to replace? Clearly not a compromise. Although supporters are calling it that I would hope someone could explain how it could be a compromise when both the Federal Reserve, and the SEC strongly oppose it. Where I come from that is no compromise.

And where are the farmers? Well my Missouri farmers are telling me they want a tough cop on the beat, so that

the Feruzzi soybean scandal does not recur; nor does the FBI need to infiltrate the grain pits. They certainly do not think the CFTC's regulatory burden should be expanded.

Many of you just agreed with me that the CFTC should not be regulating bank deposits or loans. As simple as this seemed to all of us—it was fiercely resisted for a long time.

That is why we need to take the next step of resolving the equally simple exclusions of insurance products, individually negotiated financial contracts, and securities.

That is why we need Bond-Wirth.

Mr. President, let me repeat. Every one of the Nation's major financial regulators—with the CFTC the sole exception—told us that the Bond-Wirth proposal was better public policy, better for fostering competition and innovation, and better at providing legal certainty.

Mr. President, this is not a compromise, the underlying amendment. If we do not adopt Bond-Wirth the only compromise that will be made is to compromise the future of our financial markets. This is not a choice between New York and Chicago. It is a choice between the United States or Tokyo, London, or Toronto.

Mr. President, the Senate now has the opportunity to make its choice for the public interest or a narrow parochial one. I only hope the Senate chooses wisely and I urge they support this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senators from Missouri and Colorado. 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.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—33

Adams	Kassebaum	Packwood
Bond	Kennedy	Riegle
Bradley	Kerry	Rockefeller
Chafee	Lautenberg	Roth
Danforth	Levin	Rudman
Dodd	Lieberman	Sanford
Domenici	Metzenbaum	Sarbanes
Garn	Mikulski	Sasser
Gorton	Mitchell	Specter
Graham	Moynihan	Stevens
Hatch	Murkowski	Wirth

NAYS—65

Akaka	Brown	Cochran
Baucus	Bryan	Cohen
Bentsen	Bumpers	Conrad
Biden	Burdick	Craig
Bingaman	Burns	Cranston
Boren	Byrd	D'Amato
Breaux	Coats	Daschle
DeConcini	Hollings	Pell
Dixon	Inouye	Pressler
Dole	Jeffords	Reid
Durenberger	Johnston	Robb
Exon	Kasten	Seymour
Ford	Kerrey	Shelby
Fowler	Kohl	Simon
Glenn	Leahy	Simpson
Gore	Lott	Smith
Gramm	Lugar	Symms
Grassley	Mack	Thurmond
Harkin	McCain	Wallop
Hatfield	McConnell	Warner
Heflin	Nickles	Wellstone
Helms	Nunn	

NOT VOTING—1

Pryor

So, the amendment (No. 69) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Missouri [Mr. BOND] and the Senator from Colorado [Mr. WIRTH] may offer an amendment with 60 minutes of debate equally divided and controlled in the usual form. On expiration of the debate on the Bond-Wirth amendment, the Senator from Texas [Mr. GRAMM] may offer a relevant second-degree amendment with no time limitation.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes on a procedural matter without it counting against anyone's time.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Colorado [Mr. WIRTH] on the floor. I know the distinguished Senator from Missouri [Mr. BOND] is nearby. There is 1 hour on the next amendment. I am wondering if the distinguished proponents of that amendment would be willing to modify the unanimous-consent agreement to limit that to one-half hour, under all the other terms, to be equally divided, and so on.

Mr. WIRTH. Mr. President, if the Senator will yield, at this point, I think we would not, and let me explain to him why. We want to be accommodating and are trying to move this through, and the purpose is not to delay this in any way, shape, or form.

But the amendment which the distinguished Senator from Missouri and I will be offering goes to a very important issue of safety and soundness. There were a number of Senators who were nervous about this last amendment, did not know whether to go one way or the other. This is a different issue and we want to have time to discuss it.

Mr. LEAHY. I do not want to get into the merits of it, so I shall not. I withdraw my request.

I yield back any time of that 2 minutes.

AMENDMENT NO. 71

(Purpose: To require the Securities and Exchange Commission and the Commodity Futures Trading Commission to take certain actions regarding intermarket issues)

Mr. WIRTH. Mr. President, I send an amendment to the desk on behalf of myself, Senator BOND, Senator RIEGLE, Senator DODD, and Senator GARN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. BOND, Mr. RIEGLE, Mr. DODD, and Mr. GARN, proposes an amendment numbered 71.

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

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

The amendment is as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as

security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

SEC. 306. STUDY ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES FINANCIAL MARKETS

Not later than 18 months after the effective date, the General Accounting Office and the Department of the Treasury, in consultation with the Securities and Exchange Commission, Commodity Futures Trading Commission and Federal Reserve Board, shall each submit to Congress a study on the competitiveness of United States financial markets. The study shall include:

(1) a comparison of the regulatory systems in foreign countries with major financial markets with the regulatory system in the United States;

(2) an assessment of the extent, if any, to which the regulatory system governing United States financial markets impedes international competitiveness;

(3) the extent to which financial products developed in the United States are issued and traded in foreign markets as the result of United States laws; and

(4) recommendations to enhance the competitiveness of United States financial markets.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. Mr. President, I control the time. I will use such time as I may consume.

Mr. President, I will take a couple of minutes and try to frame what this amendment is all about and why it is significantly different from what we discussed earlier.

What we were really talking about earlier was in large part a turf dispute between the CFTC and the SEC. We had deeply felt commitments by those who represented very ably their cities, their markets, and they did that very well. Whether that is New York or Chicago, I am agnostic in all of that and I do not have a stake in that. But there was that battle and people were kind of choosing up sides between individuals, between markets, between commitments made, between committees. All of those choice we had to make.

I talked to any number of Senators about that previous vote, and it was very awkward for them. Who do I vote with? Well, I am going to go with so and so. I am going to go with that individual.

This amendment has nothing to do with those turf fights at all. This amendment has to do with attempting to coordinate the mechanism between these two markets. We have a market in Chicago, we have a market in New York. One of the fundamental problems that we have faced in this whole history of the SEC–CFTC is how do you tie the two together? How do you make sure that what happens in New York is understood in Chicago? How do you make sure what is done in Chicago is understood in New York? That is what this amendment is all about. How do we get coordination between these two markets?

I know that almost all Senators are very aware of some of the problems that have existed in these financial markets and have been concerned about them. We have seen the rapid erosion of some, we have seen an escalation of problems, we have seen the spikes of the markets go up and come down very, very rapidly. There has been a kind of instability in these markets. And a lot of people will be concerned about that instability, why it has existed.

Looking at this over the last 3 years since the market crash of October 1987, most analysts looking at this say well, we have to develop much better mechanisms between the two marketplaces. We have to address the so-called inter market issue.

Secretary Brady, when he chaired the Brady Commission which came out of the initial crash in October 1987, talked about rationalizing the market. We have done a little bit of that with the margin requirements to coordinate margin requirements. We have done some of the rationalization in S. 207 and everybody agreed that was a good thing to do.

Initially, in the legislation that was considered by the Agriculture Committee, the amendment that Senator BOND and I are offering was initially in the Agriculture package. Somewhere it got dropped and we think it ought to be back in there. The purpose is to get back to coordinating these two markets.

Now let me explain in some greater detail why it is that we have these mechanisms in here and why we think they are necessary to try to obviate some of the problems that we have in this fragmented regulatory structure.

The Brady Commission, the General Accounting Office, the New York Stock Exchange Blue Ribbon Smith Commission, OTA, Federal Reserve Chairman Greenspan, all of them, all of these groups have concluded that uncoordinated and insufficient regulations of financial instrument trading contributed to the volatility of the late 1980's. None of us want to see that volatility continue. These markets have emerged and changed and we all know that. A lot of new products are in there. What we are doing in this amendment is putting into the law a number of mechanisms to coordinate those two markets so that they understand each other, so that there can be tracking. If there is fraud it can be tracked from one market to another. A variety of items.

Let me give you an example. This amendment would say what we have to do is to adopt a coordinated circuit breaker to help prevent another break. With circuit breakers, when something happens, you get an automatic stop of that market. Let us make sure that automatic circuit breaker is consistent in both markets so that one market would not have a circuit breaker that would disrupt the other market.

Second, facilitate linkages between the clearance and settlement systems in the securities and futures market to reduce the risk of the collapse of the Nation's financial infrastructure. The clearance process in October 1987—looking back at that, that clearance process was extraordinarily important and almost led to a disaster in October. What our amendment does here, as well, is to facilitate the linkage of this very important clearance process. Technical, yes; important, of enormous importance.

Third, we coordinate efforts to detect and deter fraudulent trading activities across the securities markets and the futures markets. One of the important elements in all of this is to make sure that investors believe that there is soundness and safety and that these markets are not manipulated. How do you trace fraud from one market to another? What we are doing is coordinating the efforts to detect and deter fraud to help and assure consumer confidence.

Fourth, promoting a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from our market. Again, Mr. President, a problem that occurred in October 1987. It was clearly identified by all the people looking at that market who said that we ought to do this.

Finally, it ensures that, in promoting regulatory harmony with securities and futures markets abroad, the United States speaks with a single voice; has a single voice so that it can explain U.S. markets and the U.S. position around the world.

Now, what we do we do? How do we implement this? We would put the so-called working group on financial markets that was established after the October 1987 crash, we would put that back to work to harmonize the regulation of interrelated markets. These provisions address many of the concerns related to intermarket issues and would direct the regulator to implement some key recommendations of the Brady report, including coordinated circuit breakers, cost margining clearance and settlement facilities.

Now again let me say, Mr. President, there were a number of our colleagues who were really concerned about this last amendment. Where do I go? Do I vote with Chicago, do I vote with New York, do I vote with this friend or that friend? A lot of it was jump-ball decision. People were uncomfortable about it. And essentially we should not have been making those decisions anyway. They should have all been made by the regulators. But the failure of the regulatory system put that issue here. This amendment is something I think we can all agree on. I do not see any reason why we could not have these mechanisms to accommodate these various markets, one with the other. It is very important that we do so. We want to avoid the problems that we had in 1987, the problems that we had in 1989.

I hope that my colleagues would see their way clear to accepting what I think is a very prudent step. This is a prudent amendment. It has nothing to do with one market battling another.

I regret that we did not pass the Bond-Wirth amendment earlier today. That amendment included a number of important provisions designed to promote innovation and competition in our financial markets. Unfortunately, those provisions will not be included in S. 207.

However, the amendment also included important provisions to direct the SEC and CFTC to work together to address the intermarket issues that have become so important in today's financial world. These provisions were originally a part of S. 207 but were no longer in the legislation when it emerged from the Agriculture Committee.

Over the last few days, many Senators have discussed the fragmented regulatory structure and the need to improve coordination between the stock and futures markets and their regulators.

The Brady Commission, the GAO, the New York Stock Exchange blue ribbon Smith Commission, the Office of Technology Assessment, Federal Reserve Board Chairman Alan Greenspan, and others have all concluded that uncoordinated and insufficient regulation of financial instrument trading contributed significantly to the market volatility of the late 1980's.

The Nation's financial markets have evolved in such a way that coordinated, meaningful regulation is necessary to promote market stability. New products have closely linked our markets and where we have, in effect, one market, we should regulate as if we have one market.

Not to do so is asking for trouble. The market crises of the recent past are bound to occur again unless we address the problems of fragmented market regulation.

MARKET COORDINATION AMENDMENT

The amendment would restore to S. 207 provisions to require the SEC and CFTC, in consultation with the Treasury Department and the Federal Reserve Board, to:

Adopt coordinated circuit breakers to help prevent another market break;

Facilitate linkages between the clearance and settlement systems in the securities and futures markets to reduce the risk of a collapse of the Nation's financial infrastructure;

Coordinate efforts to detect and deter fraudulent trading activities across securities and futures markets;

Promote a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from our markets; and

Ensure that in promoting regulatory harmony with securities and futures markets abroad, the United States speaks with a single voice.

These important intermarket directives would put the so-called Working Group on Financial Markets, established after the stock market crash of 1987, back to work to harmonize the regulation of interrelated markets.

These provisions address many of the concerns related to intermarket issues and would direct regulators to implement some key recommendations of the Brady Report, including coordinated circuit breakers, cross-margining, clearance and settlement facilities.

The amendment also directs the GAO and the Treasury Department to provide Congress with a study that:

Compares the regulatory systems of foreign countries with major financial markets to the U.S. regulatory system;

Assesses the extent to which our regulatory system impedes international competitiveness;

Assesses the extent to which U.S. laws result in financial products developed in the U.S. are issued and traded abroad and

Recommendations to enhance the competitiveness of U.S. financial markets.

Opponents of the amendment argue that it is unnecessary and duplicates many provisions of the Market Reform Act that we passed last year.

However, the provisions of the amendment do not duplicate those of the Market Reform Act.

The Market Reform Act contains no provisions with respect to implementation of cross-margining, establishment of effective intermarket frontrunning prohibitions or negotiation of international regulatory agreements.

The Market Reform Act does not require the agencies to implement circuit breakers. It only requires them to report to Congress regarding their efforts in this area.

The Market Reform Act's provisions to establish linked or coordinated clearance and settlement facilities only apply to the SEC, not the CFTC.

The intermarket coordination provisions do not duplicate already existing law. These provisions were originally part of S. 207 and should be restored to the legislation.

The studies the amendment mandates will provide us with objective analyses of the questions surrounding the impact of our current system on our international competitiveness and help resolve the debate over hybrid products.

Mr. President, I ask unanimous consent that a document describing why we need coordinated circuit breakers, cross-margining and the other items I discussed be printed in the RECORD.

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

1. WHY WE NEED COORDINATED CIRCUIT BREAKERS

When the market is falling dramatically, circuit breakers stop market movements for a short period of time, giving the markets a chance to avoid panic.

If circuit breakers are uncoordinated, however, the aggregate selling pressure from the markets that are closed (for example, the stock market) is funneled into the market that remains open (such as the stock index futures market). And, because the prices in two markets are linked, the panic that could have occurred in the stock market can shift to the stock index futures market. That selling pressure can then jump back to the stock market as soon as it reopens.

For that reason, the Brady Report and the President's Working Group on Financial Markets both called for coordinated circuit breakers.

2. WHY WE NEED CROSS-MARGINING

At present, market participants must meet separate margin requirements in each market, even if their positions in a second market would offset to some degree their positions in the first market if all those transactions had been executed in a single market.

Cross-margining would permit the collection of margin based on a participant's aggregate market exposure across all interrelated markets, and would give each market the chance to see a market participants total exposure across all markets. Therefore, cross-margining would reduce participant liquidity needs and strain on the financial system when the markets are moving precipitously.

3. WHY WE NEED COORDINATED CLEARANCE AND SETTLEMENT

The clearance and settlement systems for transactions in securities, securities options, futures contracts and options on futures contracts are integrally related, and the clearing procedures for any of these products potentially can affect other clearing systems, other products, other clearing systems, and the financial system.

Coordinated clearance and settlement would improve monitoring of market participants' aggregate exposure and would also facilitate the coordination of settlement time frames and the netting of participant payment obligations among clearing systems.

4. WHY WE NEED FRONTRUNNING PROHIBITIONS

A broker-dealer or FCM who knows about an imminent large customer order in the

stock market may be able to take advantage of that information by buying or selling stock index futures (or vice versa) for its own proprietary account.

Frontrunning prohibitions prevent a broker-dealer or FCM from exploiting its knowledge of such non-public trading information to its own advantage and to the detriment of its own customers and other market participants.

5. WHY WE NEED TO COORDINATE NEGOTIATION OF INTERNATIONAL REGULATORY AGREEMENTS

Today, unitary foreign regulatory agencies must negotiate separate regulatory agreements with the SEC and the CFTC.

The two agencies represent the same government, and the same public. Therefore, this provision would force the SEC and the CFTC to act as one agency for the purpose of negotiating such agreements.

It sets up a prudent set of mechanisms. We ought to be conservative related to these markets. We ought to be careful related to these markets. We ought to be focusing on the whole business of safety and soundness of our marketplaces, protecting consumers, protecting investors. That is what we have done and it is what has made our markets liquid over the years. It has made people put money into them rather than put money under the mattress. This is a safety, soundness, prudence amendment.

I hope my colleagues accept this Wirth-Bond amendment. It has nothing to do with one market versus another. It is something we ought to agree with.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time as the Senator from Illinois may desire.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank distinguished manager on the Republican side for his many kindnesses during this long and contentious period and for the time allocated this afternoon.

I say to my colleagues that we should reject his amendment. My understanding is the managers will offer a motion to table this amendment. We extended the greatest courtesy to our colleagues and gave them an up-or-down vote on the last vote. Their amendment was rejected 65 to 33.

Mr. President, we have been going through this terrible, contentious debate for 3½ years now. It is coming quietly, I think, and, hopefully, shortly to a conclusion when we vote ultimately on the CFTC bill that is the accommodation of honor between the administration and Members of both sides that came out of the Agriculture Committee unanimously.

What my friends from Missouri and Colorado want to do here is open it all up. Almost everything in this amendment plus some more was in the amendment we just defeated 65 to 33. Should the argument be that we are working on cooperation between the agencies, and I hear my colleague and good friend from Colorado saying that, let me read from the existing law.

We passed Public Law 101-432 on October 16, 1990. In 15 U.S.C. 78(b) here is what it says in section 8:

INTERMARKET COORDINATION.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall report to the Congress no later than May 31, 1991, and annually thereafter, until May 31, 1995. . . .

So, for the next 5 years they are going to make these reports, Mr. President. What do the reports do? They report on:

(1) the efforts their respective agencies have made relating to the coordination of regulatory activities to ensure the integrity and the competitiveness of United States financial markets;

(2) the efforts their respective agencies have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies;

(3) the views of the respective agencies with respect to the adequacy of margin levels, use of leverage by participants; and

(4) such other issues and concerns relating to the soundness, stability, and integrity of international capital markets as may be appropriate.

Mr. President, we have already done it. This amendment is intended purely and solely to continue this terrible, divisive debate in the Congress eternally. It has gone on for 3½ years. There has been more committee time and more floor time involved in this debate, and more vituperative epithets hurled on this issue than any issue in the Congress in the last 3½ years. It is so important that this morning the Washington Post did not write anything about it.

I hope my colleagues want to get something to rest, finally. This is at rest. The last vote, 65 to 33 decided that issue among our colleagues, with everybody here who could be here to vote. Ultimately and shortly I prayerfully hope we will vote on the bill which is the accommodation of honor. This is nothing but mischief.

I ask my colleagues, when the distinguished managers move to table shortly, to give us an aye vote to table this legislation, and pass this bill, and send it to conference where the two Houses can resolve this issue finally, and give us a bill that goes to the President for his signature to protect the consumers in this country, to keep these markets all competitive, and to keep us dominant in the world marketplace.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 5 minutes.

Mr. President, I would reiterate some of the arguments my distinguished colleague from Illinois has already argued and add at least this further thought. This amendment before us has two sections. One, section 305, was part of the amendment we just defeated. It has been resurrected and put together with section 306, a study on competitiveness of U.S. financial markets.

On the face of it there could never be harm in an academic study of how competitive our markets are. That sort of study goes on all the time, whether we mandate it in the Congress or not. People are deeply interested in this. All of us in America want to make certain that the things we do are competitive with what else goes on in the world and in this very, very competitive field, the financial marketplace, that is especially true.

I add to the debate the thought that mandating by law such studies, I believe, is unnecessary. But the problem I find as I examine carefully the language, is that once again the mandate goes to the General Accounting Office, and the Department of the Treasury with input from Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Federal Reserve Board.

Each of these groups has been testifying, as Senator DIXON pointed out, for years. The Agriculture Committee, the Banking Committee, these days seemingly routinely, are bringing together a panel of these distinguished persons and they offer views on the jurisdictional questions of the CFTC and SEC. An argument is often made by those who favor the SEC point of view that somehow the competitiveness of our markets is suffering.

Specifically, they have alleged that investors or authors of new investment products, very complex instruments, will be discouraged by having to go to the CFTC to the point they will go overseas.

As one of the last statements in the debate we heard about an hour ago, the comment was made that this is not a question between New York and Chicago, it is a question between America and Japan or Germany or what have you. I think that was a farfetched argument and I say that respectfully—but nevertheless—I am simply not aware that investment instruments that are sound, that, in the light of day pass scrutiny of regulators, are going to have a great deal of trouble finding a home in America and finding a lot of investors.

If the authors of this amendment are suggesting that investment opportunities that are so complex or so dubious that they would find trouble with our regulators go overseas, that may be where they belong. In other words, I do not believe the U.S. Congress is inherently bound to try to keep every strange scheme within our purview.

I suggest that was, in part, the argument we just had and the vote we just had. The suggestion, of those offering

the Bond-Wirth amendment on that occasion, was that people who think up new schemes ought to be able to choose their regulators. Those of us who had argued against that said we better take a hard look at such an approach where the investor chooses the regulator.

So, therefore, Mr. President, at the proper time, I will support a motion to table the Bond-Wirth amendment. I do not believe that it offers a great deal except new contention. We are going to have a difficult conference with the House on this piece of legislation. To have this study running on, to have additional testimony, to have each of these distinguished regulators coming into our committees offering additional arguments on the argument we have just had does not seem to me to be productive.

Mr. WIRTH. Will the Senator yield?

Mr. LUGAR. I will be happy to yield to the distinguished Senator.

Mr. WIRTH. I was very interested in the comments made by the distinguished Senator from Indiana about the study. We are concerned about the competitiveness of this. I do not know what one would be afraid of and what a study might show.

Let us assume that creates the kind of continuing problems that the Senator from Indiana is suggesting. What would happen if we left the study out altogether and had in here only the intermarket coordinating mechanisms that were originally proposed by the distinguished Senator from Indiana or proposed by the distinguished Senator from Vermont or proposed as part of the compromise within your original bill? The language on those intermarket coordinating mechanisms is exactly the language proposed by the leadership of the Agriculture Committee.

From my point of view, that is the most important element in here, and I would ask if the concern, as expressed by the distinguished Senator from Indiana and the distinguished Senator from Illinois, is the study and what the study suggests, if that study were out of here and we went back just exactly to your language as you originally proposed, is that the sort of thing that we could then agree upon and be out of here?

Mr. LUGAR. I ask the Chair to allocate 2 more minutes to me so I can respond to the distinguished Senator.

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

Mr. LUGAR. My response—and I will be advised if this is correct or not—but my understanding is, looking at the text of current law in front of me, the Senator suggests we might pick up section 305, which essentially is current law, and drop section 306.

Mr. WIRTH. If the Senator might further yield, it is not law. What we are doing is doing what you all suggested earlier: We direct the regulators to establish these kind of coordinating mechanisms so we will have a greater rationalization between the markets. It has nothing to do with harming CFTC or harming the SEC, aiding the SEC or aiding the CFTC. It does not do any of that.

It says, get together these guys. And one of the reasons we have this enormous debate is because they have not gotten together. I think maybe you and the distinguished Senator from Vermont might consider that if your big problem is on the study and raising these issues, what if we separated it out, went to your language and went to the intermarket coordinating mechanisms? Maybe it is something you will consider.

I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 2 minutes to the Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I hope this amendment will be rejected, as the previous amendment was. This amendment calls for two things: coordination and study.

The reality is the statute is very explicit in calling for coordination right now. The statute reads, "The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, the Chairman of the Commodity Futures Trading Commission shall report to the Congress not later than May 31, 1991, and annually thereafter," and so forth, on coordination, and the statute spells out that coordination.

As far as study, frankly, we do not need additional study. This thing has—I do not want to say this dog been around for a long time because that would have inferences that are improper. But we have been bouncing this issue back and forth, and, finally, we are at the point where we are going to resolve it and there are issues that, frankly, we ought to get resolved and move on. This is one of them. Plus, I think it would simply raise questions in the securities market and the futures industry that are unnecessarily raised.

So I hope the amendment will be defeated.

I yield back any time I may have left to the Senator from Vermont.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself 1 minute.

Mr. President, I want to make it very clear I associate myself with the remarks of the Senator from Indiana and the Senator from Illinois.

We have legislation passed by the Congress, signed into law, subsequent to the original compromise. Putting this in is simply going to muddy the waters. I have almost never made a motion to table in my 17 years here, but at the end of this time, I will, just so we can get on with this bill and get on with conference.

The Senator from Texas has asked for 3 minutes. I yield the distinguished Senator from Texas 3 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished chairman for yielding.

I hope that we will table this amendment. We had a tough vote a moment ago. We have had a 3-year debate. It has been a very hotly contested issue. Arguments were made on both sides. Hundreds of letters were written. Thousands of lawyers became independently wealthy in the process. But we decided the democratic process worked. The jurisdictional transfer was soundly defeated—soundly defeated.

Mr. President, the amendment before us was embodied at least 90 percent in the previous amendment that was soundly defeated.

So, first of all, we have already voted on most of it.

Second, to the extent that the amendment has any relevance to what we are debating, it is already the law of the land. The Market Reform Act of 1990 mandates studies and reports for intermarket coordination, for clearance and settlement. We are already doing these studies. The Treasury is already involved; the Federal Reserve Board is involved.

What is different about this amendment? Why not throw away a few more million dollars on a few more studies? What is different is we have settled the issue. What this amendment would do is continue to stir the controversy. It would guarantee that 18 months from now we would be back here doing this again.

We have made a fundamental decision today and, in my opinion, that decision is going to become the law of the land. What I say is, let that decision have an opportunity to work. Let us not induce the SEC, the CFTC, the Treasury, and the Federal Reserve Board to spend 18 months continuing to debate the issue until we can bring it back and debate it again. Give the new agreement that has been reached here by a vote of almost 2 to 1 an opportunity to work.

If we adopt this amendment, all we are doing is dragging this old dead cat back across the table again. Bury it. The cat is dead. The people have decided. Let the SEC and the CFTC work together. We have settled the jurisdictional dispute. Let us devote the energy that has been squandered, quite frankly, on the issue for 3 years trying to make our markets work better, trying to make our markets even more competitive.

To stir this up any more serves no purpose. I urge my colleagues, even if they voted against the compromise that was adopted, to vote no on this amendment. Let the will of the Senate stand. Let us not bring this back in 18 months and dedicate all these agencies, all these lobbyists, all these interest groups, to continue to debate an issue that we have today decided.

I urge my colleagues to vote to table this amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield to the Senator from Missouri such time as he may consume.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. BOND. I thank my distinguished colleague from Colorado.

I would like to ask a question of the distinguished floor managers of the bill. There seems to be objection to the study, section 306. I, for one, would be happy to drop the study, and I would appreciate knowing whether that might solve the problem which we have had raised on the floor. I ask the distinguished chairman of the committee and the ranking member if we jettison the study, if they will be willing to accept section 305, which essentially was in the bill introduced which each of them and myself signed on initially in the initial version of S. 207?

Would that get rid of the objection if we took out the study?

Mr. LUGAR. Let me respond to the distinguished Senator from Missouri that section 305 differs materially from the law previously passed in this respect. The amendment of the Senator from Missouri and the Senator from Colorado requires specific action within a time certain. It requires the regulators, within 1 year to adopt rules and regulations. Now that might be fine if they can reach agreement, but as the past 2½ years will attest, agreements in this area are hard in coming.

The requirement of reporting to the Congress, adopted in Public Law 101-432 that Senator DIXON talked about earlier, mandated there be reports by the Secretary of the Treasury, the board of governors of the Federal Reserve, Securities Exchange Commission and so forth, and that is one thing. But to require the adoption of rules and regulations in another.

Let me just say I believe we have accomplished in law already the required information gathering which the Senator is seeking and which it seems to me could be important to us. But the Senator's amendment goes beyond that, and therefore at least my own view would be I would not be in favor of adopting that amendment.

Mr. LEAHY. If I may also respond——

Mr. BOND. I would appreciate it if perhaps—if we have a lengthy statement—it could be on the Senator's time. I appreciate the edification of my distinguished friend from Indiana, but time is awasting. I will be happy to yield briefly to the distinguished chairman.

Mr. LEAHY. On the Senators time. Would I support it with that dropped out? The answer is, briefly, no.

Mr. BOND. I thank the chairman. I still believe if there is a question, I would be willing, if the primary sponsor of the measure would be, to ask unanimous consent to take the study out. But I will leave that to his decision.

Mr. WIRTH. Mr. President, I ask unanimous consent that section 306, the study, be removed from the Wirth amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LUGAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I reserve the right to object to make sure the chairman's attention can be focused on this particular request at this time.

I would advise the chairman that a unanimous-consent request has been made by the authors of the bill to strike section 306 and leave 305.

Mr. LEAHY. Mr. President, I do not want to object to anybody doing anything. If I might, I do this as a parliamentary inquiry. The yeas and nays have not yet been ordered; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Would they not have the right to modify—I have no intention of objecting to modifying the amendment. Am I correct they would have the right to modify it in any event?

The PRESIDING OFFICER. The unanimous-consent request precludes modification.

Mr. LEAHY. Mr. President, I think Senators know me well enough to know I would be the last person to object to such a request. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket front-running, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair. I thank my colleagues for the accommodation.

Let me go back to the point raised earlier about Public Law 101-432. The problem with Public Law 101-432 of October 16, 1990, is, as was cited already by the distinguished Senator from Illinois, a clear direction to report to Congress, not to take action. It requires reports from Congress. It said agencies shall cooperate in the development of reports and shall provide copies to

other agencies. That is not a directive forcing action.

The problem is we still have tremendous need to get action to adopt the coordinating policies. There are continuing efforts needed to make sure we have the coordination which is required.

I believe it is critical to look back to the statements by Treasury Secretary Brady, who at the time was head of the Brady Commission, who stated:

> The October 1987 crash demonstrates the issues which have an impact on cross-related markets and throughout the financial system include clearing and credit mechanisms, margin requirements, circuit breaker mechanisms and information systems for monitoring intermarket activities.

The provision in the Wirth amendment is very simple. It is a directive from Congress to both the SEC and the CFTC to work cooperatively to adopt rules and regulations to address four critical issues identified in the Brady Commission report.

First, it requires coordinated circuit breakers to make sure when markets start to plunge in New York and Chicago there is a coordinated halt to prevent another crash. Second, it requires the clearance and settlement systems, which the Brady Commission report found had come to a complete gridlock in October 1987, are linked and coordinated to prevent a collapse of the financial infrastructure in the future.

It requires the SEC and CFTC to work together and to deter intermarket front running, a very heinous white collar crime but a very lucrative one if you do not deal with it.

In addition, the amendment requires the development of procedures for cross margining to enable investors who trade in both securities and futures markets to escape a liquidity squeeze in the midst of a market meltdown. And that is what we almost had in 1987.

It requires the United States speak with one voice in negotiations when we deal with markets abroad so that they know we do have a coordinated response.

Some argue the amendment duplicates the provisions of the Market Reform Act that was adopted in the last Congress. As I have said before, that is not true. The Market Reform Act as introduced would have required the SEC and the CFTC to coordinate clearance and settlement systems, only one of the five intermarket issues addressed in this amendment. But due to opposition in the House the directive to the CFTC was dropped. They have never been explicitly directed to cooperate.

Now, one of the last letters sent by our dear friend, the late Senator from Pennsylvania, was a letter directed to Secretary Nicholas Brady. He was obviously concerned about the decision in the Agriculture Committee markup on S. 207 of the dropping of the intermarket coordination. He lists those and states, as I have stated, that the Market Reform Act of 1990 contained only a single provision directing the SEC to facilitate linked or coordinated clearance. He notes the CFTC directive was dropped and the Market Reform Act contains a reporting requirement only.

In conclusion, he says:

> In my view, the original intermarket directives contained in S. 207 go much further than the provisions of the Market Reform Act because they applied to both the SEC and CFTC and mandated a coordinated resolution of a broad range of critical intermarket issues that remain unresolved. Sincerely, John Heinz, United States Senate.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, March 21, 1991.

Hon. NICHOLAS BRADY,
Secretary, Department of the Treasury, Washington, DC.

DEAR NICK: Following our discussion, I requested my staff to review the intermarket coordination provisions of S. 207 that were dropped during the Agriculture Committee markup of Title III. These intermarket directives would have required the SEC and CFTC, in consultation with the Treasury Department and the Federal Reserve Board, to adopt rules and regulations within one year addressing: (1) coordinated circuit breaker mechanisms to strengthen the stability of equity and equity derivative markets and maintain fair and orderly markets, (2) intermarket frontrunning and the sharing of information necessary to detect intermarket fraud, (3) the establishment of linked or coordinated clearance and settlement mechanisms, (4) implementation of cross-margining of intermarket positions, and (5) policies with regard to international regulatory agreement and standards involving intermarket issues. The SEC, CFTC, Treasury and Federal Reserve Board were also directed to address other intermarket issues as they arise and to report to Congress on actions taken to carry out these directives.

In contrast, the Market Reform Act of 1990 (P.L. 101-432) contained only a single provision directing the SEC to facilitate linked or coordinated clearance and settlement systems. A similar directive to the CFTC contained in the bill as introduced (S. 648) was dropped in conference due to objections raised by the House Agriculture Committee. The Market Reform Act also contains a reporting requirement comparable to the provision originally contained in S. 207.

In my view, the original intermarket directives contained in S. 207 go much further than the provisions of the Market Reform Act because they applied to both the SEC and CFTC and mandated a coordinated resolution of a broad range of critical intermarket issues that remain unresolved.

Sincerely,

JOHN HEINZ,
U.S. Senate.

Mr. BOND. I have taken the liberty of reading that letter because I believe this was an issue on which John Heinz felt very strongly. He felt very strongly about the bill. He felt very strongly about the provisions. And, in particular, he felt very strongly about intermarket coordination.

I ask that my colleagues consider the reasoning behind it, however. Only as the ranking member on the Securities Subcommittee, he recognized that there was a lack of and a need for intermarket coordination. Think back to his position at the time. Having studied it as a ranking member in the Banking Committee Subcommittee on Securities, he felt it was absolutely essential.

For that reason, I urge my colleagues to adopt the amendment as modified, which does not require reports but which does in fact direct action which is essential to maintain our competitiveness. I would have liked to have seen a study, because perhaps it is a measure, S. 207 as amended, by the CFTC, on which there has only been 90 minutes of hearings in the Banking Committee. Perhaps that is a good measure and will foster international competitiveness. Maybe I will be proven wrong.

But in any event, I can assure my colleagues that we, without any reports, will continue to discuss the issues with them, and call it to their attention. But now today we are talking about directing specific action.

I urge my colleagues to follow through on the strong recommendations of the Brady Commission Report, and adopt the Wirth amendment.

Mr. LEAHY. Mr. President, parliamentary inquiry. When does all time on both sides run out?

The PRESIDING OFFICER. About 19 minutes between the Senator from Vermont, who controls 11 minutes, and the Senator from Colorado, who controls 8 minutes 40 seconds.

Mr. LEAHY. That would be about 2:10, approximately; approximately 2:11:06, approximately.

I ask unanimous consent that, at such time that all time runs out, there be additional time from then until 2:40 this afternoon equally divided between the proponents and opponents of this amendment.

I make this request to accommodate a number of Senators who require it at this time.

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

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Thank you, Mr. President; and I thank Senator LEAHY. I will not take the 2 minutes. I simply want to respond to my colleague and friend from Missouri.

The law now says that these various agencies shall report to Congress annually, No. 1, on their efforts, the efforts their respective agencies made relating

to the coordination of regulatory activities to ensure the competitiveness of the U. S. international markets; No. 2, the efforts which the respective agencies have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies.

Clearly the statute provides protection that we need right now.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield myself such time as I may consume.

Mr. President, first of all, I ask unanimous consent to include in the RECORD the language from the legislation introduced by Senators LEAHY and LUGAR on January 14, S. 207.

I ask unanimous consent to include in the RECORD from that legislation pages 81 through 83.

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

SEC. 304. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve Sytem, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinate "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity deriviate markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

Mr. WIRTH. Mr. President, I ask, for the purposes of the RECORD, my colleagues to understand that this language which I just included in the RECORD is exactly the language of the Wirth-Bond amendment.

This language was proposed by Senator LEAHY and was proposed by Senator LUGAR on January 14, 1991. At that time, Mr. President, apparently they felt that current law, which has been cited here, was not adequate. That is why they introduced the language that Senator BOND and I are asking to be restored today.

Now they are making the argument that that language is not necessary. Why did they introduce it to begin with? Well, the fact is that what is in current law requires only reports. It says nothing about the agencies having to act in the various areas that we are requiring.

Let me again repeat, for the purposes of those watching this relatively arcane and difficult debate and issue, let me again outline what we are requiring the regulatory agencies to do.

The purpose of this is to get these two markets to coordinate their activities together. It is not an advantage to New York. It is not an advantage to the SEC. It is not an advantage to Chicago. It is not an advantage to CFTC.

All this amendment says—this is identical to the language introduced by Senator LEAHY and Senator LUGAR last January—all we do in this amendment is say: Get together, SEC and CFTC, New York and Chicago; get together.

Why? The reason we say get together goes right back to what happened in 1987, and again, by the way, in 1989. What happened was the market was almost to the point of collapse. Our financial market almost fell apart, Mr. President. We are all familiar with that very, very close call that we had.

When that market collapse occurred, the Commission was appointed, and now-Secretary Brady was the Chairman of that Commission. One of the recommendations of the Brady Commission, a recommendation as well of everybody else who has looked at this situation, was get these two markets to coordinate their activities together.

That is what this Wirth-Bond amendment does. It is exactly what Senator LEAHY and Senator LUGAR were proposing be done earlier. Coordinating the regulatory structure, coordinating the activities, in a variety of ways.

Now, let me give you an example of one of the things we require to have done. We say that the SEC and the CFTC ought to coordinate efforts to detect and deter fraudulent trading activities across securities and futures markets. We have seen the fact that in the Chicago market, there has been a variety of investigations about fraud. We had earlier, in the 1980's, examinations of fraud in the New York market.

Now these instruments are so tied together that fraud can move from one market to the other. Who could be opposed to coordinating the efforts to pursue fraud from the New York market to the Chicago market, or from the Chicago market to the New York market? Who could be opposed to that?

This is a simple law enforcement measure. Forget all the securities issues. Why in the world would anybody be opposed to a piece of legislation requiring the coordination of efforts to go after white-collar crime? What is the problem with that?

I have no idea why we would not support this. Why would we not go after and put together an amendment on activities that would coordinate the margin system between these two markets? We ought to be doing that. Why would we not be going after developing circuit breaker coordination so that what happens in one market cannot have a deleterious effect on the other?

It simply is a prudent thing for us to do, prudence reflected originally in the Leahy-Lugar bill to develop these intermarket mechanisms. This has nothing to do with one advantage of one market over the other. It is saying to the two markets get yourselves together and act.

This is not in any other law. In other law, there are various reports required of the SEC, required of the CFTC. Those reports can come until the cows come home. I could not care less about those reports. What I want to see, Mr. President, is action by these two agencies to coordinate their activities.

These markets are too important not to be treated very carefully. The liquidity of the American marketplace, the trust that American consumers have in those marketplaces that there will not be fraud, these are some of the great qualities that we have in this extraordinary financial system.

One of the whole theories of regulation since the SEC was established, one

of the whole theories when the CFTC was established, was to ensure consumer confidence in the safety and soundness of these systems.

The Wirth-Bond amendment, taken verbatim from the language offered by Senator LEAHY and Senator LUGAR, is exactly the language they proposed in January 1991. This language is designed to promote exactly that, coordination between the markets, safety and soundness, investor confidence. That is, I believe, our first responsibility in looking after the regulators and in chartering the regulators. They are regulating to promote consumer confidence, to promote consumer safety, to promote the safety and soundness of what can be sometimes fragile markets, but very important and liquid markets.

So, Mr. President, I urge my colleagues, no matter how they voted previously, that this is a prudent vote to take, a vote for good sense. Let us require these two markets to coordinate one with the other. I repeat, Mr. President, that this language that I had, by unanimous consent, included in the RECORD is exactly the language of the Leahy-Lugar bill in January 1991. Let us adopt their original good idea.

I yield the floor.

The PRESIDING OFFICER (Mr. GORE). Who yields time?

Mr. LEAHY. Mr. President, just to make sure that we have the unanimous-consent request right, I ask unanimous consent that the vote on or in relation to the Wirth-Bond amendment occur at 2:40 p.m. today.

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

Mr. LEAHY. Mr. President, I point out that when the vote occurs on that amendment, it will be on the motion to table. There are parts of this proposal that were in earlier drafts of my proposals and parts that were not. In the meantime, other legislation has been adopted by Congress. I am going to oppose it, because I think it keeps the turf war alive. One of the reasons we are still debating this issue today is that we have had a turf war. People do not want to talk about it, but it is a reality. We all understand, and the press understands. I do not have commodities exchanges, and I do not have stock exchanges in my State. We do not have groups related to them.

What I am concerned about, as chairman of the Senate Agriculture Committee, is the responsibility for the reauthorization of the CFTC. If you look at titles I and II, they are very tough, from audit trails to enforcement. This tough language was developed by myself, the Senator from Indiana, and Republicans and Democrats who worked very hard on it. Title III has been a major part of the debate. We have just had a vote that lays out very clearly how the Senate feels on title III. By a two-to-one margin, we voted to keep title III. At the appropriate time I will move to table this amendment. If the tabling motion is successful, I will tell my colleagues that very shortly thereafter, we will go to final passage on S. 207. In fact, if a tabling motion is successful, I will be willing to yield back all but just a few minutes for either side on S. 207, so we can go to final passage.

Mr. WIRTH. Will the Senator yield?

Mr. LEAHY. I yield the floor, so anything else is on another Senator's time.

Mr. WIRTH. Mr. President, I was going to ask the Senator from Vermont, who stated, as others have stated, that since this legislation was introduced by Senators LEAHY and LUGAR, other legislation has passed that makes some of the provisions of the bill that Senator BOND and I offered unnecessary. I ask what legislation has passed since January 14, 1991 that makes this legislation unnecessary?

In fact, nothing has passed. The fact of the matter is that the provisions originally proposed by Senators LEAHY and LUGAR were important in January, and they are important today. Those are the provisions that Senator BOND and I are offering. They are focused on, again, the prudence of governing these marketplaces, making them coordinate one with the other. It was a good idea then, as it is today, and it ought to be passed today.

Mr. President, I am happy to yield to the distinguished Senator. Maybe there was legislation passed, and I did not know what legislation.

Mr. LEAHY. Mr. President, I refer to Public Law 101-432, of October 16, 1990, the SEC Market Reform Act, which covers the issues raised in the pending amendment. This amendment is going to reopen those issues that the various agencies have worked out. We have circuit-breakers in place now at the state and futures exchange. On fraud enforcement, we have the agency staffs sharing of information. These things have been worked out. Let us take S. 207 and pass a clean, well-thought-out bill. Let us go to conference knowing that turf wars that have been settled, or issues that have been closed, are not going to be reopened.

I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. The Senator from Vermont has 5½ minutes.

Mr. WIRTH. Mr. President, parliamentary inquiry. I thought we just agreed that the time was going to be extended.

The PRESIDING OFFICER. The Chair advises that under the terms of the agreement, after all time has expired of the 5½ minutes remaining of the Senator from Vermont, then the time between that and 2:40 will be equally divided.

Mr. LEAHY. Mr. President, I ask unanimous consent that, without adding additional time, the Senator from Colorado be able to use the time that he would get once my initial time has ended, and to do that at any time he wants.

The PRESIDING OFFICER. Without objection, the Senator from Colorado has 20 minutes.

Mr. WIRTH. I thank the distinguished Chair and, again, the Senator from Vermont for his generosity.

Again, the point has been made that some legislation has been passed that obviates the necessity for this amendment. Well, the legislation referred to by the distinguished chairman of the Agriculture committee was passed in October 1990. He introduced this language in January 1991. Obviously, when they introduced the language in January 1991, they thought there was a need for it. Well, there is. That is why we are simply introducing the language that was in section 207. Why in the world have we now gotten so stubborn on this, that in some way that language that was introduced by the leadership of the committee, is not something that should be done. That is clearly something they felt at that point ought to be done. Of course, looking at this whole market mechanism and the coordination between these two markets, it is important to do. All we are doing is very simply saying, let us coordinate between these two markets, and do it, coordinate between the two markets. Thank you very much. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask if I might be yielded 3 minutes.

Mr. LUGAR. I am pleased to yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I will be brief, but let me make a point. The fact that an idea was a good idea prior to the last vote does not mean it is a good idea now. For 3 years I have taken the position that we should leave jurisdiction as it was defined initially in dividing up the responsibilities of these two Federal agencies.

It would be very easy to go back and find things that I have said, amendments that I have supported, letters that I have signed, that took that position. If a Member stood up today and offered as an amendment my old position prior to the compromise agreement, they might cite me as an authority on it, but I am no longer for that position. In fact, it is now irrelevant, because we have adopted a compromise. So the fact that any Member who now supports the compromise had a different position prior to the previous vote, where 65 Members of the

Senate spoke clearly on this issue, is simply not relevant to this debate.

Second, to the degree that this amendment has any purpose other than to continue to stir up controversy and make it difficult for us to get on with the job of making American markets even more competitive, it mandates activities related to intermarket coordination, coordination of regulatory activities, protection of the payment system that are already the law of the land. They are part of the action that we took under the Market Reform Act of 1990.

I remind my colleagues you are not talking about a mere study when you say, in the amendment "shall adopt rules and regulations, * * * establish prohibitions, * * * adopt such rules, * * * adopt such rules, * * * establish policies." Those are not studies. That is policy. The fact that that might have been a policy of the Treasury Department prior to the compromise that we have now adopted is irrelevant.

The point is we have spoken on this issue. Rather than mandating studies and mandating actions and stirring up controversy and continuing to debate, let the voices of 65 Members of the Senate be heard. Give the agreement that has been reached by almost a 2 to 1 margin an opportunity to go into effect and an opportunity to work. Let us use the energies that would be squandered by continuing to stir this turf war, by trying to make the new compromise system that we have adopted today work.

I urge my colleagues, however they voted on the merits of two different regimes of regulation which we voted on before, given that we have adopted the Agriculture Committee's approach, do not go on stirring the pot. Allow the compromise to work. Vote to table this amendment and let us get on with the job of adopting this bill and then working together to make it work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I wonder if the Senator will yield.

The PRESIDING OFFICER. Who yields time.

Mr. WIRTH. I yield to the chairman of the committee whatever time he may consume.

Mr. RIEGLE. I thank the Senator from Colorado. I will try to be brief here.

Mr. President, I rise in support of this amendment. Frankly I am not sure what the Agriculture Committee members and the Senator from Texas are afraid of here. I, for the life of me, cannot understand what is creating such an anxiety and fear from this amendment. This amendment not only had the broad sponsorship of most of the people who are now on the other side of this issue with respect to the basic package that has come out of the Agriculture Committee, but the things that it sets forth are things that we better make sure we achieve. For anyone to stand up and argue against the purposes, the intentions, and the goals of this amendment I think takes on an impossible argument. I would say even more, that I think it is an irresponsible argument.

First of all, it calls for the adoption and approval of appropriate and coordinated circuit breaker mechanisms and similar requirements. We know we need that. I mean, experience has taught us that. That is an evenhanded proposition. That is not tilting toward or against anybody or any given agency.

When it says "to establish effective prohibition on intermarket front running," should we not be establishing prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets, subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud and other violations? What is wrong with making sure that we take care of that problem?

It moves on into the area of clearance and settlements of transactions, another area that has been a problem and it ought to be nailed down so there is no question about it.

The notion is that the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, should sit down around the table and work these items out. I mean if the Government cannot work with itself, what does that say? Of course it can, and it should, and it ought to be required to, and there ought not to be any question about it. It ought to be laid out here in this fashion.

What this talks about is a system of coordinated measures to make sure that the markets operate properly, that they operate properly and that is in the public interest. You know we ought to be in here looking after the public interest, the public interest, not any other interest. Not the interest of a given agency, not the interest of a given market, not the interest of a given product. We ought to be looking after the public interest.

If there was ever a public interest amendment, this is it. That is why, quite frankly, the people who are in here supporting S. 207 have in the past themselves supported these very things, have called for these very things. Now they are backing away. I am frank to say I do not understand why. The notion that these problems have been taken care of 100 percent I do not think is an accurate representation. The fact that we had a vote in here an hour ago, it was not on these issues. It was not on this amendment. It was a different amendment.

This amendment has to do with making sure that we really are coordinating, and in an intelligent and meaningful way, cross-market activities in a way that provides those safeguards to investors and to our economic system, and we need more of that, not less. We need more safeguards for investors and more safeguards for the economic system. We have had a lot of jockeying for power and a lot of elbowing involved in the debate up until this point.

This is a very evenhanded amendment and it says that a lot of the jockeying and the elbowing has to come to an end because the parties have to sit down around the table and work these issues out, and it is time they did it. I do not have any patience for anyone who is not willing to sit down at the table and work them out, because the people who hold these jobs work for the people of the United States of America and not anybody else.

So this is a good amendment. It is a good amendment and it ought to be adopted.

I know reference was made earlier to John Heinz. Probably more than any other Member he articulated the need for precisely these items and helped lay the foundation as to why these items were needed. If he were here today, and God I wish he were, he would be leading this debate in behalf of this amendment and properly so.

This amendment ought to pass. There is not one decent argument against this amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask the chairman to yield to me 5 minutes.

Mr. LEAHY. I yield such time the Senator from Indiana would utilize.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise because for the past hour the contention has been made by the opponents of this amendment that Senator LEAHY and I introduced in legislation precisely the wording of this amendment on January 14 and that all the authors of the amendment currently are doing is trying to resurrect our good ideas on January 14.

I suspect that Members will be mystified as to how this could be, why Senator LEAHY and I would be prepared to vote for tabling the language which we found to be satisfying on January 14. Therefore, I just recite the history of why we came to that language.

Senators ought to know that we made an attempt—and this has been reported by many, in a bipartisan, a two-

committee effort, the Banking Committee Senators and Agriculture Committee Senators—to try to come to some agreement to alleviate this jurisdictional hassle which has gone on for a long period of time. In 1989 Senator LEAHY and I held hearings and finally got through our committee a CFTC reauthorization bill, Titles I and II of S. 207 we are now considering.

We did not even have the privilege of getting to the floor with that reauthorization effort because an amendment was offered by a distinguished Senator, Senator GORTON of Washington, who wanted to get into the jurisdictional problems of the SEC and the CFTC. Because strong forces in America, not only the two agencies but exchange and securities dealers, commodities dealers, all weighed in, and ultimately it was impossible to get a reauthorization bill to the floor at all. There were so many Senators with holds on that legislation that the leadership on both side of the aisle finally saw this was a gesture in futility.

But nevertheless we kept trying. As the large 5-year farm bill came along the track this looked like an opportunity for the CFTC reauthorization bill to be resurrected.

I can remember individually meeting in various rooms around the Capitol, with the distinguished chairman of our committee, with Senator BOND, the late Senator Heinz and, Senator DODD from the Banking Committee. We also had a good number of our fellow committee members looking over our shoulder. We had staff in and out of the room. An earnest attempt was made, and a so-called compromise in fact was fashioned.

Sadly enough, as often is the case in these affairs that are very complex, even when there is good will on all sides—and there was on this occasion—unhappily our amendment could not reach a point in which the two basic agencies and the various industries saw that it was in their advantage to proceed. As a result the holds continued and the amendment did not occur, and the farm bill passed.

As we approached a new Congress this January, clearly before us the reauthorization bill of CFTC still lay ahead. The language that has been cited by Senator BOND, Senator WIRTH, Senator RIEGLE today was in fact a part of the language that came from that prior joint effort, the compromise effort of the five Senators. In other words, we picked up things where we had left them last September when we were debating the farm bill. That was the way we started the CFTC process in January.

Mr. President, from that point onward, of course, we found once again that many of the parties involved showed no more spirit of compromise than they had the year before. I make that point because it was obvious that however well-meaning the five Senators who met last year was, they were going no further with this situation this year.

Parties weighed in. We began to have hearings. The distinguished chairman of the CFTC and others began to testify. So, quite frankly, Mr. President, Senator LEAHY and I and members of our committee finally adopted other language that we felt better fit the situation.

I have no apology for having participated in the compromise effort, trying to work with Banking Committee members, having to listen to a great number of SEC and security interest pleas. The essence of compromise is an attempt to find some bridges. Unfortunately, the language of S. 207 was a bridge that we unhappily were unable to cross. So we proceeded on.

As the distinguished Senator from Texas [Mr. GRAMM] has expressed, the compromise of last year did not work this year. As far as I am concerned, that particular situation is over. What might have been language that would have been adopted January 14 was not adopted by all parties. As a matter of fact, and the Senator from Texas expressed it as well, until this vote today, we have not had the possibility of solving this problem in 3 years. Now we have solved it, at least as far as the Senate is concerned.

In a way, I am sorry we keep resurrecting issues in one last try at the summit. But clearly the language we are talking about now simply was not a part of our final agreement. The arrangement we have arrived at, the vote we just had today, is at least an acceptable arrangement for the Agriculture Committee and the Senate. I am prepared to leave it at that point.

But I did want to take the time of the Senate to try to reconcile these arguments that somehow or other Senator LEAHY and I were passionately in favor of the language on January 14 and somehow less so now. The language on the 14th was our attempt to try to get together with members of another distinguished committee and various other interests. It failed and we proceeded on to a different course.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield to the Senator from Missouri whatever time he may consume.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have listened to the very fine statements. I wonder if I might inquire of our distinguished ranking member, who it was in the compromise efforts, who in the Agriculture Committee, or what was the basis for the objection to directing that two commissions work together to solve the problem identified by the Brady Commission as a very serious impediment to an effective functioning of our markets?

Mr. LUGAR. I would say respectfully to the Senator from Missouri, I cannot recall who said what to whom, or at which point of the debate this particular section was dropped from the text. I do not find great objection in the argument the Senator is making. I am just saying we simply tried a different path.

Mr. BOND. I gather by that it was not the Senator or the distinguished chairman who objected.

Mr. LUGAR. No, it was not.

Mr. BOND. Again, I thank my distinguished friend. I think that quite frankly his statement reflects a problem that many of us have. This particular provision mandating cooperation between two agencies, not just reports, was not focused on. It was not a major part of the compromise coming out of the Agriculture Committee. Obviously, it did not stir any strong memories.

I have spent a good bit of time on the floor, Mr. President. In the last 2 days, several have suggested to me it was too much time on the floor. But in all that time as we debated the amendment, my distinguished friend from Colorado and I proposed, which essentially was designed to change the means of resolving the hybrid question, I do not really recall anybody focusing on market directives.

The Senate has spoken. This body is clear. We are going forward at least in the conference with the approach to hybrids that was recommended by the CFTC and adopted by the managers of the bill. That was the major controversy. That is over with. We have settled a very long and difficult dispute between two extremely important agencies.

Now it has been stated that this amendment which mandates cooperation is designed to stir up controversy. I have heard it said it is reopening a jurisdictional battle.

First, it was not a jurisdictional battle. We are not debating whether to bring the two agencies together and consolidate them.

But whatever that debate was, it was essentially over how hybrids are treated. Now that that is over with, we are faced with a situation that I think everybody in this body would agree upon, that we have two important agencies, the SEC and the CFTC, that are not working well together. They do not think highly of each other. Well, I will not go any further than that. They have very different views and they feel rather strongly about those views.

But, as the Treasury Secretary has pointed out time and time again, it is extremely important for the effective functioning of the markets in this country that those agencies with their own jurisdiction, now operating under

a new directive on how to handle hybrids, coordinate their efforts on circuit breakers, on intermarket front running, and on a number of critically important issues.

I urge my colleagues to look at the fact, No. 1, major recommendations of the Brady Commission have not been adopted. In the past, we have called for reports. That has not brought them together. We are not interfering with jurisdiction, we are saying to two agencies the battle is over, stop fighting, coordinate and make sure you have the rules and regulations working together so we do not have an intermarket meltdown, so we do not have front running—which is a vicious white collar crime, a means of stealing from the other participants in the market—bring your two agencies together, adopt your own rules and regulations, but stop fighting and start talking together. That is all this amendment asks.

I think it is a reasonable request. Whatever their views on the compromise, so S. 207's hybrid provisions, I hope those people recognize we ought to, from this body, make our own decision to tell the agencies go to work. I think everybody has had enough of the battles.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. There are approximately 5 minutes remaining to each side.

Mr. LEAHY. Approximately 5 minutes out of the remaining 8 minutes?

The PRESIDING OFFICER. A total of 10 minutes.

Mr. LEAHY. I yield myself 1 minute.

Mr. President, the distinguished Senator from Missouri has quoted the concerns of the Secretary of the Treasury. The Secretary of the Treasury supported the compromise in S. 207. And it is a compromise.

I add, again, that we could have 100 separate bills here if each Senator goes exactly where he or she wants. I want something that is going to pass, not something that is going to stay up in the air forever. The strong, tough enforcement mechanism that is in S. 207 would never get enacted. I want a bill enacted. I want strong enforcement in place.

I am going to oppose this amendment to stop the turf wars and get on with enforcing the law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I yield myself as much time as I consume.

In summary, Mr. President, this amendment I offered with Senator BOND does not change the compromise in any way, shape, or form. It has absolutely nothing to do with the turf war.

The reason we are here with this endless debate is the fact there has been a fundamental regulatory failure. The regulators have not gotten together to do the job they are supposed to do. That is why we are debating on the floor something, as I have said over and over again, we should not be debating.

All we are doing in this amendment is requiring the regulators to do what they ought to do, which is to get together, to do what the regulators ought to do.

We have two disparate markets, one in Chicago, one in New York; one governed by the Securities and Exchange Commission, one governed by the Commodity Futures Trading Commission. Those two markets, we are saying, ought to get together.

The historic purpose of financial regulation is to assure the safety and soundness of our financial institutions, to underline and underscore investor confidence, to make sure investors do not believe the deal is rigged somehow, to be able to pursue fraud, to be able to make sure what one market does does not have an adverse effect on the other, does not give one investor a leg up on the other, does not give one marketplace the ability to manipulate the market to the detriment of the other, to make sure individual investors believe they are being treated fairly, like all other investors.

That is why we regulate. That is why we regulate in these financial markets. That is why we ought to agree to this amendment.

We ought to be saying, get together your regulators and make sure there is a consistency in what you do. Unfortunately, in the past there has not been that kind of consistency. We have not had the kind of organized, regulated, rationalized approach to these financial markets. They do different things but they have to get together. That is all this amendment says.

It came out of the Brady Commission. That is what our own OTA said ought to be done. It is what every group looking at the financial catastrophe that we barely averted in 1987 said we ought to do.

I would think all of us, having been through the S&L crisis, having been through the mindless deregulation of the 1980's in which we allowed financial instruments to run amok, in which we did not pursue the kind of careful stewardship that we believe the regulators ought to do—having been through all of that, we would say why do we not learn our lesson? At least let us take a small step in the learning of that lesson and coordinate these markets together and assure a little more effective regulation, a little more soundness in these institutions, a little more rationalization of these very important markets.

They are very special, Mr. President. They are very special and have to be treated in that way.

I hope our colleagues will vote for this amendment, vote against the tabling motion, vote for the amendment which is saying to the regulators: Coordinate. The bottom line, Mr. President, is if Senators vote against this amendment what Senators will be saying is we do not care if our financial regulators work together or not. That is what it is all about. Do we care to have our financial regulators work together or do we not? That is the bottom line.

I believe we have an obligation to American consumers, American investors, and to our financial markets that our regulators do a lot better job than they are doing now, and we ought to force them to sit down and work together. Obviously, they are not doing that. We would not be here today if they were.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Vermont has 3½ minutes remaining.

Mr. LEAHY. Mr. President, let me conclude debate on this issue. We have debated similar issues on the past amendment. I urge Senators to vote consistent with their last vote. In other words, I ask those who voted against the last amendment to vote for the motion to table which I am going to make at the expiration of my time.

Again, I remind Senators that we have been trying for 3 years to get a bill through that has the tough enforcement provisions, the tough audit trails, the tough disciplinary procedures, the needed enforcement staffs, and all the other things we need for strict oversight of the commodities markets. We are never going to have that until S. 207 becomes law.

Let us not muddy the water. Let us not keep a turf war alive. The President of the United States can bring in all his appointees and bang heads in order to stop the turf wars. But let us get on with this bill, not with something that has been the subject of endless debates for 3 years.

I urge my colleagues to vote to table on this amendment. If there is a vote to table, there will be no other amendments and we will be in a position then to go on almost immediately to final passage.

Let us get on to the very difficult and arduous task of the conference committee. And then we can get those tough enforcement procedures in place.

The PRESIDING OFFICER. The Senator from Vermont has 1½ minutes remaining.

Does the Senator wish to yield back his time?

Mr. LEAHY. I yield back my remaining time.

Mr. President, I move to table.

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. There being no further debate, the question is on agreeing to the motion to table the amendment offered by the Senator from Colorado [Mr. WIRTH], amendment No. 71, as modified.

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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 57, nays 41, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—57

Akaka	Ford	McCain
Bentsen	Fowler	McConnell
Biden	Glenn	Nickles
Boren	Gramm	Nunn
Breaux	Grassley	Packwood
Bumpers	Harkin	Pressler
Burdick	Hatch	Reid
Burns	Heflin	Robb
Coats	Helms	Sasser
Cochran	Inouye	Seymour
Conrad	Jeffords	Shelby
Craig	Johnston	Simon
Cranston	Kasten	Simpson
Daschle	Kerrey	Smith
DeConcini	Kohl	Symms
Dixon	Leahy	Thurmond
Dole	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wellstone

NAYS—41

Adams	Garn	Mitchell
Baucus	Gore	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Pell
Bradley	Hatfield	Riegle
Brown	Hollings	Rockefeller
Bryan	Kassebaum	Roth
Byrd	Kennedy	Rudman
Chafee	Kerry	Sanford
Cohen	Lautenberg	Sarbanes
D'Amato	Levin	Specter
Danforth	Lieberman	Stevens
Dodd	Metzenbaum	Wirth
Domenici	Mikulski	

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 71), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

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

Mr. LUGAR. Mr. President, as a point of clarification regarding the swaps provision. The banks of the Farm Credit System enter into swap transactions in connection with their asset/liability management policies and in order to reduce financing costs. These transactions are generally entered into through the Federal Farm Credit Banks Funding Corporation, which serves as the fiscal agent of the banks. Farm Credit System banks are denominated by statute in 12 U.S.C. 2011 and 2121 as instrumentalities of the United States and are authorized pursuant to their general corporate and incidental powers to contract and to enter into swap transactions. Accordingly, under the langauge in S. 207, they are eligible to be classified as institutional participants under the proposed legislation.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to make a technical modification to the bond amendment No. 68 to S. 207 to conform the bill to the amendment recently adopted by the Senate by a vote of 98 to 0.

The technical amendment is to strike the provision of section 302 that adds a new section 4(d)(2) to the Commodities Exchange Act, since this section has been superseded by the action the Senate took earlier today.

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

The amendment, as modified, is as follows:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 USC 3101(7)), to a person specified in subsection (i)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection(a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

(Later the following occurred and appears at this point in the RECORD by unanimous consent.)

AMENDMENT NO. 68, AS FURTHER MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Bond amendment No. 68 be further modified to ensure its proper placement in the bill, as passed, and I send that modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so further modified.

The amendment (No. 68), as further modified, is as follows:

On the committeee modification, strike page 8, line 21, through page 9, line 25.

On page 11, after line 12, insert the following new sections:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) and insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the Internatinal Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 U.S.C. 3101(7)), to a person specified in subsection (i)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection (a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

Mr. KERREY. Mr. President, I rise in support of S. 207, the Futures Trading Practices Act of 1991, and the Agriculture Committee's amendment to the bill.

Those who denounce the proposed title III of S. 207 have raised some legitimate concerns about the 50/50 value test that will be used to determine the regulatory treatment of hybrid instruments. Essentially those concerns are based on a fear that the test is arbitrary, that it will lead to more litigation, not less, and that it will make the CFTC the king of the regulatory hill.

For the various reasons already explained by the chairman and ranking member of the Committee on Agriculture, those concerns are either exaggerated or simply not supported by the facts. But reasonable people can disagree over these issues.

What troubles me—and the reason I support the committee bill—is that those on the other side have failed to offer a better alternative. In fact, if I correctly understand the position of the Chairman of the SEC and the leadership of the Banking Committee, their basic message is: Let the market decide. Let those who operate in the marketplace have some choice regarding their preferred regulator. Let's not stand in the way of innovation. Let's not discourage the creativity of those in the financial sector whose creativity—as we know too well—seems boundless.

Mr. President, I find such an appeal rather chilling. I find it unsettling because it comes in the wake of the 1980's, in the wake of the S&L scandals, the bank failures, and the business bankruptcies triggered by investments in such innovative instruments as junk bonds. As we grapple almost weekly with the problems that beset the RTC, I must ask: Have we learned nothing?

I come from a business background myself and I certainly recognize the value of our securities markets, our futures markets, and the marketplace itself. I applaud and encourage the innovation that these markets have employed to the benefit of industry and to the strength of the United States as an economic power. I also understand, from firsthand business experience, that Government intervention can sometimes be quite harmful.

But there is a strong role for the Government to play in regulating our financial markets. If that role is clearly and carefully prescribed, it should provide for orderly and logical regulation—regulation that ensures soundness and integrity but is nevertheless fully compatible with innovation and competition both in the international marketplace and here at home.

Mr. President, in my view S. 207, as amended by the Committee on Agriculture, provides for a clearer regulatory framework than the forum shopping scheme proposed by the SEC and the Banking Committee. It attempts to provide a sharper distinction between futures-based instruments and securities-based instruments, the markets in which they are traded, and the regulatory agencies that watch over them. The Banking Committee's proposal would only blur these distinctions even further.

For that reason, Mr. President, I urge adoption of S. 207 as amended by the Agriculture Committee.

DEFICIENCY ORDERS

Mr. HEFLIN. Mr. President, I have reviewed with great interest section 202 of S. 207 relating to deficiency orders. As someone with at least a passing familarity with the legal concepts of due process and procedural fairness, I am concerned that the CFTC deficiency order procedures may not provide the elements of basic procedural fairness for the accused. This is not just an academic concern: It is integral to our American system of justice. The Supreme Court has long recognized that fairness of procedure is "due process in the primary sense." *Brinkerhoff-Faris Trust & Savings Co.* v. *Hill*, 281 U.S. 673, 681 (1930). Procedural fairness is ingrained in our national traditions and is designed to maintain them.

An "appropriate" governmental "determination" must be the result of a process of reasoning. It cannot be an arbitary fiat contrary to the known facts. This is inherent in the meaning of "determination." It is implicit in a government of laws and not of men—*Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123, 136 (1951).

I think Justice Frankfurter put it best when he said:

[A] democratic government must * * * practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.

* * * Appearances in the dark are apt to look different in the light of day.

* * * No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done—341 U.S. at 170–173 (footnote omitted):

This concern over fairness is replete throughout the history of American jurisprudence. As the learned treatise of Davis on Administrative Law observes:

Clearly, any list of criteria for evaluating procedures must include fairness, which might well be in the number one position—K.C. Davis, Administrative Law Treatise, Vol. 2, 10:4 at 318 (2d ed. 1979).

Consistent with these fair and sound principles, Congress through the years has tried to craft the provisions of the Commodity Exchange Act with due regard for the concept of fairness. Under existing law, if the CFTC wants to suspend trading on a contract market or take other disciplinary action against that market, the CFTC must prove in a full-scale adjudicatory proceeding that the exchange is violating or has violated any of the Act's provisions. 7 U.S.C. 7b and 8(a). In comparison, section 202 authorizes the CFTC, through basically rulemaking procedures, to impose deficiency orders on exchanges that are not satisfying the new statutory provisions on audit trails.

Mr. President, I don't want to speculate about the possible arguments lawyers might make about the fine line between "violating the act's provisions" and "not satisfying the act's provisions," but I do have to concede that I don't see much distinction there, and I doubt that courts will either. Indeed, it is only when the CFTC has "reason to believe" that provisions of the act are not being followed that the deficiency orders contemplated by section 202 and the enforcement actions currently permitted in section 6(b) of the Act, 7 U.S.C. 9, both are activated. Accordingly, I have been concerned that exchanges could face what are, in effect, disciplinary measures without receiving the basic elements of fundamentally fair procedures they are afforded in other administrative proceedings.

The committee has been sensitive to the legal and procedural issues that concern me. Section 202 reflects this sensitivity by creating a sort of regulatory hybrid: That is, a fusion of rulemaking and adjudicatory procedures. For instances, the deficiency process in section 202 includes a required CFTC notice of specific deficiencies the CFTC believes may exist and the precise evidence supporting this belief. It then provides an opportunity for an exchange to submit for the record evidence supporting its satisfaction of statutory standards. It also provides for oral argument before the Commission itself to allow an exchange to present its case directly to the Commission based upon the evidence in the record. In addition, section 202 provides for searching and meaningful judicial review, not a rubber stamp based upon agency deference.

It is worth emphasizing that the Commission, not the exchange, has the burden of showing that there is a deficiency in an exchange's system. If the Commission meets this burden, the exchange then has a full and meaningful opportunity to challenge the proposed deficiency order and its underlying analysis, both as to methodology and the merits of its conclusion. Implicit in section 202 is the expectation that, beforehand, the Commission normally would request from an exchange written data, information and documents. See 17 C.F.C. 1.50.

The burden of proving that there is a deficiency, however, remains with the Commission. The fundamental principle of the Administrative Procedures Act is that the proponent of the rule or order has the burden of proof. The allocation of the burden of proof under new sections 8e(b) and 8e(d)(2)(B) of the Commodity Exchange Act, as created by this legislation fully comports with this fundamental principle. See 5 U.S.C. 556(d).

Let me note that this same process, whereby the Commission has the burden of proof, also applies to Commission proceedings to suspend dual trading as set forth in new section 8e(c). In order to suspend dual trading, the Commission, not the exchange, has the burden of proving that the requirements of new section 5a(b) are not met insofar as exchange systems are not capable of and are not being used to detect and bring appropriate disciplinary actions with regard to violations attributable to dual trading at that contract market; a dual trading suspension would not harm the public interest; and other remedies in the deficiency order process are not more appropriate.

Mr. President, as I read section 202 of the bill, the committee has outlined what it intends to be the minimum level of protection for deficiency orders. New section 8e(d)(1) gives the CFTC freedom to set the terms under which an exchange may present its evidence to the Commission, including an oral argument before the Commission. The Commission therefore may supplement the deficiency order process with enhanced procedural safeguards applicable to agency adjudications, such as the right to present and to cross-examine witnesses in order to establish a meaningful record.

Moreover, I would expect the CFTC typically to provide exchanges with preliminary notice of the areas of deficiency inquiries and to allow exchanges the opportunity to make written submissions to the Commission prior to the issuance of a proposed deficiency order. This approach is consistent with the self-regulatory spirit of the Commodity Exchange Act. This approach also would address the concerns which underlay the pre-complaint submission practices in both securities and commodities administrative enforcement actions, where the accused may make a written submission prior to the filing of a complaint. See 17 C.F.C. part 11, appendix A; 17 C.F.C. 202.5(c). If this course were to be adopted, the Commission would be acting in a manner consistent with current Commission practice in rule enforcement reviews and rule 1.50, under which the exchange, which has the best access to its own records, is afforded the opportunity to come forward with an initial showing that its systems are effective and satisfactory. See 17 C.F.R. 1.50.

In light of the inherently adversarial nature of the deficiency process, I urge you, Mr. President, as we go forward toward a conference with the House on this bill, to reject any efforts to water down the safeguards already in the provisions regarding deficiency orders. I hope that the Committee's intent to provide procedural fairness in deficiency orders, even if it means adjudicatory-like procedures in some cases, is not forgotten merely because certain elements of the deficiency process are rulemaking in nature. As Judge Weinfeld said, in the context of CFTC rule disapproval proceedings, "regardless of the label attached to the proceeding, it is the intent of Congress that governs the procedures used." *Commodity Exchange, Inc.* v. *CFTC*, 543 F. Supp. 1340, 1349 (S.D.N.Y. 1982), aff'd, 703 F.2d 682 (2d Cir. 1983). In this instance, the intent of Congress, as reflected in the provisions of section 202, is to provide a hybrid rulemaking-adjudicatory procedure, where the statute prescribes the basic process an affected exchange is due, subject to the addition of other procedures that are appropriate supplements in any given case.

Mr. DURENBERGER. Mr. President, I rise to express my strong support for the Futures Trading Practices Act and urge my colleagues to vote in favor of this important legislation. I believe we were remiss in failing to adopt this legislation last year, and I want to commend the managers of this bill for their persistence in getting this bill through the Senate today.

Mr. President, adoption of this bill will restore an important measure of confidence to producers, consumers, farmers, investors, and market professionals who have been calling for tighter regulation of futures trading practices. The need for stricter regulation was amply demonstrated 2 years ago when fraud indictments were filed against 48 traders at the Nation's 2 largest futures exchanges in Chicago. So far, 32 of those traders have been convicted or pled guilty, including 10 soybean traders convicted of criminal fraud in the handling of customer orders in 1991; 8 were also convicted on racketeering charges.

The bill we are considering today should significantly diminish the chance that we will see a repeat of practices similar to what we witnessed in 1989. Under the bill, futures exchanges will be given 3 years in which to implement new audit trail systems capable of showing the times, sequence and terms of every futures transaction within 1-minute intervals. In addition, the bill expands the CFTC's power to direct a contract market to improve its trade practice oversight and disciplinary systems and increases civil penalties for contract market violations to $500,000 per violation.

This bill also requires CFTC to ban the practice of dual trading—that is, when a broker trades futures contracts for his customers and his own account on the same day—unless the Commission finds that the contract market's trade oversight system detects and disciplines abuses.

Mr. President, in addition to the strict investor-protection regulations outlined above, this legislation also contains one of the most far-reaching reforms in the area of intermarket coordination. This bill empowers the Board of Governors of the Federal Reserve System to direct an exchange to adjust its margins on stock index futures contracts or options thereon to levels which the Board finds appropriate to preserve the financial integrity of the exchange or its clearing system, or to prevent systemic risk.

Mr. President, the reforms contained in this bill are long overdue. I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee substitute to S. 207, as amended, be agreed to.

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

Mr. LEAHY. Mr. President, there is one-half hour left under the unanimous-consent agreement before final passage. I am willing to yield back. I yield the remaining 15 minutes of that half-hour.

Mr. LUGAR. Mr. President, on our side, we are prepared to yield back the 15 minutes and proceed to final passage.

The PRESIDING OFFICER. Will the Senator from Vermont send to the desk the modification to his amendment according to the unanimous-consent request? There are 15 minutes allocated to the Senator from Vermont.

Mr. LEAHY. 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. LEAHY. 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. LEAHY. Mr. President, all time has been yielded back, has it not?

The PRESIDING OFFICER. All the time has been yielded back.

Mr. LEAHY. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The Senate will come to order. Senators will please take their seats so Senators can be heard.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 707, the CFTC authorization bill; that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 207, as amended, be inserted in lieu thereof, and that the bill be advanced to third reading.

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

The PRESIDING OFFICER. The question now occurs in H.R. 707, as amended.

Mr. LEAHY. 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? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—90

Adams	Exon	Mack
Akaka	Ford	McCain
Baucus	Fowler	McConnell
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Bradley	Grassley	Nunn
Breaux	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burdick	Heflin	Reid
Burns	Helms	Riegle
Byrd	Hollings	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Craig	Kennedy	Seymour
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Lieberman	Wallop
Dole	Lott	Warner
Durenberger	Lugar	Wellstone

NAYS—8

Brown	Moynihan	Stevens
Domenici	Rudman	Wirth
Garn	Smith	

NOT VOTING—1

Pryor

So, the bill (H.R. 707), as amended, was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask uannimous consent that S. 207 be indefinitely postponed.

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

Mr. LEAHY. Mr. President, I thank all Senators, and my distinguished colleague from Indiana, Mr. LUGAR, and all others who have worked on this. I would only remind all Senators not to lose sight of the real focus of this bill. It is not turf battles. It is tougher regulation of the futures market. This bill calls for new audit trails, tougher disciplinary procedures, tougher penalties, undercover investigations. As a former prosecutor, it is a prosecutor's bill, and I am pleased with it. I hope that we can soon be in conference and be completed.

This is a needed bill. It is a bill that will be the toughest commodities oversight bill ever passed if it is enacted into law, and it is one much needed.

Mr. President, before we finish this legislation I would like to take a moment to mention the outstanding job that Chuck Riemenschneider and Ken Ackerman and Jim Cubie of the majority staff and Chuck Conner and Brent Baglien, of the minority staff did in holding together this complex legislation.

There is no legislation considered by the Senate that is more complex technically and politically. It took outstanding work by these professionals to get this job done.

Mr. LUGAR. Mr. President, I thank my distinguished chairman for his commendation. I simply want to say that his leadership throughout this long period of consideration of the Futures Trading Practices Act has made it possible for us to finally move as a united body.

We came to the floor debate with a unanimous vote, but we are most grateful, as always, to Senators and to our staffs. I want to mention specifically Chuck Conner and Brent Baglien of my staff who have worked on this bill and commend all the members of the Senator LEAHY's staff who have made a big difference in a bipartisan way toward a very important product.

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

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.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business not to exceed 5 minutes.

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

The Senator from Florida is recognized.

Mr. MACK. I thank the Chair.

(The remarks of Mr. MACK pertaining to the introduction of S. 856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I be permitted, as in morning business, to speak for about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized for 7 minutes.

MIDDLE EAST VISAS

Mr. LAUTENBERG. Mr. President, Secretary Baker is back in the Middle East again searching for ways to get the peace process going. I just recently returned from the Middle East and I must say I continue to be discouraged by attitudes evinced by Arab States in the gulf conflict. What is discouraging is the continued intransigence toward Israel I encountered with virtually all Arab diplomats and their lack of perspective on the obstacles this poses to peace.

Mr. President, the Arab nations, except for Egypt, continue to isolate and alienate Israel politically. They continue to refuse the reality of Israel's existence. They boycott her and anyone who does business with her. They even boycott any company doing business with a company doing business with Israel. How foolish. They maintain a state of war against her. After 43 years of existence, they refuse to accept Israel as a permanent neighbor. That is not a basis for peace.

To crystallize the point, and to show the depth of Arab rejection of Israel, I want to share with the Senate my experience in trying to get a visa for a recent Senate leadership trip to Saudi Arabia and Kuwait.

Because my diplomatic passport had an Israeli entrance stamp from a previous visit to Israel, the Saudi Arabian Government said it would not give me a visa. Like Saudi Arabia, the Kuwaiti Government has a longstanding policy of rejecting passports with Israeli entrance stamps. So do a majority of the Arab League countries. Because of these policies, the State Department followed its established guidelines. It issued to me an entirely new diplomatic passport as the only means to secure a visa from the Saudi Arabian and Kuwaiti Governments and thus enable me to participate in the leadership trip.

An editorial in Tuesday's Washington Post correctly characterized this "visa rebuff" as "an offense against the United States." It aptly criticized the American Government for kowtowing to Saudi Arabia by issuing duplicate passports.

Mr. President, it is the height of absurdity that the Governments of Saudi Arabia and Kuwait are prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport has an Israeli entrance stamp. It is a slap in the face to all Americans. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers coming to fight to restore security in the region are welcome. But, Americans who have committed the offense of ever having visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

Now the Crown Prince of Kuwait says he wants American troops to stay in Kuwait to protect it. Is he going to check the passports of American soldiers to make sure they have never committed the sin of setting foot in Israel?

The U.S. Government condones this policy. It accepts this policy. It accepts

the fact that to travel to Arab countries, Americans are forced to endorse Arab denial of Israel's existence. It buys into this hatred and totally unacceptable view.

Rather than condoning and acquiescing in this policy, Mr. President, the U.S. Government should demand that Arab countries eliminate this practice. The State Department should no longer issue two passports for diplomats traveling in the region. It is an insult to Israel, to our ambassadors, and to our country that our ambassadors and other American Government personnel, and tourists, should have to have two passports to travel in the Middle East if they want to visit Israel.

Israel is a friend and ally. Her security is essential to American security interests in the Middle East. By providing two passports—especially to diplomats—the United States Government is slapping Israel in the face and supporting Arab efforts to isolate and completely alienate Israel. Arab countries—especially our allies in the war—should welcome U.S. diplomats to their country, especially after our role in the gulf war, and should support U.S. foreign policy interests. They should welcome American companies to their shores, and not boycott them.

Yesterday, I introduced legislation to require the Secretary of State to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their policy of not providing entrance visas for citizens and diplomats if their passport contains an Israeli entrance stamp. It would require the Secretary of State to report to Congress within 60 days of enactment on progress and prospects for securing a reversal of this outdated 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 will be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East. It would also immediately prohibit the issuance of passports designated for travel only to Israel.

Mr. President, the Arab countries' policy of rejecting passports from any citizen that has been to Israel is a stark reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and flies in the face of U.S. national security interests in the region. It brings nothing to Arab countries and is an insult to American diplomats, citizens, and soldiers. It should be reversed. I have asked Secretary Baker to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it on his agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised this matter personally in Cairo earlier this month, when I had the opportunity to meet with President Hosni Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who has been nominated by Mubarak to head the Arab League. In my meetings, I called on them to seek a reversal of Arab policy of rejecting anyone who shows evidence of even visiting Israel.

Secretary Baker is in the Middle East now. He will be visiting Saudi Arabia and other Arab countries that continue to cling to this hateful and woefully outdated policy of isolating Israel and anyone who has ever been to Israel or does business with Israel. I hope Secretary Baker will raise this issue in his discussions with Arab leaders. Our Arab League coalition partners should discard this visa policy, along with the boycott against Israel and companies doing business with Israel, as relics of the past which pose obstacles to peace.

Mr. President, I ask unanimous consent that Senator MOYNIHAN be listed as a prime cosponsor of this bill.

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

The majority leader is recognized.

RESOLUTION FOR THE FREEDOM OF TIBET

Mr. MITCHELL. Mr. President, at noon today, Members of Congress had the opportunity to listen to His Holiness, the Dalai Lama of Tibet. The tragedy suffered by this man and his people is of long duration.

The Chinese invasion of Tibet in 1950 and the brutal crushing of the Tibetan people's revolt in 1959 signaled the beginning of a terrible and immoral repression of Tibetan culture and people, a repression which continues to this day.

The Dalai Lama and 100,000 of his people fled his homeland in 1959, and have devoted their lives to preserving the culture, tradition, and faith of Tibet in their current home in northern India.

Indeed, the culture of Tibet can now only be experienced outside of Tibet, not within its borders. Six thousand monasteries in Tibet have been reduced to almost nothing; 12 remained by 1980. Centuries of architecture and the testament of human faith for countless generations have been obliterated from the face of the Earth. Rarely has any culture been subjected to such a determined effort at extinction.

In recent months, we have heard a great deal about the plight of the people of Kuwait. We have heard a great deal about the suffering of the people of Iraq. We have heard a great deal about the Kurds. We speak of genocide toward national and ethnic groups.

But I say to Members of the Senate, there are no words to describe the extinction of a culture, with everything that it means to its people. But what the Chinese Government has done in Tibet surely is one of the crimes against which the Senate and the world must take a stand. More than 1 million Tibetans have lost their lives since the Chinese invasion, one-fifth of the entire population.

Let me repeat that, so there can be no misunderstanding of the enormity of the tragedy, and the crime which the Chinese Government has committed. More than 1 million Tibetans have lost their lives, one-fifth of the population of that country. Monks have been murdered, or forced into secular life. The faith of the people has been crushed. Its practice has been severely repressed.

The wonder of it all is that, notwithstanding these terrible crimes, notwithstanding the bitter knowledge that he could not help his people in their time of need, the Dalai Lama is a man of peace and compassion, not a seeker of revenge. His words today moved all who were able to listen.

If we find his words useful, we should try to practice what he suggests. That is something not just for individuals, but for governments to take to heart, including our own.

Mr. President, I ask unanimous consent that the prepared statement by the Dalai Lama for today's ceremony be printed in the CONGRESSIONAL RECORD.

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

ADDRESS BY HIS HOLINESS THE DALAI LAMA OF TIBET TO MEMBERS OF THE U.S. CONGRESS AT THE U.S. CAPITOL ROTUNDA, APRIL 18, 1991

Mr. Speaker, Senator Mitchell, Representative Gephardt, Senator Dole and Representative Michel, Senators, Congressmen and other distinguished guests, and Brothers and Sisters:

When I was a small boy living in Tibet, President Roosevelt sent me a gift: a gold watch showing phases of the moon and the days of the week. I marvelled at the distant land which could make such a practical object so beautiful. But what truly inspired me were your ideas of freedom and democracy. I felt that your principles were identical to my own, the Buddhist beliefs in fundamental human rights—freedom, equality, tolerance and compassion for all.

Today, I am honored to stand under this great dome and speak to you. I do so as a simple Buddhist monk: someone who tries to follow the Buddha's teaching of love and compassion, who believes, as you do, that all of us have the right to pursue happiness and avoid suffering. I always pray that the good core of our human character—which cherishes truth, peace and freedom—will prevail.

Our generation has arrived at the threshold of a new era in human history: the birth of a global community. Modern communications, trade and international relations as well as the security and environmental dilemmas we all face make us increasingly interdependent. No one can live in isolation.

Thus, whether we like it or not, our vast and diverse human family must finally learn to live together. Individually and collectively we must assume a greater sense of universal responsibility.

I also stand here as a free spokesperson for the people of Tibet.

While our soldiers were fighting Communist Chinese troops in Korea, China invaded Tibet. Almost nine years later, in March 1959—during the suppression of a nation-wide revolt against Chinese occupation—I was forced to flee to India. Eventually, many thousands of my compatriots followed me. Since then, Tibetan refugees have lived in exile. We were heartened in 1959, 1961, and 1965 by three United Nations Resolutions recognizing the Tibetan people's fundamental rights, including the right to self-determination. Your government supported and voted for these resolutions.

China, however, ignored the views of the world community. For almost three decades, Tibet was sealed from the outside world. In that time, as a result of China's efforts to remake our society, 1.2 million Tibetans—one fifth of the population—perished. More than 6,000 of our monasteries and temples were destroyed. Our natural resources were devoured. And in a few short decades the artistic, literary and scientific legacy of our ancient civilization was virtually erased.

In the face of this tragedy, we have tried to save our national identity. We have fought for our country's freedom peacefully. We have refused to adopt terrorism. We have adhered to our Buddhist faith in non-violence. And we have engaged in a vigorous democratic experiment in the exile community as a model for a future free Tibet.

Tibet today continues to suffer harsh oppression. The unending cycle of imprisonment, torture, and executions continues unabated. I am particularly concerned about China's long term policy of population transfer onto the Tibetan plateau.

Tibet is being colonized by waves of Chinese immigrants. We are becoming a minority in our own country. The new Chinese settlers have created an alternate society: a Chinese apartheid which, denying Tibetans equal social and economic status in our own land, threatens to finally overwhelm and absorb us. The immediate result has been a round of unrest and reprisal. In the face of this critical situation, I have made two proposals in recent years.

In September of 1987, here on Capitol Hill, I presented a Five Point Peace Plan. In it, I called for negotiations between Tibet and China, and spoke of my firm resolve that soon Tibet will once again become a Zone of Peace; a neutral demilitarized sanctuary where humanity and nature live in harmony. In June of 1988, at the European Parliament in Strasbourg, I elaborated on my call for negotiations, and made personal suggestions which would protect the territorial integrity of the whole of Tibet, as well as restore the Tibetan people's right to govern themselves. I also suggested that China could retain overall responsibility for the conduct of Tibet's foreign relations.

It has been almost three years since the Strasbourg Proposal. In that time, many Tibetans have expressed profound misgivings over my stand for being too conciliatory. Beijing did respond: but the response was negative. The Chinese government, it is clear, is unwilling to engage in meaningful dialogue. As recent events in China itself indicate, the Communist leadership refuses even to acknowledge the wishes of its own people. I regret that my sincere efforts to find a mutually beneficial solution have not produced meaningful dialogue. Nevertheless, I continue to believe in a negotiated solution. Many governments and parliaments, as well as the U.S. Congress, support this effort.

For the sake of the people of China as well as Tibet, a stronger stand is needed towards the government of the People's Republic of China. The policy of "constructive engagement," as a means to encourage moderation, can have no concrete effect unless the democracies of the world clearly stand by their principles. Linking bilateral relations to human rights and democracy is not merely a matter of appeasing one's own conscience. It is a proven, peaceful and effective means to encourage genuine change. If the world truly hopes to see a reduction of tyranny in China, it must not appease China's leaders.

Linking bilateral relations to respect for basic rights will significantly decrease the present regime's readiness to resort to further violence, while increasing the strength of the moderate forces which still hope for a peaceful transition to a more open society. These efforts should be viewed not as an attempt to isolate China but as a helping hand to bring her into the mainstream of the world community.

In the future, I envision Tibet as an anchor of peace and stability at the heart of Asia; a Zone of non-violence where humanity and nature live in harmony. For hundreds of years the Tibetan plateau was a vital buffer between Asia's great powers: Russia, China and India. Until Tibet is once more demilitarized and restored to its historical neutrality, there can be no firm foundation for peace in Asia. The first step is to recognize the truth of my country's status; that of a nation under foreign occupation.

Recently, the United States has led the international community in freeing a small country from a cruel occupation. I am happy for the people of Kuwait. Sadly, all small nations cannot expect similar support for their rights and freedoms. However, I believe that a "new world order" cannot truly emerge unless it it matched by a "new world freedom." Order without freedom is repression. Freedom without order is anarchy. We need both a new world order that prohibits aggression and a new world freedom that supports the liberty of individuals and nations.

I would like to conclude by recalling a recent and moving experience. On my last trip to the United States, I was taken to Independence Hall in Philadelphia. I was profoundly inspired to stand in the chamber from which your Declaration of Independence and Constitution came. I was then shown to the main floor before the Liberty Bell. My guide explained that two hundred years ago this bell pealed forth to proclaim liberty throughout your land. On examining it, however, I couldn't help noticing the crack in the bell. That crack, I feel, is a reminder to the American people who enjoy so much freedom, while people in other parts of the world, such as Tibet, have no freedom. The Liberty Bell is a reminder that you cannot be truly free until people everywhere are free. I believe that this reminder is alive, and that your great strength continues to come from your deep principles.

Finally, my main task here today is to thank you—the Congress of the United States—on behalf of six million Tibetans for your invaluable support in a critical time of our struggle. The Congressional bills and resolutions you have passed over the last five years have given the Tibetan people renewed hope.

I offer you my prayers and thanks, and I appeal to you to continue working for the cause of liberty.

Thank you.

Mr. MITCHELL. Mr. President, there is pending on the Senate Calendar a resolution which, if adopted by the Senate, will express the outrage we feel toward this crime. Senate Concurrent Resolution 19 condemns the continuing violation of universal human rights principles by the People's Republic of China. It describes those violations with particular attention to the crime in Tibet.

I believe it fully appropriate if the Senate today, on the day of the visit by the Dalai Lama, shows its strong feeling of revulsion at the crimes committed in Tibet and elsewhere by the Chinese Government, and agrees to this resolution.

Accordingly, Mr. President, I ask unanimous consent that the Senate proceed to Calendar item No. 48, Senate Concurrent Resolution 19.

Mr. DOLE. Reserving the right to object, and I shall be constrained to object at this time, I certainly share the views expressed by the majority leader in his statement about the Dalai Lama and the people of Tibet.

I appreciated very much the comments of the Dalai Lama this morning in the rotunda of the Capitol, a ceremony attended by the leadership and many other Members of this body and Members of the House and hundreds of interested people from all across America.

But at this time, I am not able to clear the resolution. I, therefore, object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, the distinguished Senator from New York, Senator MOYNIHAN, working with Senator PELL, the chairman of the Foreign Relations Committee, Senator HELMS, the ranking member of the Foreign Relations Committee, myself, and Senator DOLE, has prepared a resolution which is more limited in scope and narrow in language and reach than that to which objection was just made.

I now inquire of the distinguished Republican leader whether it would be agreeable to move to that resolution.

Mr. DOLE. We have no objection; I have no objection.

We would like also to move a Yugoslav resolution, and one with reference to an international tribunal on gulf war crimes. We thought they had been cleared. Now we are told that they have not been cleared. We thought we could do all three of these about the same time.

But in any event, I am not going to hold up this resolution. Hopefully, we will work out the problem on the other two. I think Senator MOYNIHAN is prepared, as is Senator HELMS. Even though this does not go as far, as the

majority leader indicated, as the other resolution, I think it does at least represent an expression of how we feel about the general problem, and I am pleased to be a cosponsor.

Mr. MITCHELL. Mr. President, if I might, I have just learned from the distinguished Republican leader's words that there was a problem with the other two resolutions to which he refers. I was not previously aware of that. I would like the opportunity to inquire about that. I had not had that opportunity.

If the distinguished leader would prefer to defer action on this until we find out whether the other two can be cleared, I will be prepared to do that. I was not previously aware there was an objection.

Mr. President, I will momentarily call upon the distinguished Senator from New York, and I note the presence of the distinguished Senator from North Carolina, to address this resolution.

I support this resolution. I am a cosponsor of it. It does not go as far as I would like. For one thing, it does not condemn China. I do not see why we should be reluctant to condemn China for what is clearly a crime of great magnitude, and I do not know why that was not included in the resolution. In any event, we do share the view, indeed.

I want to commend the distinguished Republican leader for a very powerful statement made today during the ceremony welcoming the Dalai Lama. It was extremely effective, and I believe he deserves the commendation of all for that.

In any event, I will now yield to the distinguished Senator from New York and the distinguished Senator from North Carolina to present this resolution.

I want to determine the status of the two resolutions to which the Republican leader referred.

The PRESIDING OFFICER. The Senator from New York.

FREEDOM AND HUMAN RIGHTS FOR TIBET

Mr. MOYNIHAN. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 107) expressing the sense of the Senate concerning freedom and human rights for Tibet.

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

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

Mr. MOYNIHAN. Mr. President, I would like to point to a statement never made before by this body. We have now recorded the judgment of the International Committee of Jurists that Tibet was a sovereign and independent nation before it was invaded.

And, second, I would like to note—it will be obvious to any who reads the resolution—the very forceful statement of the Republican leader directed to the People's Republic of China. He said today in the rotunda, and it is repeated in this resolution, that the Chinese should know, as Tibetans move forward with recovering their independence and freedom, that the United States stands with them.

We have never said that before. It brought the rotunda to its feet, with resounding applause, and it is recorded in the Senate resolution this afternoon.

I thank the majority leader for making this possible. I thank my friend, the ranking member, and I just want to thank the Senate itself for an extraordinary act in a necessary moment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, at the conclusion of my remarks, I ask unanimous consent that the splendid statement delivered this morning by the distinguished Republican leader, Mr. DOLE, be printed in the RECORD.

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

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, it is time to use some strong language, words like invasion, murder, imprisonment, slave labor, forced abortion, pillage of natural resources, environmental horrors, cultural genocide, and violation of every recognized standard of human rights and decency.

These are words, every one of them, that apply to the Chinese Communist policy toward Tibet for the past 40 years.

Mr. President, the resolution before us is short, but it is exceedingly significant. First, it commends the President of the United States for having met with the spiritual and temporal leader of Tibet, His Holiness the Dalai Lama. To my knowledge, Mr. President, George Bush is the first chief of state of a major country to do that, but surely President Bush will not be the last to do that.

Second, it puts the Chinese Communists on notice that the American people and the American Congress stand with the people of Tibet and are united on the goals of freedom and human rights in Tibet.

Yesterday, our distinguished guest, with whom many of us had lunch today, the Dalai Lama, received a Freedom Award from Freedom House. In answer to a question posed to him, he said the following: "Sometimes our Chinese brothers and sisters need to learn new lessons."

This resolution—and I commend the distinguished Senator from New York for his leadership in preparing it—is precisely the sort of lesson that the Chinese Communists need to learn and learn right now. There will be other lessons, but this is an excellent place to start.

I support and cosponsor the resolution, and again I commend the Senator from New York.

EXHIBIT 1

REMARKS OF SENATOR BOB DOLE WELCOMING THE DALAI LAMA

Your Holiness, ladies and gentlemen:

We are gathered today to welcome His Holiness, the Dalai Lama, to our Nation's Capitol.

His journey to this place, to this moment in time, has already been a long and difficult one.

Exiled from his homeland for more than half his life; repeatedly frustrated and rebuffed in his efforts to resolve his differences with the Chinese Government—he has never wavered in his determination to bring freedom to his people; in his commitment to the path of nonviolence to achieve that noble goal.

His path has already been long and difficult, and the end of his journey is still not in sight.

But today, together, let us reaffirm this message, loud and clear. As His Holiness, and the people of Tibet, go forward on their great journey, we are with them. We, the people of the United States; the Congress of the United States, we stand with them. It is a message that needs to be heard by the Government of the People's Republic of China.

We may differ, among ourselves, as to the best way to go forward on this journey. That is the nature of this freedom we enjoy, and the people of Tibet seek—every person has the right to his own viewpoint; every person has the obligation to respect the views of others.

But however we may differ in our prescriptions on strategy and tactics, we all agree on the final goal: freedom and human rights for the people of Tibet.

The meeting that His Holiness had this week with President Bush makes clear that all of us, all Americans, however we may differ in our approach, are united in our commitment to that final goal.

Ladies and gentlemen: you have gathered today to hear the words of the Dalai Lama, not mine.

So let me close by offering my personal welcome to His Holiness; and by saying for all of us—you inspire us by your example, and you honor us with your presence.

Mr. MOYNIHAN. Mr. President, it is a practice in this body to be courteous, but none is ever more so than the distinguished senior Senator from North Carolina. I thank him for the vigor of his statement and the conviction behind it.

Mr. President, no other Senator having risen in this matter, I believe it speaks of the conviction of the Senate, the strength of this statement, citing the International Commission of Jurists, that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The importance of this statement cannot be underestimated in the present international climate.

Mr. President, that being the case and it being important to move quickly in this matter, I urge adoption of the resolution.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 107) and its preamble are as follows:

S. RES. 107

Whereas during the past four decades, repressive actions by the Chinese Government have resulted in the deaths of as many as one million Tibetans, the destruction of a large part of Tibet's unique cultural heritage, the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland;

Whereas the United States Department of State, human rights organizations including Amnesty International and Asia Watch, and the international press continue to report human rights violations in Tibet including the use of excessive force on peaceful demonstrations, arbitrary arrest and detention, unfair trials, torture and death from torture, the restriction of religious practices, and systematic pattern of discrimination, among other violations;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for the peaceful expression of their political, cultural and religious views, including Tamdin Sithar, Yulo Dawa Tsering, Turing Chungdak, Ngawang Puchung, Tseten Norgye, Lhakpa Tsering, Dawa Dolma, Tenzin Phuntsog, Ayal Tsering, and Ngawang Youdon;

Whereas in 1960 the International Commission of Jurists' report on Tibet stated that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law": Now, therefore, be it here

Resolved by the Senate, That:

The Senate commends the President for his historic meeting with His Holiness the Dalai Lama of Tibet;

It is the sense of the Senate that the government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them; and

It is the sense of the Senate that all Americans are united on the goals of freedom and human rights for Tibet.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is informed the Senate is not in morning business.

Mr. BYRD. Mr. President, is there any business before the Senate?

The PRESIDING OFFICER. There is no business before the Senate.

Mr. BYRD. I ask unanimous consent that notwithstanding the fact that no business is pending before the Senate, I be allowed to speak.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

PAYING FOR THE PERSIAN GULF WAR

Mr. BYRD. Madam President, on April 10, 1991, President Bush signed into law H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Appropriations Act for fiscal year 1991. In accordance with the provisions of that Act, the Comptroller of the Department of Defense has submitted a detailed list of transfers amounting to $32.2 billion from the accounts established in that measure, to reimburse various accounts of the Department of Defense which were drawn down to finance U.S. incremental costs of past and ongoing Desert Shield/Desert Storm operations. The Appropriations Committee has taken the 7-day waiting period provided in the Supplemental Appropriations Act to examine the details as presented and has no objection to the transfers occurring as requested. The transfers have, therefore, been approved.

Madam President, I should note, however, to date, our allies in the gulf coalition have contributed slightly less than $29 billion, so that about $3.7 billion of the amounts requested to be transferred will come from taxpayers' money in the account titled the Persian Gulf regional defense fund. The $29 billion in allied contributions contained in the defense cooperation account will be completely depleted to defray the expenses listed. The committee expects that the amounts which have been withdrawn from the regional defense fund will be reimbursed as soon as additional allied contributions are received. Of the $54.6 billion pledged by our allies for this effort, some $32.9 billion in cash and in-kind assistance had been received as of April 12. The amount still owed by our allies comes to about $20.8 billion.

Madam President, the committee expects that the contributions pledged by our allies will be made. The Treasury is out of allied cash at the moment and has found it necessary to dip into taxpayers' money, the American taxpayers' money. The liabilities from the war have not yet been met, and the administration stated in its request for this first transfer of funds that the transfer does not include combat-related costs for Operation Desert Shield/Desert Storm; it does not include costs related to the replacement of major end items; and it does not include repair of certain damaged or unserviceable equipment resulting from those operations. So, as those costs become known, "subsequent transfers will be required," according to the administration. The original administration estimate, in requesting supplemental appropriations to cover the incremental costs of the war, was $68.5 billion. We do not yet know the total amount that will be needed, but we expect our allies to pay their fair share, and at least to pay what they pledged to pay. I shall include for the record a chart of the breakdown of what has been pledged, what has been received, and the amount still owed. There have been reports that our Persian Gulf allies, particularly Saudi Arabia and Kuwait, will need some additional time to make good on their pledges. They owe around $9 billion each. We expect it in cash, as promised. There have been reports that the Saudi's want to pay part of that tab in oil, but that is not acceptable to the Treasury Department and it should not be acceptable. How can we use oil to reimburse defense contractors and replenish accounts for operations and maintenance? That will not work. The Saudis can do as they always do, sell their oil on the international marketplace, and use the cash to pay us. The same goes for the Kuwaitis. I note that both Saudi Arabia and Kuwait, and the United Arab Emirates as well, have provided cash contributions to the Soviet Union in recent months, and I do not question that. I also note that the Gulf Cooperation Council, of which these three countries are a part, has developed plans for a multi-billion-dollar aid program for Egypt and Syria in order to tie those two economies into some new Arab order and fashion them into free-market and free-enterprise economics. I do not question the use of those Arab States' funds for that purpose. But, first and foremost, I think, is their responsibility to make good on their commitments to the United States.

Madam President, the Supplemental Appropriations Act that the President signed contained several provisions to ensure that no arms sales go forward from the United States to any country which has not first fulfilled its pledges to the United States. That language is clear—an allied country must have "fulfilled its commitment" to "contribute resources to defray any of the costs" of Operation Desert Shield/Desert Storm before any arms sales, credits or guarantees for defense articles or defense services under the Arms Export Control Act are made available. I am opposed to any such action until the commitments are fulfilled.

In addition, I should note that section 107 of the Supplemental Appropriations Act essentially prohibits the provision to any other country of any military equipment, supplies or other materials which the United States transported to the Middle East for the use of our Armed Forces or the armed forces of any other country, unless it is first approved by the Congress or unless it is to be prepositioned for use of U.S. Armed Forces in the future.

At the initiative of Senator STEVENS of Alaska, the committee included a proviso that this section should not apply until a permanent cease-fire goes into effect in the region. However, such a cease-fire and end to hostilities has now been put into place, blessed by the United Nations, and accepted by all parties. Therefore, the Stevens proviso is no longer applicable. Further, sections 107 and 108 of the Supplemental Appropriations Act require certain reports concerning the equipment which was captured from the Iraqis by the coalition forces, and concerning the administration's plans for returning our forces or keeping any of our forces in place in the region. These reports are needed to ensure that the United States takes no action to rearm the region without the development of an explicit consensus within the Congress.

The President has made it clear that he intends to withdraw our forces as expeditiously as possible, and I certainly applaud that action. At the same time, I also support his use of our Armed Forces to help bring relief to the Kurdish refugees on the Iraqi-Turkish border. Their plight is horrendous and the United States cannot turn its back on this human tragedy. With the exception of such relief efforts, U.S. forces and U.S. equipment and arms should not remain in the region without the development of a coherent U.S. policy and without the approval of the Congress.

It would be tragic, madam President, if we and our European allies, together with the Soviet Union and China, engaged in a new decade of arming the states of the Middle East. Can anyone deny that the West was guilty of complicity in the violence which Saddam Hussein has visited on his neighbors and his own people? Where did he get the tens of billions of dollars, according to the National Journal of April 13, 1991, some $53.6 billion worth of weaponry, communications and computer gear from 1979 to 1988? He got it from the countries which sit on the Security Council of the United Nations. Arms transfers cannot and should not be the central focus of United States security policy in the Middle East. Arms control and restraint need to take the front seat. To those who argue that arms transfers are a means of real security and that, if we do not take the lead, our European allies will beat us to the arms bazaar, I say that if we do not take the lead in a new effort at arms control, no one else will. We should take the lead in changing the face of tomorrow in the Middle East. New and better and more arms may be good for arms manufacturers, but it is not very good for anybody else. So that is the general intent of the provisions that the Congress approved in the supplemental and further efforts need to be made.

Madam President, I note that the Turkish Government is bearing, once again, the brunt of efforts to help relieve the plight of the Kurdish refugees. Turkey should be commended for its action here. I point out, madam President, that Turkey too, which was promised some $4.5 billion in contributions by our allies, has so far only received less than half of that. Some $1.3 billion has been received, according to a Wall Street Journal article of April 17, 1991. Turkey's losses far exceed the amount that was pledged, and she is clearly a net loser, and will continue to lose revenue because of the cut off of prewar Iraqi oil shipments, and trade, as well as a sharp drop in tourism.

Madam President, we today see the same problem in helping the Kurdish refugees as we faced in funding the war itself. Our allies are certainly cheering us on, and it sounds like sweet music to our ears. But the U.S. military is taking the lead. The President will be proposing a new supplemental appropriations request and I am told that the administration will want perhaps $200 million to come out of the accounts set up in the Treasury by the supplemental law to fund the incremental costs of the war. I do not have a problem with that conceptually, but I do not know how successful the latest "Tin Cup" exercise by the administration is going to be. I understand that the State Department has sent demarches to our allies, that is, requests for contributions from them for our efforts in the humanitarian relief now underway. I have no idea how the allies are going to respond, but the United States cannot do everything alone.

Madam President, in summary, I shall tell my colleagues that the Appropriations Committee has allowed, as of today, some $32.2 billion to reimburse DOD accounts for incremental costs of the war. Because of the shortfalls in the payment of amounts pledged by our allies, $3.7 billion of that comes from the pockets of the U.S. taxpayer. It comes from the money that was contributed by the U.S. taxpayers through the legislation that we recently passed. I assume that the President intends to live up to the law passed in terms of restrictions on arms sales, arms transfers, and reports to inform the Congress concerning withdrawal of forces and possible arrangements for a new American military presence, if any, in the region. Last, I can assure my colleagues that the Appropriations Committee will give expeditious treatment to any request for further transfers to support our humanitarian relief to the Kurds, but I want to again raise a caution flag that our allies have got to get out of the cheerleading mode and roll up their sleeves to help with resources and financial contributions. The war may be over, but the future of the region and the role of the international community in some new world order is being fashioned as we speak.

Madam President, I ask unanimous consent to include in the RECORD the table to which I referred, and also the article from the New York Times entitled "Turkey Waits in Vain for the Big Payoff From Gulf War Stance."

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

TURKEY WAITS IN VAIN FOR THE BIG PAYOFF FROM GULF WAR STANCE

(By Philip Revzin)

BURSA, TURKEY.—Turkey's firm stand against neighbor Iraq in the Gulf crisis cost it about $7 billion, left it with more than 250,000 Kurdish refugees on its border and threatens to increase political instability. But it has made M. Muzaffer Akpinar one happy bathrobe maker.

Brand new German and American computer-controlled looms silently weave 1,200 bathrobes a day at Penta Tekstil A.S.'s bathrobe and towel factory in this gritty manufacturing town across the Sea of Marmara from Istanbul. Penta's all-cotton, velvety-feel robes, in rich browns, blues and greens, sell for $65 at J.C. Penney, Kmart, Sears and Montgomery Ward stores in the U.S.

Penta shipped 240,000 bathrobes to the U.S. last year under Turkey's import quota of two million. But now, in the first tangible gain Turkey can claim from its pro-coalition stand, the U.S. is nearly doubling quotas on Turkish bathrobes and some other textile items. Mr. Akpinar, Penta's sales manager, says he will ship $7 million worth of robes to the U.S. this year, up 40% from last year, and hopes to double sales next year.

Permission to sell more bathrobes to J.C. Penney is a far cry from the sweeping economic and political gains Turkey had hoped to reap from its early and courageous cooperation with the U.S.-led effort to liberate Kuwait. Only days after the invasion, Turkish President Turgut Ozal shut off two Iraqi oil pipelines through Turkey. He later allowed U.S. warplanes to fly hundreds of sorties against targets in northern Iraq from NATO bases in eastern Turkey and kept 100,000 troops massed along the border to tie down Iraqi divisions on the other side.

It was a risky decision. Political opponents hope to capitalize on discontent over the Gulf gamble by toppling Mr. Ozal's Motherland Party in legislative elections due to begin next year. Mr. Ozal would remain president even if the party he founded lost the vote, but his position would be weakened. Radical Islamic fundamentalists also hope to exploit economic discontent.

"WE HAVE GOT NOTHING"

It wasn't supposed to be this way. Mr. Ozal chose the winning side in the war and that's good news for him, of course. But he expected—and promised Turks—too much in return for his stand: billions of dollars to

compensate for Trukey's financial losses, enough political capital to unblock Turkey's stalled application for membership in the European Community, and a powerful role for Turkey in Middle East diplomacy. In the local press, Mr. Ozal pledged even more: that financial returns would compensate Turkey threefold.

He remains publicly optimistic. In an interview in the pink-stucco presidential palace in Ankara, as Kurds continue to pour across the border and Saddam Hussein remains in power in Baghdad, Mr. Ozal still maintains that "Turkey has come out of this crisis very well."

But when pressed, he acknowledges that expectations haven't been matched by reality—especially the responses of Europe and the Gulf states. Others are much more downbeat than that. "Ozal said for every dollar we lost we'd get three back," says Hikmet Cetin, general secretary of the Social Democratic Populist Party, one of the leading opposition parties. "Instead, we lost $7 billion and got back 250,000 Kurds.'

Overall, declares Mr. Cetin, "We have got nothing. Zero."

TOURISTS DISAPPEAR

Critics say Mr. Ozal unnecessarily raised hopes that Turks' participation alongside the U.S. would bring monetary gain to a struggling economy. "Ozal was guilty of building up unjustified expectations," says a foreign diplomat. "Rather than basing his truly courageous stance on national security, he laid out for his people a mercantile balance sheet that was unseemly."

Instead, Turkey's economy is in even worse shape now. Shutting off the Iraqi pipeline cost $2.5 billion in lost fees. The loss of contracts inside Iraq cost $1 billion. The collapse of tourism and loss of lucrative Gulf export markets because of the war cost another $3.5 billion, Turkish officials estimate. And caring for thousands of Kurds could cost millions more.

Turkey's current-account deficit (which includes trade in goods and services plus certain financial transfers) has ballooned to more than $2.5 billion. Inflation, which had been easing down to around a 50% annual rate, is more than 75%, partly because of war-related spending. The central bank spent $2 billion of Turkey's $11 billion in reserves to meet current bills. Turkish Airlines workers recently went on strike demanding a pay increase of 680%; the state offered them a paltry 300%.

So far, tourists haven't returned, the pipeline from Iraq is still shut and the impact of lower oil prices hasn't yet translated into lower inflation.

Signs of economic devastation are everywhere. Edouard Speck, general manager of the Swissotel Bosphorus, a gleaming, glass-fronted 503-room hotel in Istanbul, fusses over the sumptuous lunchtime buffet served to a handful of businessmen in the hotel's glass and marble dining room. "We're lucky we only have 150 rooms ready," he says.

Mr. Speck says Istanbul's business hotels, normally packed to 95% occupancy, are hovering around 40% occupancy now. While he doesn't expect to see many tourists this year, Mr. Speck hopes business travel will gradually pick up. Meanwhile, he's still planning the gala opening of his huge and glittering ballroom on Turkey's National Day, April 23, with a lavish Miss Turkey beauty pageant.

"LAWRENCE OF ARABIA"

Across town at the mammoth Covered Bazaar, tourists are as scarce as bargains. Stall-keepers pounce on an American backpacker and a bewildered British family. Scores of Bulgarian tourists pass by, but don't buy much. In a narrow street around the back of the bazaar, four men with portable telephones staff Istanbul's off-floor gold and currency futures market. While activity seems to swirl, even here few transactions are actually being made.

Circumstances conspire to put Turkey in a less favorable position than some other coalition participants. Bankers say, for example, that most of Turkey's $43 billion in foreign debt is owed to private banks rather than to governments, so it couldn't benefit as Egypt did from a $7 billion write-off of U.S. government loans. Mr. Ozal came back from a visit to the U.S. last month with only $200 million in direct aid, but the Bush administration will ask Congress for $700 million in military and economic aid for Turkey next year.

Mr. Ozal now says he never expected to get all $7 billion back. But he does expect the $4.5 billion that has been pledged, mainly by Japan, Kuwait and Saudi Arabia; so far, only $1.3 billion has arrived.

Hasan Cemal, editor of the daily Cumhuriyet newspaper, thinks official pique at slow-paying Gulf countries was the reason government-controlled television recently showed the movie "Lawrence of Arabia" for the first time in 20 years. "This is seen here as an anti-Arab movie," says Mr. Cemal. "So they're sending the Arabs a message: Pay up."

DISAPPOINTED WITH EUROPE

Many Turks are starting to feel let down. "If the increased textile quotas are all we get, Turkey will be very, very disappointed," says Bulent Eczacibasi, a supporter of Mr. Ozal's policies who is chairman of the Turkish Industrialists and Businessmen's Association in Istanbul. "We need cash now. The burden that fell on Turkey needs to be eased."

As a means of easing that burden, Mr. Ozal has suggested that Turkey somehow join the proposed U.S.-Canada-Mexico North American free trade zone, a suggestion that has evoked puzzled stares in Washington, on geographic grounds if nothing else. Mr. Ozal says he only meant the U.S. should drop all tariffs and barriers to trade with Turkey. He concedes, though, that nothing will be done for Turkey before the U.S. decides on a Mexican pact, currently a contentious issue in Congress.

Mr. Ozal's and Turkey's major disappointment is with Europe. "What's not come up to our expectations is mainly on the European side," Mr. Ozal says. The EC has so far given Turkey only about $231 million in emergency aid. Turkey asked Europe to raise its textile quotas by 35% and got an offer of 15%. A further EC aid package of about $732 million that long pre-dates the Gulf crisis is still being blocked by a Greek veto.

As for full EC membership, even though Turkey is the longest-pending applicant, it is unlikely to be admitted before Austria and possibly even Poland, Hungary and Czechoslovakia. Mr. Ozal had hoped the fallout from the Gulf crisis would ease Turkey's path in Europe, but "it hasn't," he says. The EC says high-inflation, low-income Turkey isn't ready to join. Mr. Ozal thinks the EC isn't ready for a member whose population is 98% Muslim.

NEEDED: YOUNG TURKS

What Turkey has gained is security. It has seen Iraq, a powerful and troublesome neighbor, humbled and its military might destroyed. Turkey's 800,000-man army now is the biggest in the region. The Bush administration is helping to improve Turkey's firepower: The U.S. will leave in Turkey at least two Patriot anti-missile batteries provided during the war, and may send as many as eight more. The U.S. also will give Turkey 40 F-4E fighter planes, and has pledge to help establish a Turkish Defense Fund to be financed by various countries, to help upgrade the Turkish military.

And Mr. Ozal pledges to push ahead with his ambitious plan to modernize and Westernize the economy no matter how much or how little help he gets. "We're in a stage of transformation, which will take more than a few years, from an Eastern European-like command economy to the free market," Mr. Ozal says.

That transformation will require thousands of young Turks like Mr. Akpinar of Penta—who at the age of 29 owns a piece of his company—to produce high-quality goods like bathrobes for export. On the wall outside Mr. Akpinar's office in Bursa hangs a photo of Mr. Ozal cutting the ribbon to open the $5 million Penta plant two years ago. "Ozal loves medium-size,. clean, export-oriented industries," says Mr. Akpinar. Adds Penta Chairman H. Murat Vargi: "If you open a steel mill, Ozal won't come."

Mr. Vargi, who thinks the higher textile quota will eventually pay off for Turkey even more than short-term financial aid, nonetheless says the country is suffering right now. "Nobody is thanking Turkey or Ozal for what we did," Mr. Vargi says. "He's getting flak on all sides at home, and he doesn't deserve this much criticism."

Adds a foreign diplomat in Ankara: "Ozal's got to be disappointed with the way things turned out. Saddam is still there, the Kurds are at his door, and the bills haven't been paid. This is not what he had in mind at all."

ALLIED FINANCIAL CONTRIBUTIONS TO DESERT STORM

[Dollar amounts in millions]

	Initial pledge (1990)	Second pledge (1991)	Total pledge	Cash	In-kind	Total received to date	Percent received	Amount owed
Saudi Arabia	3,339	13,500	16,839	4,536	3,059	7,595	45.0	9,244
Kuwait	2,506	13,500	16,006	7,000	21	7,021	44.0	8,985
UAE	1,000	3,000	4,000	2,870	191	3,061	77.0	939
Germany	1,072	5,500	6,572	5,772	782	6,554	99.7	18
Japan	1,740	9,000	10,740	8,699	65	9,354	87.0	1,386
Korea	80	305	385	110	44	154	40.0	231
Other	3	12	15	4	11	15	.....	.....

ALLIED FINANCIAL CONTRIBUTIONS TO DESERT STORM—Continued

[Dollar amounts in millions]

	Initial pledge (1990)	Second pledge (1991)	Total pledge	Cash	In-kind	Total received to date	Percent received	Amount owed
Total	9,740	44,817	54,557	28,991	4,763	33,754	62	20,803

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee, the acting majority leader for the afternoon.

MORNING BUSINESS

Mr. GORE. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HUMAN RIGHTS IN YUGOSLAVIA

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 106 submitted earlier today by Senator DOLE regarding human rights in Yugoslavia.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 106) to express Senate support for democracy and human rights in Yugoslavia and Senate opposition to the use of force against democratic republic governments in Yugoslavia.

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

Mr. BYRD. Reserving the right to object, Madam President, I personally have no objection. Has this request been cleared by the leadership on both sides?

Mr. GORE. If the President pro tempore will yield, yes, it has been cleared on this side of the aisle.

Mr. BYRD. I thank the Senator.

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

Mr. DOLE. Madam President, in short, this resolution puts the Senate on record in support of democracy and human rights in Yugoslavia. I am pleased that the distinguished chairman and ranking Republican of the Foreign Relations Committee and the distinguished Senator from Idaho [Mr. SYMMS] have cosponsored this resolution. They all agree with me on the importance of sending a strong signal to the people of Yugoslavia, that the Senate stands one hundred percent on the side of freedom, democracy, and human rights. They all agree that such a message needs to be sent now—now while the situation in Yugoslavia is fluid and so uncertain.

Yugoslavia has been in the news a great deal over the past few months, teetering on the brink of a military crackdown. The six Republics and two provinces have been engaged in a sort of tug-of-war. The four democratic Republics are trying to renegotiate the structure of Yugoslavia, but are meeting resistance from the hardliners, led by the Serbian Government, who want to perpetuate a centralized system and retain a significant role for the hardline Yugoslav Army.

Meanwhile, human rights abuses continue in parts of Yugoslavia under the control of the Serbian Government. According to the State Department, in the province of Kosova, repressive measures continued and intensified over the course of the past year. Tens of thousands of Albanians have lost their jobs, hundreds have been beaten and arrested. As I saw for myself, last year, Kosova is a police state.

But, we have seen these police state tactics used in the capital of Serbia, Belgrade. Just last month, Serbian authorities, under the direction of Serbian President Slobodan Milosevic and his cronies, fired upon a large crowd of anti-Communist protesters—they followed up with tear gas and clubs. Most of these protesters were young Serbs who are fed up with Communist policies and want the opportunities that come with democracy—they see the emptiness of Communist promises.

Mr. President, this resolution calls on the hardliners to cease their repression and refrain from the use of force and coercive tactics. It also notes that in view of the human rights abuses that continue in parts of Yugoslavia, the criteria on aid to Yugoslavia established in section 599a of the fiscal year 1991 foreign operations appropriations bill has not been met. Finally, this resolution sends a warning to the Communist forces in Yugoslavia: It states that in the event of a military crackdown against the democratic republic governments the Senate urges the President to suspend all economic and technical assistance.

Mr. President, this resolution does not seek to influence the future structure of Yugoslavia—that is for the people of Yugoslavia to decide and they will—in Republic referendums to be held by the end of May. Instead, this resolution seeks to send a message of support to democratic forces within all of the Republics and Provinces of Yugoslavia. In Yugoslavia, we are witnessing a struggle between democracy and communism and we need to take a stand for democracy.

Mr. MCCONNELL. Madam President, I am not aware of any further debate on this issue.

Mr. GORE. It has been cleared on this side.

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

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 106

Whereas in 1990 four of the six republics in Yugoslavia elected non-Communist democratic governments;

Whereas in 1990 two republics in Yugoslavia elected Communist governments;

Whereas in 1990 the provinces of Kosova and Vojvodina were stripped of their autonomous status by the government of the Republic of Serbia;

Whereas the United States Department of State's 1990 annual report on human rights states that, "in the province of Kosova, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians."

Whereas the Yugoslav Army has threatened the use of military force to undermine the democratic republics of Yugoslavia and to suppress human rights in the province of Kosova and elsewhere;

Whereas despite continuous and good-faith efforts by the democratic Republics to come to a negotiated agreement on the future structure of Yugoslavia, there remains a threat of a military crackdown;

Whereas the political situation in Yugoslavia is highly uncertain: Now, therefore, be it

Resolved, That:

SECTION 1. United States policy toward Yugoslavia should be based on support for democracy and human rights for all of the people of Yugoslavia.

SEC. 2. The Senate calls on Serbian President Slobodan Milosevic to cease all repressive policies against the Albanian population of Kosova.

SEC. 3. The Senate calls on Yugoslav President Jovic and the Yugoslav Army to refrain from the use of coercive tactics and force against the democratically elected governments of the republics of Bosnia-Hercegovina, Croatia, Macedonia, and Slovenia.

SEC. 4. The Senate notes that the criteria established in Section 599A of Public Law 101-513 have not been met by the Yugoslav and Serbian governments.

SEC. 5. In the event of a military crackdown by the Yugoslav Army or the imposition of martial law in Yugoslavia, the President should immediately suspend all economic and technical benefits provided by the United States to Yugoslavia.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

Mr. GORE. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 62, S. 253 a bill to provide for the establishment of appropriate leader forums for the enforcement of the Geneva Conventions, introduced by Senator MCCONNELL.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 253) to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Criminals Prosecution Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal, and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait:

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subjected to trial:

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of war (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and wilifully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "crimes under international law" means crimes against humanity, crimes against peace, and war crimes;

(2) the term "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, incluing Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

TITLE I—ACTIONS BY UNITED STATES AGENCIES AND COURTS

SEC. 101. COLLECTION AND MAINTENANCE OF RECORDS.

The President shall direct the appropriate United States Government departments and agencies to collect and maintain evidence of crimes committed by Persian Gulf war criminals.

SEC. 102. DETERMINATION OF JURISDICTION FOR PROSECUTIONS.

The President shall consult with the Attorney General, the Secretary of State, and the Secretary of Defense to determine the appropriate jurisdiction for the prosecution of Persian Gulf war criminals, including Federal and specially appointed courts of the United States.

TITLE II—INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 201. PROPOSAL FOR ESTABLISHMENT.

The Congress urges the President, acting through the Permanent Representative of the United States to the United Nations, to propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

SEC. 202. ALTERNATIVE MEANS FOR ESTABLISHMENT.

In the event the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, the Congress urges the President to work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

SEC. 203. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

(a) ESTABLISHMENT.—(1) There is established within the Department of State the Office for the Prosecution of Persian Gulf War Criminals (hereafter in this Act referred to as the "Office").

(2) The Secretary of State shall designate an officer or employee of the Department of State to serve as Director of the Office.

(b) ADMINISTRATION.—(1) The Assistant Secretary of State for International Organization Affairs (or any successor Assistant Secretary) shall administer the Office.

(2) The Secretary of State shall make available to the Office such personnel and office space as the Office may require.

(c) FUNCTIONS.—The Office shall—

(1) develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals;

(2) advise the Permanent Representative of the United States to the United Nations in

any discussions or negotiations on matters relating to the establishment of such an international criminal tribunal; and

(3) carry out such duties and responsibilities as may be required of the Department of State to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

TITLE III—CONGRESSIONAL OVERSIGHT

SEC. 301. PRESIDENTIAL REPORT.

No later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed by the Office under section 203;

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read "A bill to provide for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals, to establish an office within the Department of State to implement the U.S. role with respect to the tribunal, and for other purposes."

Mr. PELL. Madam President, over 40 years ago, after the Nuremberg trials that followed World War II, Justice Robert Jackson wrote:

If the nations which command the great physical forces of the world want the society of nations to be governed by law, [the Nuremberg] principles may contribute to that end.

A few years earlier, in his opening speech as Chief Nuremberg Prosecutor, Justice Jackson had said that the "principle of personal liability is a necessary and logical one if International Law is to render real help to the maintenance of peace."

It is in that spirit that we bring before the Senate the bill S. 253, the Persian Gulf War Criminals Prosecution Act of 1991, which has just been reported out by the Foreign Relations Committee.

This legislation, which received the committee's unanimous support, combines language suggested by the junior Senator from Kentucky [Mr. MCCONNELL] with proposals advanced by the senior Senator from Connecticut [Mr. DODD] and myself to make sure that the perpetrators of war crimes in the Persian Gulf are brought to justice for their war crimes, for their crimes against humanity, and for their crimes against the peace.

Our proposal has been urged by numerous eminent and distinguished scholars of international law, two of whom testified at our hearings last week.

Under the provisions of this legislation, the Congress would be on record in stating that:

Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

I might add a personal note here on the subject of deterrence. My own father was a member of the United Nations War Crimes Commission which addressed the question of how to handle the war crimes committed during World War II. He strongly believed in the need for future deterrence, and he said at the time:

I am thinking of my unborn grandchildren, and I'll see myself damned, in the most literal and theological sense of the word, I'll leave no stone unturned that might save them from a third war. I do not ask to revenge the dead innocents, but I intend to protect those that are to come.

In addition to putting the Congress on record in stating that the Iraqi war criminals must be prosecuted, this legislation would require that the President first decide whether any courts in the United States would be the appropriate place to prosecute any of these Iraqi war criminals.

Then, as the next step, the Congress urges the President to propose, through our United Nations Representative, that an international criminal tribunal be set up by the United Nations to prosecute those Iraqi war criminals who he has decided should not be prosecuted in United States courts.

And finally, if the United Nations decides not to set up a court, the Congress urges the President to work with our coalition partners from the Desert Storm operation to set up just such a court.

In order to make sure that some firm and accountable direction is established for this effort, the legislation also sets up a special office in the State Department to follow through on the proposals contained in the bill.

Madam President, I have no doubt that this is the right direction for us to take. In fact, I think the administration has lagged woefully behind on this subject.

I regret that we were not able to have any executive branch witnesses come up to testify at our hearings last week. In fact, the State Department's press spokeswoman was quoted just this past Tuesday as saying that this issue is "not something we have been actively moving on." And yet, Mr. President, the foreign ministers of the 12 European Community nations have already agreed to urge the United Nations to begin war crimes proceedings. The EC nations were responding to such a proposal that was first made by Germany's Foreign Minister Hans-Dietrich Genscher, who said last weekend that Saddam Hussein is "personally responsible for genocide and war crimes."

Several days ago, Foreign Minister Jacques Poos of Luxembourg, who now holds the EC presidency, was quoted as saying that the EC ministers "consider Saddam Hussein personally responsibile for the crime of genocide as defined by the Geneva Convention of 1948 (on the Prevention of the Crime of Genocide). I will be discussing with the UN Secretary-General how this convention can be applied. * * * [This will be] a clear political signal to the Iraqi dictator and other dictators in the years to come who might be inclined to follow Saddam Hussein's example."

Dutch Foreign Minister Hans van den Broek spoke of "irrefutable crimes" by Saddam Hussein during the gulf war.

And British Foreign Office Minister Tristan Garel-Jones endorsed the war crimes prosecution idea as well.

The proposal of the EC nations was presented to U.N. Secretary General Javier Perez de Cuellar earlier this week, and, according to press reports, he told Luxembourg Foreign Minister Poos that "he would submit the European request to a legal examination" and give a response "in the shortest possible time." The Secretary General was quoted as saying:

It is an interesting idea. I will consult with my legal advisers to see how we can proceed. Then I will give the European Community my opinion about the matter.

Madam President, the United States should be presenting its proposal as well, and that is what this legislation is designed to accomplish. I will close my remarks with the words of the noted philosopher, teacher and author Elie Wiesel before our committee just last week. He said:

Let history record our determination that whenever an aggressor will launch war against defenseless countries, his story will inexorably lead him before an international court of justice. His sentence will almost be irrelevant. His personal future will matter little. What will matter is the exposure of his criminal deeds. What will matter is that he will remain in the annals of history as an example of what human beings, driven by fanaticism or ambition, can do to one another.

Madam President, I urge my colleagues to support this legislation.

Mr. MCCONNELL. Madam President, the Senate Foreign Relations Committee this morning reported out this bill which deals with the question of war crimes trials for Saddam Hussein and his henchmen. Quite simply, it provides that the administration pursue three obvious options:

First, to look at the possibility of trying Saddam and his henchmen in this country under our laws.

Second, to pursue the establishment of an international criminal court—none exists at present—before which Saddam, and others found guilty of war crimes, could be brought.

Third, the exploration of the option of having a coalition court. That is, the winning countries trying Saddam Hussein and his henchmen. This latter option is the Nuremberg example where the winning coalition tried those who committed war crimes on the losing side.

Madam President, when we introduced this legislation in January, I was motivated in large measure by Hussein's humiliation of our combat fliers by publicly parading them in front of international TV and forcing them to denounce their countries. I was reminded of the Geneva Convention banning this kind of treatment of POW's and set about establishing a means to enforce that code. Adding to the abuses our POW's suffered, Hussein and Iraqi authorities clearly violated restrictions against torture, hostage taking, and extrajudicial executions of civilians, among many other charges.

There is no shortage of victims of Hussein's ruthless invasion and occupation of Kuwait, and now the mountain of allegations and charges has grown with the shameful abuses committed against Iraqi Kurds.

When we launched Operation Desert Storm, President Bush did so with the strong support of the United Nations and a majority of the Members of the Congress. It was important to me that the President forged international political and military support for the effort as he protected constitutional imperatives requiring the Congress to mandate the use of force in war. It reflected our tradition and commitment to the rule of law.

If we are to do more than talk about a new world order, if we truly believe law must prevail over tyrants, we must now crown our military and political victory by establishing a court to consider the legal charges against Hussein and his government. The war will not be over and we will not live up to the ideals enshrined in our Constitution and law if we do not advance the cause for war crimes trials.

Initially, I thought the credibility of the proceedings should not be tainted by winners judging losers. However, in hearings before the Foreign Relations Committee, international legal scholars persuaded me that capable, independent jurists could and would objectively assess the facts and reach a fair judgment.

As a result of amendments this morning in committee, the legislation now lays out three options for the President. First, he may consider prosecuting Iraqi authorities charged with war crimes in the United States courts. I included this provision at the request of lawyers in the administration who pointed out if we had custody of an official, we might very well want to charge him here rather than waiting for the establishment of an international tribunal.

The second option available to the President is to present our evidence to the United Nations and work to establish an international criminal tribunal. Since the United Nations authorized the use of force launching Operation Desert Storm, the United Nations ought to come together to render a final legal judgment.

Although this international court would be the best possible option, I am a realist about the difficulties of working out such a consensus. So, the bill now offers a third option. If efforts at the United Nations do not succeed, the President should consider working with our partners in Operation Desert Storm and create a coalition court.

It is important to the future world order that we not walk away from events in the gulf—that the cause and principles we fought for are not abandoned to vigilante, street justice.

Just this week the 12 European Community countries agreed to press Secretary de Cuellar to launch a formal war crimes investigation and tribunal. The time is clearly now, to move toward an international consensus on legal proceedings just as we did on the use of force.

I urge my colleagues to support this bill and send the strongest possible message to our President to work with our European allies and partners in the gulf to bring this war to a legitimate—a legal end.

AMENDMENT NO. 72

(Purpose: To add a reference to the Geneva Convention relating to the use of environmental modification techniques)

Mr. MCCONNELL. Madam President, on behalf of Senator MCCAIN and Senator SIMON, 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 Kentucky [Mr. MCCONNELL], for Mr. MCCAIN (for himself and Mr. SIMON), proposes an amendment numbered 72.

Mr. MCCONNELL. Madam 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 7, line 3 insert the following additional language before the word "there":

"Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and, "

Mr. MCCAIN. Madam President, this amendment would include within the findings of the bill specific reference to the international convention which Iraq clearly violated when the military forces of Iraq in Kuwait, acting under the direct orders of the political leadership of Iraq, deliberately caused incalculable harm to the regional environment in the Persian Gulf.

Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. The leaders of Iraq revealed their customary contempt for international agreements to which they are a party when they ordered the systematic destruction of the entire Kuwaiti oil production infrastructure, and when they ordered millions of gallons of oil to be dumped into the Persian Gulf.

The bill before us cites the relevant international conventions that Iraq has so thoroughly violated in all their crimes against humanity with the exception of this convention on the environment. The specific identification of Iraq's violation of the convention, contained in this amendment, will provide a basis for the prosecution of Iraq's despicable environmental terrorism. I urge my colleagues to adopt it.

In closing, let me commend the authors of this legislation. Their efforts have recognized a fundamental truth governing all international affairs: Peace and security in any region of the world rests primarily on respect for international law. This legislation will contribute significantly to encouraging that respect. The United States Armed Forces have brought peace and freedom to the beleaguered people of Kuwait. With this bill, Congress undertakes to bring justice to the region. I am pleased to join my colleagues in this effort.

AMENDMENT NO. 73

Mr. GORE. Madam President, on behalf of Senator PELL, 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 Tennessee [Mr. GORE], for Mr. PELL, proposes an amendment numbered 73.

Mr. GORE. Madam 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 11, line 19, strike all beginning with (3) through State on line 20 and insert the following:

"(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.".

The PRESIDING OFFICER. Is there further debate? If there is not, the

question is on agreeing to the amendment.

The amendment (No. 73) was agreed to.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 253

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 "Persian Gulf War Criminals Prosecution Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal, and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of War (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and willfully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "crimes under international law" means crimes against humanity, crimes against peace, and war crimes;

(2) the term "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, including Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

TITLE I—ACTIONS BY UNITED STATES AGENCIES AND COURTS

SEC. 101. COLLECTION AND MAINTENANCE OF RECORDS.

The President shall direct the appropriate United States Government departments and agencies to collect and maintain evidence of crimes committed by Persian Gulf war criminals.

SEC. 102. DETERMINATION OF JURISDICTION FOR PROSECUTIONS.

The President shall consult with the Attorney General, the Secretary of State, and the Secretary of Defense to determine the appropriate jurisdiction for the prosecution of Persian Gulf war criminals, including Federal and specially appointed courts of the United States.

TITLE II—INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 201. PROPOSAL FOR ESTABLISHMENT.

The Congress urges the President, acting through the Permanent Representative of the United States to the United Nations, to propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

SEC. 202. ALTERNATIVE MEANS FOR ESTABLISHMENT.

In the event the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, the Congress urges the President to work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

SEC. 203. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

(a) ESTABLISHMENT.—(1) There is established within the Department of State the Office for the Prosecution of Persian Gulf War Criminals (hereafter in this Act referred to as the "Office").

(2) The Secretary of State shall designate an officer or employee of the Department of State to serve as Director of the Office.

(b) ADMINISTRATION.—(1) The Assistant Secretary of State for International Organization Affairs (or any successor Assistant Secretary) shall administer the Office.

(2) The Secretary of State shall make available to the Office such personnel and office space as the Office may require.

(c) FUNCTIONS.—The Office shall—

(1) develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals;

(2) advise the Permanent Representative of the United States to the United Nations in any discussions or negotiations on matters relating to the establishment of such an international criminal tribunal; and

(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

TITLE III—CONGRESSIONAL OVERSIGHT

SEC. 301. PRESIDENTIAL REPORT.

No later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed by the Office under section 203;

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

Mr. GORE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECENT EVENTS IN IRAQ

Mr. GORE. Madam President, if there is no other business my colleagues would like to pursue at this point, I want to address the Senate on the subject of recent events in Iraq and in the areas along the border between Iraq and Turkey, and between Iraq and Iran.

The world community has been moved by the precarious struggle for existence of hundreds of thousands of innocent men, women, and children forced by their fear of Saddam Hussein into the harsh mountains of northern Iraq. As part of that world community, we have watched young babies perish and the elderly succumb to the cold, the hunger, the brutality of a dangerous and difficult exodus.

I wish our Government's responses had displayed more foresight and more alacrity. Our President, who displayed such brilliant initiative in summoning others to make war, needed to be pleaded with before he would confront one of the war's unintended consequences. But, at last, he has.

Americans support President Bush's warning to Iraq to stop military action north of the 36th parallel, which now becomes the de facto southern boundary of the safe zone. Americans also support President Bush's parallel warning to Iraq not to interfere in any way with the efforts to provide relief to those Kurds who are enduring such terrible suffering.

I believe Americans will support efforts to enforce this demand if Saddam Hussein does not comply. The President's decision, announced earlier this week, to fully engage our own military forces in the rescue effort, has its risks, but it seems to me that most Americans will also feel that this was an act well taken in the name of the United States, even if belatedly.

It is essential now, however, to take stock of what else needs to be done, not only in the coming days but also in the longer term. We must plan better or be continuously forced to improvise. The suffering of the Kurds and others should be warning enough to us about the costs of being constantly overtaken by events. The President is having to make up for lost time now, and that, among other things increases the risk factor for our own troops. It is essential that planning for the relief operation overcome the disabilities of a late start. There are indications that the President has caught even the United Nations offguard, and it is not clear whether he has made sure that Saddam Hussein will stay out of the way.

I, myself, would like to go on record in support of the difficult calculation just made by the President, that the risks to our personnel—who are now asked to help distribute the relief supplies and to provide some semblance of security and order while that process takes place—are acceptable during the time period when this operation can be expected to take place and then conclude.

I believe that the military units of Iraq which have so recently been enduring the devastation of the war in the southern part of Iraq understand very clearly what will happen to them if they should ignore the clear warnings provided by President Bush. I believe our country will be just as united in support of this operation as we were in support of some very difficult and risky operations during the Persian Gulf war. But there are steps that we need to take to minimize these risks and to define the outcomes we are now seeking. For example, at a minimum, we need to settle any doubt that the United Nations is in support of this operation and is ready to accept the responsibility for taking it over once we and our allies have made it a going proposition. That is now in some doubt and that doubt must be quickly resolved.

In the near term, a successful relief effort may well require steps beyond those already taken. The continued presence of Republican Guard units north of the 36th parallel is one of the most immediate sources of concern. The presence of such units can undermine efforts to build any sense of confidence among the refugees or to provide for the security of relief personnel.

As long as these units can remain in the region, even if we take no overt action, we may have trouble persuading the Kurds to relocate far enough away from the Turkish border down to areas where food and medical care and some kind of shelter can be provided. Certainly, if our plan is one day soon to have the Kurds leave the encampments we are now building and return to their dwellings in Iraq, it is hard to realize their agreeing to do so if it means passing through the ranks of their worst, most feared enemies. Ultimately, the President may find he has to tell Iraq that such units must withdraw.

According to the President's announcement, we will establish several encampments the size of small cities. I take it as a given that we cannot allow either the Iraqi military or civilian police authorities to operate in these encampments or in their vicinity. Consequently, it seems clear that those providing relief, whether it is the United States and some of our allies, or the United Nations, must also be prepared to provide for public order.

Arguably, the authority for this action comes from Resolution 688 on the refugee crisis. If there is any doubt about that, then steps must be taken to strengthen and clarify the resolution. It would, of course, be absurd for the United Nations to try to save lives while Saddam Hussein is trying to take them all in the same territory.

Meanwhile, attention must also be paid to the refugee crisis near and in Iran. That country is straining its resources to deal with an immense number of desperate people. Conditions appear to be as urgent there as they are in the north. But the international response to date has been ineffective, in large measure, because of Iran's own estrangement from the rest of the world.

Nonetheless, Iran has a problem on its doorstep almost as bad or the one on the Turkish border. Indeed, the number of people is as great or greater. It is only the apparently more efficient efforts by Iran compared to those of Turkey which have kept the suffering from reaching quite the horrendous levels as we see on the Turkish border. Thousands of innocent lives are at stake. We should be clear about that. Iran is asking for help. If ever there is a time for the world community to respond to a request from Iran, now is that time. We and other nations should extend ourselves and move fast.

Also, there appear to be continuing skirmishes involving units of the Iraqi military and Kurds on this part of the Iraqi border. This must also be dealt with, notwithstanding the fact that it is south of the 36th parallel, because the relief operations are going to be

underway there, just as they are on the Turkish border. Indeed, they are already underway, albeit without our full participation on the part of Iraq, and spilling over the border into Iran.

What is perhaps most disturbing is what seems to be a lack of clear focus on this problem at the Iranian border which, I repeat, is as great in its human dimension as measured by the number of people involved, as is the problem on the Turkish border. The issue for here and for now is not our dislike of Iranian policy but the saving of lives. Iran does appear to be doing a more effective job, as I said before, but it should specify exactly what it would like to see from the world community in assisting them in their efforts to deal with the suffering now underway.

In the south of Iraq, there is yet another different kind of problem. As we withdraw our military forces from the occupied zone, it seems to me inconceivable that the almost 40,000 individuals who have left that zone and put their lives in our care should be turned over to Iraqi authority against their will. The image of men, women, and children in that part of Iraq, on the Kuwaiti border, hanging on to the trousers' legs of American soldiers as they withdraw, looking over their shoulders at Iraqi machine guns poised to deal with those who have in some cases been demonstrating publicly against the regime of Saddam Hussein, that cannot be allowed to take place. It is not too extreme to say that their blood would be on our hands if we were to acquiesce in such a tragedy.

In addition, many of the people who normally live in that area are expressing fear about what will happen after we leave. It is good that Secretary Cheney has publicly pledged that we are going to take care of the safety of these people, but there seems to be a great deal of confusion as to the details. And that is where the difference between life and death will be found, in those details. What are they?

Having inquired, Madam President, I would like to say I am not satisfied that our Government is clear about what those details are.

In particular, I think our arrangements may be inadequate at the point where our protection is withdrawn and the safety of refugees becomes dependent upon the United Nations. In theory, there is some protection from the presence of U.N. peace-keeping forces after they replace United States forces on the Iraqi side of the demilitarized zone. But their mandate may at present be inadequate. They appear authorized only to monitor Iraqi observance of the demilitarized zone, but not to concern themselves with what happens to people inside that zone.

There is a danger that we may eventually see U.N. forces passively standing by while Saddam Hussein's civilian police round up the innocent for slaughter. Do we doubt that he is capable of doing precisely that? He is right now engaged in an effort to reestablish the extent of his power over the people of Iraq, in all of its parts. He has and will continue to have less ability to threaten his neighbors than he had before the start of the war. But his power inside of Iraq, the base from which he will seek to rebuild power in the region and the world, is now being reestablished.

One of the means by which he reestablishes his power is to slaughter those who disagree with him. Having seen these people, chanting against Saddam Hussein's rule, on television, what will his reaction be?

I do not think it is a difficult question to answer. But we cannot pretend that vague arrangements will suffice. We need to be clear, as we were not clear about what was happening to the Kurds when this tragedy began to unfold, and about what was happening to the Shiites just east of the area we are now discussing.

And again here it seems clear additional steps are now needed. The behavior of Iraqi civilian police toward the people within the demilitarized zone needs to be officially included within the mandate of the U.N. forces. Kuwait's border with Iraq must be porous enough to permit flight and relocation to an emergency zone in the north of Kuwait, should that prove to be necessary.

Now, there is another matter involving the suffering of Iraqi citizens which we should also anticipate and not allow ourselves to be surprised by when it occurs.

Temperatures will continue to climb in the weeks ahead. The public health threat in the heart of Iraqi population centers, including Baghdad and those cities and towns up and down the river valley, could well become critical as warming temperatures bring the threat of cholera and other communicable diseases, which threaten precisely because of the devastation visited upon the water systems, sewer systems, and other parts of the infrastructure of the nation.

What will be our reaction if we witness widespread deaths from a pandemic in the populated regions of Iraq's center? We need to address these questions now. The world community needs to think about and prepare for addressing such questions right now.

Critics say that as we address questions such as that one, or the problems surrounding the establishment of these encampments in the north, or the relief efforts on the Iranian border, or the fate of those refugees along the Kuwait border, that in doing so we are now simply dividing Iraq into segments and in the process destroying the territorial integrity of that country.

The President points out that creating safe zones is not the same thing as promoting the establishment of regions that are fully and permanently independent of Iraq. Arguably, however, the steps he has taken reduce the sovereign authority of the Government of Iraq to act as it pleases within its own borders, and the further steps that I am discussing here would have a similar, and additive, effect. But the cease-fire itself already crosses that line.

The government in Baghdad essentially retains only those sovereign powers not claimed by the U.N. Security Council. And if we have already denied the Government of Iraq the power to use oil to rebuild its military force, how much farther is it to deny the Government of Iraq the power to exploit the circumstances of the postwar environment to spill the blood of its own people in a never-ending sacrifice to the power of the Baathist regime in Baghdad.

Imagine, then, that we do take the necessary steps to prevent the vast calamity which is rising to engulf the Kurds and others. Obviously, any success we have in stabilizing the situation is a mere holding operation. We are not going to accept the idea of hundreds of thousands of people indefinitely huddled together on the perimeter of Iraq; indefinitely at the mercy of events. True, we have stood by and witnessed other mass tragedies: In Cambodia and in the Sudan, for example. But in this situation we have the ability to decide otherwise.

The whole world realizes what is going on. Our allies—to their credit—are in the front ranks of those pressing for action and are telling us more needs to be done.

We are dealing with a government in Iraq that defied the United Nations even to the point of warfare, and which has now been defeated as a result. We are able to bring tremendous force to bear on the Government of Iraq, because even after our ground forces leave the gulf, we will continue to control the air space of Iraq, and we control its economic future with the continued application of the sanctions.

We have, in other words, the power to influence events in Iraq. But that power can be wasted if it is not directed toward clear objectives.

What is it we would like to see in Iraq? We want the people of Iraq to be able to return to their homes and to live at least in relative safety. Saddam Hussein has made offers of amnesty. But who will believe him? And who should? Previous offers of amnesty have been followed quickly by betrayal and murder.

Even the words of this offer of amnesty clearly spell out wide exceptions large enough to accommodate whatever violence Saddam Hussein wishes to visit upon the people who so unwisely believe in the simple word "amnesty" coming from his lips.

Who will urge the Kurds and the Shiites and others who have fled to return and to place their lives and the lives of their families in the grip of this man simply because he has given his "word"?

Clearly, the minimal requirement here is to secure not only a statement of the terms of an unconditional amnesty, but also to put in place a network of observers who will monitor the situation. That is a thin reed to lean on, of course: mere words juxtaposed to the reality of a regime which will sacrifice anything, commit any crime, and go to any length to preserve its power; a regime which would prefer to rule a valley of the dead rather than allow the living their freedom.

In the end, I believe we will finally have to confront the central questions, questions the administration still apparently hopes to escape; namely, what will happen to the political organization of Iraq, and how can we encourage change?

In any such analysis, it is necessary to grasp something which continues to elude many people. Saddam Hussein may be a singular personality, but alone his removal from power will not end Iraq's government by terror. We must be clear about this point. He and his lieutenants, including the Army command, are united in crime and culpability for what has happened to Iraq and its people.

The removal of Saddam Hussein alone will not reveal a layer of honest and decent underlings to lead Iraq. It will only reveal the next layer of those who are complicit in his crimes. Anyone who has studied the history of his rule understands that fact. If we look the truth in the eye, we will see it is not only Saddam Hussein who must be removed from power, but his government.

Until Saddam Hussein is gone, until his government is gone, and until the Iraqi state is reestablished on a new footing, there can be no solution on an enduring basis for the hundreds of thousands of refugees, nor durable basis for regional security and stability.

We must recognize that simple, if difficult fact.

This conclusion leads to clear operational consequences for American policy. We must decide that our goals in this region cannot be mortgaged to the survival of a government which has demonstrated time and time again a capacity for mass, unconscionable violence against its own people and against its neighbors.

On the contrary, our efforts must be focused on isolating that government internationally, and on encouraging its downfall at the hands of authentic forces from within Iraq.

Madam President, the force which we are in a position to exercise right now in Iraq, by virtue of the sanctions, by virtue of our leadership of an international coalition, by virtue of our control of the airspace in Iraq, by virtue of the international community's control of its oil revenue, by virtue of our ability to communicate with elements inside Iraq—all must be organized and orchestrated toward the objective of removing Saddam Hussein from power, and removing his government from power.

That is necessary in order to achieve our goals and the just goals of the world community, and the aspirations of the Iraqi people—even Iraqis who have, in the past, been supporters of Saddam Hussein. He is reestablishing his power by exercising continued terror against them as well.

One of the most important things we can do to isolate the government of Saddam Hussein is to document, through testimony and evidence gathered under international auspices, its criminal nature and deeds. This may or may not lead to indictments and trials in absentia.

The President seemed, the day before yesterday, to hint he would trade the equivalent of immunity in return for Saddam Hussein's prompt departure into permanent exile. But the only way to seal the door to any return to international acceptability for Saddam Hussein and for his regime is to thoroughly document their crimes and lay them on the public record for the world to see.

Then, if we wish to plea bargain with Saddam Hussein, which is how I would characterize the offer of immunity in return for his departure—and I do not do that in a way that is designed to cast prejudice upon that, because I think the President is right to consider that possibility—but, if we wish to even consider such an arrangement, the best way to do it is to first indict him and lay out the record.

Meanwhile, every effort should be made to emphasize that under the present government, Iraq will exist as a pariah state. Iraq's suspension from the United Nations, a process which begins with a Security Council resolution, would be a useful expression of that status, with both symbolic and practical consequences, that should increase the discomfort and isolation of Saddam Hussein and his government.

The process of nurturing internal forces capable of bringing down Saddam Hussein and his government should begin with a clear statement that the United States will never relent on sanctions until a new government has been formed; one which will arguably give voice to the peoples of that nation, and respect their basic rights and needs.

Why are we so reluctant to speak out in favor of democracy and the principles we hold most dear in seeking a resolution for this crisis, which is lingering past the time when we all hoped it would end?

Let me emphasize, we must demand not just the downfall of Saddam Hussein, which the President has been doing in words, but the replacement of his system of government as the condition for modifying the sanctions beyond those forms of relief necessary for the health and basic sustenance of the Iraqi people. We must underscore that our fundamental dispute is not with the people of Iraq, but with their government.

Of course, even if that government were to be replaced, Iraq must still bear responsibility toward other nations and people for damages and crimes, but certainly a decent government in Baghdad should invite a reassessment of those obligations.

It is also time for the Government of the United States, at the highest levels, to contact those who are in a position to speak out for the oppressed peoples of Iraq. We do not have to recognize them as a government in exile, or formalize their position. But it is shameful that for years we have refused to even meet these people in the open; that we have refused to even allow them to state their case publicly here in the United States in a forum of our choosing.

Why do we seem automatically to assume that neither they nor the peoples of Iraq are capable of self-discipline and self-government? That assumption betrays our most basic leap of faith which led to the establishment of this country and its revolutionary form of government.

When did we come to think that self-government was beyond the capability of certain peoples? How did we come to accept that we could export sophisticated equipment, including advanced weaponry to Iraq, but that these same people, who could master these advanced devices, are somehow incapable ever of mastering the techniques of democracy?

Why, when representatives of the Kurds explicitly say they are not seeking independence from Iraq, but some form of autonomy for themselves within Iraq, does our Government brush that extraordinary series of statements aside?

It is not just moral outrage that should lead us to reappraise our policy. Iraq is a potentially wealthy and powerful nation. It has a large and talented population, and it has, in addition to its resource base in oil, another resource base in the form of fertile agricultural regions.

As we have seen, if these resources are under the control of a totalitarian state, they can menace the entire region. We cannot risk allowing such hostile power to again take root and grow in Iraq.

But vigilance is not enough. That is essentially a defensive waiting game, and dictators have notoriously long lives and long careers. The resources of

the Iraqi State must be directed to peaceful purposes under the guidance of a different regime which exists to meet the needs of its people. Until there is such a regime, there will remain the ultimate risk of Saddam Hussein's reemergence.

Moreover, if we believe that a stable Iraq is in our interest, surely we now can see that dictatorship there is not the cure for internal instability, but the cause. If our objective is to make sure we do not have to face another Iraqi bid for regional hegemony and for world influence based on aggression, the reconsolidation of Saddam Hussein's control over Iraq is precisely the wrong outcome.

If we are concerned about Kurdish irredentism as a threat to Turkey, and Shiite fundamentalism as a threat to the gulf states, then we should understand that oppression nurtures extremism. And yet, it seems to me that our Government completely discounts the possibility that the solution to the stability of Iraq is that its peoples must live at peace with each other within a democratic and just framework.

Instead, we seem to have banked entirely on the survival of the existing system of government, even though we say we would like to see it under a different individual leader.

We should request nothing from Saddam Hussein, but rather state our demands and be prepared to enforce them. We are not asking him to avoid military operations north of the 36th parallel; we are telling him. The clear implication is that if he refuses to comply, we will use force to enforce it.

Similarly, we must make it clear that in the end, we will never be reconciled either to him or to his government; that even after our ground forces are withdrawn, unless he prepares the way for his own departure, we will grease the skids.

In this connection, let me note that American covert assistance to the Afghan resistance was highly effective in changing the balance in that struggle, even though there was never any thought of a direct United States military engagement. We have options that do not at all depend on a sustained U.S. military presence. We should be considering them. The exercise of power begins with a correct understanding of its extent as well as its limits.

I fully agree with the President that the United States should remove its ground forces from the occupied zone as planned and from the region, but the President is confronting us with a false choice when he says that to complete that withdrawal, we must be passive about the internal affairs of Iraq. We are already deeply involved in those internal affairs and must, of necessity, remain so for some time. We must pick our preferred course of action. If we do not succeed in imposing an agenda that reflects American goals of regional and international security, Saddam Hussein will have an opportunity to impose his. He is seeking to do so right now.

The withdrawal of our armies does not require us to leave Saddam Hussein to his own devices. We have to believe that he not only intends to survive on power but to recover what he has lost and then to grasp for another opportunity to dominate. He is gaining strength again right now. Therefore, if we do not want to be forced at some future time to reintroduce our armies, we must recognize that the removal from power of Saddam and his government are vital pieces of unfinished business.

In my opinion, Madam President, and I want to state this clearly, President Bush should not be blamed for Saddam Hussein's survival to this point. There was throughout the war a clear consensus that the United States should not include the conquest of Iraq among its objectives. On the contrary, it was universally accepted that our objective was to push Iraq out of Kuwait, and it was further understood that when this was accomplished, combat should stop. That is also why, after it became apparent that Iraqi forces were being routed, pressure mounted rapidly here and abroad to proclaim a cease-fire.

If it was a mistake to believe that Saddam Hussein would be a prompt political casualty of the war, as the debacle it turned out to be for Iraq, that his rule would end shortly after the defeat of his armies, then that was a mistake widely shared throughout our country.

But only the President could speak on behalf of the United States to suggest that Saddam Hussein ought to be overthrown, and only the President could decide on behalf of the United States to permit the use of Iraqi combat helicopters to suppress rebellion, in clear violation of the understanding of the conditions agreed to at Safwan. The President's appeal was, therefore, arguably a factor in stirring up rebellion.

The President's decision not to ground the Iraqi combat helicopters conferred an important, perhaps decisive, advantage to Saddam Hussein in overcoming rebellion and then in generating the mass, panicked flight with which we are now confronted.

There have been published reports that the United States took other steps to encourage rebellion. I do not know whether that is the case or not. We should know.

Certainly, I am prepared to accept that the President, as an fndividual, is as shocked and angered at what is happening before our eyes as any American. I believe, however, his initial refusal to act was the result of a conviction he has held and continues to hold about basic American interests in this situation. The President beleives the United States must withdraw its ground forces from the region in the shortest possible time, and I agree. And he evidently believes that the collapse of centralized authority in Iraq would put that withdrawal in doubt. He also believes that the territorial integrity of Iraq is important to the future stability of the entire region.

So far, I believe most Americans agree, but, unfortunately, the President also appears to have believed that Saddam Hussein's government was critical to these purposes because Saddam Hussein could commit Iraq to a cease-fire, which was the necessary condition for our withdrawal, and because Saddam Hussein, or preferrably in the President's mind his associates, could prevent the collapse of Iraq.

Maddam President, why do we seem so frequently to strike an alliance with dictators of the worst stripe?

Mr. SPECTER. Will the Senator yield for a question or does he prefer to finish before yielding?

Mr. GORE. I prefer to finish the statement because I do not have longer to go and then I will yield.

In my previous comments in the past few weeks, I have tried to deal with aspects of the President's thinking that I believe misjudged how we ought to respond in the specific context of Iraq. But others have noticed that the President's approach to developments in Iraq reflects an even larger pattern in his approach to events in other parts of the world. The President speaks of a new world order, but he confronts a tension between a world order based on correct and cooperative relations among governments and the nature of those governments.

The President has tried to escape this dilemma by applying a strict interpretation of the doctrine of noninterference in the internal affairs of other states. Our business, he seems to have been saying, has to do only with the external behavior of the government in Baghdad. What that government does internally may be vile, but it is not our business, and we should keep out. This is not an improvised position on the part of the President but a statement of real principle, clearly of major importance in the President's thinking. It is the way he reacted to the Government of China after Tiananmen Square. He placed so much importance on that principle that he sent close associates to have a very pleasant exchange of views and even raise their glasses in toast to those who were responsible for Tiananmen Square, very soon after the tragedy occurred.

The same principle governed the way he reacted to the Soviet Union in the wake of efforts to destroy the movement for full independence in the Baltics. The same principle guides, I believe, the overly prolonged attachment to Gorbachev in preference to some greater lines of communication to

other emerging centers of power within the Soviet Union.

We should speak out for democracy. We should be willing to stand for the principles upon which our Nation is based and for which our Nation stands throughout the world. We should not be too quick or too righteous in that regard to deny that the President's approach does have its values, even in complex international tradeoffs on issues of right and wrong. At the hour of choice in the Security Council, would China and the Soviet Union, for example, have facilitated American policy against Iraq if the United States had earlier disrupted its ties with those governments? The President is within his rights to believe that the world is often too ambiguous a place for crisp moral certainties. And yet, is a cool amoralism to be the foundation of the new world order? Is our objective nothing more than peaceful relations among states, no matter what may be going on within those states?

Even the Charter of the United Nations seems to point in that direction. I had to reread that document, and it is clear that the United Nations was brought into being to regulate relations among states and not to regulate their internal behavior, except if it becomes a threat to international stability. At least that would be what you might call a strict constructionist reading of the Charter.

(Mr. LAUTENBERG assumed the chair.)

And yet again we need to recognize that there is wisdom in this restraint. All governments wish to be treated as sovereign equals, despite the gross disparities that exist among them in terms of power. In particular, when they participate in an international organization, they must take care not to be exposed to a "tyranny of the majority." So, although some countries taking shelter behind the doctrine of noninterference are using this to cover their crimes, others may need this doctrine to protect themselves against bloc voting intended to victimize them.

What is happening in Iraq catches us and the world community at a point where our thinking about international order and international justice is thin. We do not know how to handle this kind of issue very well. But I believe we all share a sense that statesmen who deal in tightly sealed compartments with issues of national interest on the one hand, and with issues of international justice on the other, are not building anything durable for future generations. The debate which has erupted over the President's original course of official noninvolvement with the fate of the Kurds is driven by the sense that this was a step away from the path we must follow.

It would be unseemly to treat the ongoing suffering of hundreds of thousands of people as an abstraction. For the moment, we must focus on how to successfully respond in the present instance, to the plight of those whose fate is in our hands. But I want to point out that this crisis is certainly not going to be the last time we have to confront a disastrous misalignment between the principle of nonintervention in the internal affairs of states and our deepest impulses about what is humane, morally imperative behavior.

As we witness the tragedy of the Kurds and others who wished to escape domination in Iraq, and who have instead become a nation of the dispossessed, we must wonder whether there is a golden mean whereby justice and order can be reconciled; not in an imaginary world suddenly repopulated by a new and better kind of humanity, but in our own world populated by the descendents of Adam.

It is not enough, in this situation we now face, to declare that the future of Iraq is entirely the business of its present government. Our leaders once told our troops that the way home was figuratively "through Baghdad," meaning that the Government of Iraq had to be checked. It is time for our statesmen to take that remark as a guide for themselves.

We cannot deal with our problems in this part of the world merely by attempting to contain such evil. It will not let us alone, even if we turn away from it. No one is talking about ensnaring Amercian military forces in an unending civil war. We are talking about using American influence and power to speed, rather than delay, the end of a regime and a system of government which we cannot tolerate either morally or in terms of our fundamental interests.

The stories we read now record the deaths of children, of infants. Every morning, they bury the children first, we are told. These stories confound our sense of justice, our sense of compassion and conscience. They make clear the need for actions the President is now taking, but they also point toward other steps that must eventually be taken, although—it seems to me—they are still being resisted by the administration.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Pennsylvania.

Mr. BUMPERS. Will the Senator from Pennsylvania yield for one minute?

Mr. SPECTER. I had already stated to my colleague from Arkansas that I would on the condition that I retain the right to the floor. I had stated earlier that I had some questions for the distinguished Senator from Tennessee, so if the Senator from Tennessee would stay, I would ask unanimous consent that I retain my right to the floor after the Senator from Arkansas concludes.

The PRESIDING OFFICER. The Senator from Arkansas.

PRESIDENT BUSH'S NEW EDUCATION STRATEGY

Mr. DOLE. Mr. President, earlier today, President Bush unveiled his new education strategy to the American people. The new strategy, "America 2000," is a forward-looking proposal, one which will provide the first step in helping our schools, teachers, and students achieve the educational goals set forth by the President and the Nation's Governors.

It's pretty clear to all of us that an improved educational system is vital for the future competitiveness of our Nation. We've certainly heard plenty about the inadequacies of our schools.

The President's plan is designed to forge a strong partnership between all levels of government, schools, teachers, parents, and communities. "America 2000" proposes that the Federal Government show its commitment to encouraging innovation and creativity in our schools, yet recognizes that State and local efforts are the prime mover behind educational reform.

I also want to point out that the President, as well as our new Secretary of Education, Lamar Alexander, have made clear that they want to work with Congress in a bipartisan manner to make these important reforms in education. Unfortunately, I think some of my colleagues on the other side of the aisle want to make this a partisan issue—this morning, in fact, several congressional Democrat leaders held a press conference to criticize the President's strategy, even before it had been released to the public. I think we owe it to America's young people to study the President's, and all others', proposals carefully, to make sure that we are making the right decisions to put our educational system back on the right track. Mr. President, education is not a Democratic issue, nor is it a Republican issue. It is an American issue. I want to applaud President Bush for his leadership on his educational initiative and urge all of my colleagues to work with him to produce true educational reform.

WISHING A SPEEDY RECOVERY TO SENATOR PRYOR

Mr. BUMPERS. Mr. President, I send to the desk a Senate resolution which essentially wishes our esteemed and beloved colleague, Senator DAVID PRYOR, a speedy and complete recovery, and ask that it be considered immediately.

The PRESIDING OFFICER. Is the Senator asking for its immediate consideration?

Mr. BUMPERS. Yes.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 108) relative to the illness of the honorable Senator PRYOR, a Senator from the State of Arkansas.

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

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

The PRESIDING OFFICER. Is there debate on the resolution?

Mr. BUMPERS. Mr. President, I do not believe there is a more popular and beloved Member of the Senate than Senator DAVID PRYOR, and we are all very pleased at the prognosis.

I wanted to do this just as a token of our love and appreciation for him. I hope he will be back and among us very shortly, which I am sure he will.

Mr. GORE. Mr. President, on the resolution just briefly, may I say that sometimes when the subject of an individual colleague arises there are extravagant statements which sometimes stretch credulity. May I simply say in all sincerity that no Member of this body would have credulity strained in the least upon hearing the statement that there is no more beloved Member of the Senate than Senator DAVID PRYOR.

In other circumstances, except if it would not embarrass him, you would see people flocking over here talking at length on this and he would be watching on C–SPAN and he would think, Oh, my goodness. I can hear his comment.

I will refrain because I know my colleague has other matters to discuss, but I just want to second what the Senator from Arkansas has said.

The PRESIDING OFFICER. If the Senator from Pennsylvania would suspend just a moment, the Chair would ask that his name be added to the list of those who are cosponsoring the resolution.

Mr. BUMPERS. I thank the Presiding Officer. And I also add the distinguished Senator from Tennessee to cosponsorship.

Mr. SPECTER. Mr. President, on the resolution, I would like to associate myself with the remarks of the Senator from Arkansas and Senator from Tennessee except for the one comment of the Senator from Tennessee that Senator PRYOR would be watching C–SPAN II and be listening to these comments. He, in any circumstance, has much better sense than to be watching C–SPAN II. I am sure that he is engrossed in some very important historical novel or doing some activity which is at least entertaining.

But aside from that, I do associate myself with the remarks and would ask, as the only Representative, I was about to say on this side of the aisle until my distinguished colleague from Idaho arrived, that I be listed as a cosponsor of the resolution.

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

The question is on agreeing to the resolution.

The resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 108

Whereas our esteemed colleague, David Pryor, is in George Washington University Hospital recovering from an illness; and

Whereas his exemplary service in State and national public offices merits the respect and admiration of his colleagues; and

Whereas his recent illness requires him to be absent from the United States Senate: Now, therefore, be it

Resolved, That the Senate express its regret that Senator Pryor's illness will require his absence from the Senate Chamber; and be it further

SEC. 2. The Senate express its heartfelt wishes to Senator Pryor for a speedy and complete recovery, and that he return to his duties, serving the people of Arkansas, in the very near future.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

The Senate continued with consideration of the bill.

Mr. SPECTER. I thank my colleague from Tennessee for being willing to respond to questions as to the content of his presentation. I had been listening to the comments of the distinguished Senator from Tennessee for approximately 40 minutes and heard him raise questions about the conduct of the President relative to what is going on in Iraq. My colleague accused the President of a lack of foresight and the absence of clear objectives in the region and operational consequences to his actions.

I had occasion to be with a group of Senators talking with the President in the White House 2 days ago, on Tuesday, and among a number of subjects, the subject was broadened about what our conduct should be in Iraq. I know that the President would be interested in any suggestions anyone would have which would clarify objectives, as articulated by the distinguished Senator from Tennessee, or would state some clear operational consequences.

As I listened to the statements of the Senator from Tennessee, there was a strong condemnation of the Iraqi Government and an urgent statement about removing that Government not only because of its brutality toward the Kurds, but also its threat to regional stability.

That raises the question as to whether the Senator from Tennessee would endorse the further use of force in the region. I raise that question in the context of the tremendous difficulty that Congress faced in supporting the use of force in January.

We were on this floor on January 10, 11, and 12, and had a fierce debate about the use of force, which was supported by a vote of 52 to 47. I commend my distinguished colleague from Tennessee for being among those who were in the 52 supporting the use of force, as was this Senator. But in this instance, I have grave doubts as to the likelihood of securing authorization from the Congress of the United States to use force.

The distinguished Senator from Tennessee then talks about foresight on, as he put it, the public health threat in the heart of Baghdad. With warming temperatures coming, the Senator from Tennessee notes that the possibility of a spread of cholera demands attention. I pick that out among a great many concerns raised by the distinguished Senator from Tennessee, but the question would arise as to what the United States is prepared to do by way of acting to stem the outbreak of cholera in Baghdad, given that our budget shortages preclude our acting to stem the rise of infant mortality in Pittsburgh. I just wonder, where we are looking for clear objectives and operational consequences and seeking clear insight, what it is that the President should be doing in solving the potential problem of cholera in Baghdad.

When the distinguished Senator from Tennessee raises the issue about taking criminal action against Saddam Hussein saying that we first indict him, the question comes to my mind as to where we are going to indict Saddam Hussein.

This Senator introduced a resolution, which was passed by a vote of 97 to 0, calling for the trial of Saddam Hussein in a specially established international criminal court. But when the Senator from Tennessee talks about indicting Saddam Hussein, I ask the Senator from Tennessee where is the Senator from Tennessee going to indict Saddam Hussein?

Mr. GORE. Will the Senator yield for a response?

Mr. SPECTER. Yes. But let me sharpen the question. I do not wish to engage in a debate which is unduly long, therefore I would like to direct my colleagues' attention to the first question.

It seems to me, under any circumstance imaginable to carry out what the Senator from Tennessee has suggested will require additional force. I note at the same time the Senator from Tennessee saying that he agreed with President Bush's efforts to bring the troops home as quickly as possible. Therefore, I would be interested to know whether the Senator from Tennessee is prepared to use force to accomplish the objectives that he has articulated, to solve the problems on which he has been very critical of

President Bush, and whether he thinks he can get 52 votes in this body to use force when that is all he could get on January 12.

Mr. GORE. I appreciate my colleague's thoughtful questions. Let me say first of all with regard to my colleague's suggestion that I communicate to the President because he is eager to hear ideas and suggestions. I have written privately to the President with many of these ideas and suggestions. I did that some time ago. I have not yet heard back. I am not complaining about that. I will be pleased to write him again.

But I do not wish to leave the impression that I have not communicated directly to the President. I have done so, and any correspondence of that kind I will be happy to keep completely private. I do not wish to use such a communication as a partisan device, or as a means of merely criticizing the President.

Indeed in that respect I hope the Senator will acknowledge that I have not simply criticized the President but also commended the President for those steps, some of which were taken with a good deal of courage, and also have publicly offered my willingness to share in acknowledging that I would identify with some of the very difficult risks just now taken. I think most Americans would.

The President has shown courage. It takes courage to change your mind and reverse your policy. I am glad the President has done that in some important respects just in the last couple of days.

The Senator has gone on to ask a number of questions. First and seemingly the most important has to do with the use of force. The word "force" needs to be defined before I can answer precisely. But I assume that what the Senator is referring to is the introduction of U.S. ground forces in the vicinity of Baghdad to attempt personal capture of Saddam Hussein. If that is the question, then of course I would say I agree with the President. That should not be done. I agree with that.

But the word "force" is acceptable to a broader definition. Complete and total control of 100 percent of the airspace over Iraq is a use of force. Complete control of oil exports from Iraq, and distribution of any revenues coming from that oil is a use of force. We are doing that now. Complete control of anything that is imported by Iraq into its territory is the use of force. We are doing that now.

My point is that these uses of force should be organized and directed toward clear objectives. Presently our implicit assumption is that that is in our national interest for the present Government of Iraq to reconsolidate the nation-state of Iraq.

Mr. SPECTER. If the Senator from Tennessee is willing to use only those items which he has articulated—the airspace, stopping them from using their oil—how will that possibly oust the Iraqi Government? How would the Senator from Tennessee accomplish that?

Mr. GORE. Mr. President, in response to my colleague, let me say that in listing those three items, I did not say this is an exclusive list. There are other exertions of force which we are presently engaged in right now which I did not include in that list. I listed those only as examples.

I believe that the application of the sanctions, the control of the airspace, our relationship to elements within Iraq opposed to Saddam Hussein, our organization of diplomatic efforts in the United Nations and other measures should all be used in an organized way toward a clear objective which we have as yet not adopted.

Let me repeat. The central point is this: we must decide whether or not we believe it is in our interest to have a different government in Baghdad.

We have implicitly assumed in the policy we have been following in the postwar environment that the government of Saddam Hussein—hopefully, without him as an individual, I grant you that—is the best means for establishing order, preventing the emergence of a vacuum that might cause Iran on one side, or Syria, to exploit it that might tempt Shiite elements in the south, or—a thought that might be anathema to some of our allies, such as Saudi Arabia—that democratic elements might be encouraged to come to power.

I think the problem is precisely that we are sometimes too prone to place our bets on authoritarian, even totalitarian regimes, as the best means for establishing—in this case reestablishing—order and control over a region that is important to us geopolitically. It is that objective which I think ought to be changed.

In any event, is the President woolgathering about the departure of Saddam Hussein? What makes the President think that our current policy will succeed in causing the departure of Saddam Hussein? Saddam Hussein is gaining in power right now. He is beginning his climb back up.

Mr. SPECTER. Mr. President, I reseek the floor.

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

Mr. SPECTER. I thank the Chair. Not to in any way curtail an explanation for my question to the Senator from Tennessee, but I do not hear anything from my colleague by way of enumeration which could achieve the ousting of the Iraqi Government which is different from what the President is pursuing at the present time.

When the Senator from Tennessee talks about the control of the airspace, the action that President Bush accomplished through the United Nations has achieved that. He talks about diplomatic efforts. The President is on the phone continually to world leaders. In fact, when a group of Senators met with him Tuesday, he had just come from a telephone conversation with various leaders.

When we talk about oil for military purposes, that has been imposed as a sanction.

What the Senator from Tennessee is restating amounts to all of what the President has already undertaken to do. When the Senator from Tennessee talks in terms of "prone to place bets with authoritarianism," the President is not doing that at all. He has stated his keen interest in ousting the current government from power. But that is a consequence which is not going to occur unless there is force used to accomplish that purpose.

A suggestion was made by former President Nixon, hypothetically, about an assassination that has been rejected by President Bush. I am not going to ask the Senator from Tennessee to respond on his sense there, but I say that the Senator from Tennessee has articulated absolutely, positively, no device or approach which would oust the Iraqi Government from power.

Mr. GORE. Will the Senator yield?

Mr. SPECTER. I will yield without losing my right to the floor.

Mr. GORE. Mr. President, let me just very briefly respond to some of the other points made earlier by my colleague from Pennsylvania.

First of all, on the matter of public health, as I sought to make clear in my remarks, I believe that is a U.N. responsibility and a global responsibility. It should not be equated with a routine public health problem, because in a highly populated area, when all of the sanitation facilities, sewage disposal facilities, and water distribution facilities are removed, consequences for the public health may be masked during the cold weather. As the temperatures warm, the conditions become present for an extremely widespread problem. It may not happen, but many public health experts warned us openly that it will. I only say to my colleague that I think we ought to be considering this and planning for it.

Finally, to my colleague: He said if I call for the indictment of Saddam Hussein—to lay out the record about his crimes and those of his regime—my colleague asks, "where would we indict him?"

Moments before I spoke—and my colleague may not have been present on the floor—we passed, unanimously, a resolution establishing our support to set up tribunals for that purpose. It was sponsored by the Senator from Kentucky [Mr. MCCONNELL]. In any event, it is a procedure which has been used, in a modified form, before.

I know my colleague wishes to go on with his own remarks, and I am grateful for the chance to respond to his questions that were posed earlier. I regret that he stated in his comments that he does not feel in agreement with what I have outlined here. I have spent 40 minutes outlining what I think should be done, and I will not repeat it. I commend my remarks to my colleague. But again, it depends on our definition of force, and it depends upon what one would like to see accomplished.

In conclusion, I do not believe that President Bush has yet concluded that it is in our national interest to have the government of Saddam Hussein removed from power. I believe it is in our interest to have Saddam Hussein end his government, removed from power. I believe I should place our bets on the reconstitution of a different kind of government in Iraq.

Does that mean that we have to march into Baghdad on the ground to do that? No, I think that would be unwise. Is that the only kind of force that we can use? No. We have, as I enumerated earlier, lots of weapons in our arsenal—diplomatic, military, and other means. Those should all be used in a concerted way to achieve a clear objective, and the first thing we should do is agree on that objective. It is precisely there that I think the President is not in sync with what the American people would like to see.

I yield the floor.

Mr. SPECTER. I thank my colleague from Tennessee for his responses to my questions.

I had heard the presentation of the Senator from Tennessee for the 40 minutes and, by way of very sharp disagreement with his concluding comment, I represent that the President is not acting at a variance from what the American people would like to have accomplished.

I believe that the President of the United States has enjoyed phenomenal popularity ratings in the polls because he has acted in accordance with the wishes and desires of the American people.

Having heard the 40-minute presentation of the Senator from Tennessee, it is the suggestion of this Senator that there are no clear objectives articulated at variance with the objectives which the President of the United States has already stated.

When you talk about President Bush's interest in not ousting totally a governmental structure in Iraq, that is not to say the President has not been as forceful as he could on trying to get rid of Saddam Hussein and to try to change his government.

When the distinguished Senator from Tennessee goes through a series of comments about air space and diplomatic efforts and no use of oil for military purposes, there is no clarity of objective offered and there is no operational consequences described.

Saddam Hussein is going to remain in power forever if nothing more is done than what is articulated by the Senator from Tennessee.

Stated simply, I do not believe that the President is fairly subjected to criticism for not having clear objectives or operational consequences based upon the arguments advanced by the distinguished Senator from Tennessee.

When it comes to the use of power for world health, I would agree totally there ought to be as much action taken by the United Nations as possible. But when we talk about action by the United Nations or action there as the Senator from Tennessee talked about Cambodia and the Sudan, where is it you draw the line; how much can the United Nations or the United States be expected to undertake?

When we talk about some action which ought to be taken by the President on an indictment of Saddam Hussein, I do not believe the comments of the Senator from Tennessee add anything at all to what the President has already done.

I know that Senator MCCONNELL's resolution about the international court had been agreed to earlier. In fact, I had been consulted on that. I raised no objection and thought it was a good idea for it takes an additional step along the line toward the creation of an international criminal court, the goal or the resolution offered by this Senator that I referred to earlier. But you cannot indict Saddam Hussein until you have a court to have the indictment issued in.

It does absolutely no good and does not advance the clear objective or operational consequence to stand on the Senate floor and say we ought to indict Saddam Hussein.

We do not need to get a more horrendous record than we have already about atrocities against Kuwait, about sending 39 Scud missiles into the civilian population centers of Israel, totally in violation of international law, about atrocities against prisoners of war and against civilian hostages. The record is replete.

Having had some experience as a prosecuting attorney, this is an open and shut case for the longest sentence against Saddam Hussein without leveling any further indictments.

Mr. President, I have sought the floor because I do not believe that there is a case against what the President is doing in Iraq at the present time.

When the distinguished Senator from Tennessee commends the President for taking steps to protect the Kurds and for using U.S. military force to stabilize the situation and make sure the Kurds are protected, I think that is a commendable acknowledgement by the Senator from Tennessee about very appropriate and important actions taken by the President.

I think the objectives have been identified by President Bush and everything is being undertaken. But if Senators or others have anything specific they think would do a better job, I know the President is ready, willing, and anxious to entertain any such suggestions.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

IN MEMORY OF JOHN HEINZ

Mr. SYMMS. Mr. President, I take the floor this afternoon to talk about my friend, since 1973, when I was first sworn into the House of Representatives, John Heinz.

When I came to the Congress in 1973, one of the first people I met, Mr. President, was a young Congressman from Pennsylvania, Henry John Heinz III, and he came over to me in his charming and friendly fashion and introduced himself to me on the floor and congratulated me on my election and said, "Symms, I have got an Idaho connection."

Of course, I was well aware that part of John's life after he graduated from the Harvard School of Business had been his involvement when the Heinz Corp. bought Ore-Ida Foods, which is a well-known food processing company in this country famed for Ore-Ida potatoes. He has spent a lot of time in Idaho getting that company up and running and made it very profitable and one of the leading food processing companies in America.

Through that connection he had loved Idaho, because he had the opportunity to visit our State many times. He loved the outdoors, he loved recreation, he loved to ski, and he eventually ended up having a vacation residence in my State.

I used to kid him all the time, since he was one of my constituents, that he should contribute to my campaigns. We used to have a good time talking about it.

But, Mr. President, it was a tragic loss to this country and to his family, to his three sons, Henry, Andre, and Christopher, his wonderful wife, Teresa, and the wonderful family. They have had a tragic loss to them, but it is a tragic loss to all of us.

This week when I sat in the Finance Committee it has not seemed the same to me not to have my friend John Heinz there. He was one of the brightest people I have had the privilege to meet. He was capable, probably without a doubt one of the most strong-willed people I have known, and a young man. I used to kid him about that as well, Mr. President, that he was 6 months yonger than I am. His birthday was October 23, 1938.

I feel a tragic loss in my life. But I feel thankful I had the privilege of knowing John Heinz. I know all others share in that view that had the opportunity to work with him and to know him.

When I recall some of my memories of John, I remember about a year ago we had a bill that had gone through the Finance Committee to waive some tariff from products coming into the country. I had some friends from a pharmaceutical company call on me and ask for some assistance. I asked them what company would be objecting to their asking for the waiver of the product that they wanted to bring in, who was their competition? They told me the name of the company, and I asked, what State it was based in, and they said "Pennsylvania."

I said, "you have got a good case, but there are two sides to every issue. Not that I am not willing to help you. I am. But I can tell you that my friend Senator Heinz is going to be in there protecting the people of the State of Pennsylvania, and he will not be easily dissuaded of this. If in any way it will have an impact on the job base in the State of Pennsylvania, John Heinz simply will not be talked out of this."

However, since these fellows were my friends, I said "I will talk to him, but I can tell you in advance how it will come out." My prediction was correct. It came out as I said, because he also holds a seat on the committee and was able to be in a position to have an impact on the matter.

I say that as a compliment to John Heinz. He was strong-willed, he was bright, he was capable, he was independent, and he will always, Mr. President, hold a very, very special place in my heart, and I miss him.

Mr. President, I would like to also say my sympathies are with his family. I was fortunate to be one of those Members of the Senate who attended the special service of thanksgiving for his life at the Heinz Memorial Chapel in Pittsburgh.

I ask unanimous consent that the program from the service be printed in the RECORD immediately following my remarks. It was so well conducted by our distinguished colleague from Missouri, Senator DANFORTH.

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

A SERVICE OF THANKSGIVING FOR THE LIFE OF H. JOHN HEINZ III

(Heinz Memorial Chapel, Wednesday, April 10, 1991)

From the personal diary of Henry John Heinz, September 17, 1910:

Give, and it shall be given unto you; good measure, pressed down, and shaken together, and running over, shall men give into your bosom. For with the same measure that ye mete withal it shall be measured to you again.—Luke 6:38

To do a common thing uncommonly well brings success.—Henry John Heinz (1844–1919)

ORDER OF SERVICE

Prelude:

Andante, Der Tod und das Madchen, F. Schubert.

Sarabande, Suite No. 3 in G Minor, J. S. Bach.

Meditation from Thäis, J. Massenet.

Aprés un Rêve, Fauré-Casals.

Little Fugue in G Minor, J. S. Bach.

Procession: (standing).

Mr. Danforth: I am the resurrection and the life, saith the Lord; he that believeth in me, though he were dead, yet shall he live; and whosoever liveth and believeth in me shall never die.

I know that my Redeemer liveth, and that he shall stand at the latter day upon the Earth; and though this body be destroyed, yet shall I see God; whom I shall see for myself and mine eyes shall behold, and not as a stranger.

Blessed are the dead who die in the Lord; even so saith the Spirit, for they rest from their labors.

Prayer: (standing).

Mr. Danforth: The Lord be with you.

All: And with Thy Spirit.

Mr. Danforth: Let us pray.

All: O God, whose mercies cannot be numbered: Accept our prayers on behalf of thy servant John, and grant him an entrance into the land of light and joy, in the fellowship of thy saints; through Jesus Christ thy Son our Lord, who liveth and reigneth with thee and the Holy Spirit, one God, now and for ever. Amen.

The Old Testament Lesson, Isaiah 61:1-3.

The Old Testament lesson promises God's comfort for those in mourning.

The Spirit of the Lord God is upon me; because the Lord hath annointed me to preach good tidings unto the meek; he hath sent me to bind up the broken-hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; to proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn; to appoint unto them that mourn in Zion, to give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness; that they might be called trees of righteousness, the planting of the Lord, that he might be glorified.

Largo, Concerto in D Minor for Two Violins, J. S. Bach.

Psalm 121: This psalm recognizes God's knowledge of all our acts and thoughts and his presence everywhere even at our death.

All:

I will lift up mine eyes unto the hills, from whence cometh my help.

My help cometh from the Lord, which made heaven and Earth.

He will not suffer thy foot to be moved; he that keepeth thee will not slumber.

Behold, he that keepeth Israel shall neither slumber nor sleep.

The Lord is thy keeper; the Lord is thy shade upon thy right hand.

The sun shall not smite thee by day, nor the moon by night.

The Lord shall preserve thee from all evil: he shall preserve thy soul.

The Lord shall preserve thy going out and thy coming in, from this time forth, and even for evermore.

The Epistle, 2 Corinthians 4:16–5:1.

This Epistle foresees the new life with God. That is why there is no weakening on our part, and instead, though this outer man of ours may be falling into decay, the inner man is renewed day by day. Yes, the troubles which are soon over, though they weigh little, train us for the carrying of a weight of eternal glory which is out of all proportion to them. And so we have no eyes for things that are visible, but only for things that are invisible; for visible things last only for a time, and the invisible things are eternal.

For we know that when the tent that we live in on earth is folded up, there is a house built by God for us, an everlasting home not made by human hands, in the heavens.

Adagio, Quartet No. 72 in C Major, F.J. Haydn.

The Gospel, John 14:1–3; 25–27.

The Gospel assures us that Christ has prepared for us our home with God.

Mr. Danforth: The Holy Gospel of our Lord, Jesus Christ, according to John.

All: Glory Be to Thee, O Lord.

Mr. Danforth: Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions; if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.

These things have I spoken unto you, being yet present with you. But the Comforter, which is the Holy Ghost, whom the Father will send in my name, he shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you. Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.

The Gospel of the Lord.

All: Praise Be To Thee, O Christ.

Tributes: (seated). Mr. Henry John Heinz IV, Mr. Andre Thierstein Heinz, Mr. Christopher Drake Heinz, Dr. Theordore E. Stebbins, Senator Timothy E. Wirth.

Liebesleid, F. Kreisler.

Brother James' Air (Psalm 23), G. Jacob.

Songs My Mother Taught Me, A. Dvorak-F. Kreisler.

Homily: Mr. Danforth.

The Lord's Prayer (kneeling or sitting).

All: Our Father, who art in heaven, Hallowed be thy Name. Thy kingdom come, Thy will be done, On Earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; But deliver us from evil. For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

Prayers: Archbishop Bevilacqua Bishop Wuerl.

Hymn: (standing).

ALL THINGS BRIGHT AND BEAUTIFUL

All things bright and beautiful,
All creatures great and small,
All things wise and wonderful,
The Lord God made them all.

Each little flower that opens,
Each little bird that sings,
He made their glowing colors,
He made their tiny wings.

The purple headed mountain,
The river running by,
The sunset and the morning
That brightens up the sky.

He gave us eyes to see them,
And lips that we might tell
How great is God Almighty,
Who has made all things well.—M. Shaw.

The Commendation: (kneeling or sitting).

Give rest, O Christ, to thy servant with thy saints.

Response: Where Sorrow and Pain Are No More, Neither Sighing, But Life Everlasting.

Thou only art immortal, the creator and maker of mankind; and we are mortal, formed of the earth, and unto earth shall we return. For so thou didst ordain when thou createdst me, saying, "Dust thou art, and unto dust shalt thou return." All we go down to the dust, yet even at the grave we make our song: Alleluia, alleluia, alleluia.

Response: Give Rest, O Christ, to Thy Servant With Thy Saints, Where Sorrow and Pain Are No More, But Life Everlasting.

Into thy hands, O merciful Savior, we commend thy servant John. Acknowledge, we humbly beseech thee, a sheep of thine own fold, a lamb of thine own flock, a sinner of thine own redeeming. Receive him into the arms of thy mercy, into the blessed rest of everlasting peace, and into the glorious company of the saints in light. AMEN.

Blessing:

Song of Creation: Andre Thierstein Heinz—D. Pearson.

Glorify the Lord forever.

All you works of the Lord, praise him forever.

In the firmament of his power

Response: Glorify the Lord, Praise Him Forever.

Let the earth glorify the Lord.

Glorify the Lord, praise him forever.

Glorify the Lord, O mountains glorify the Lord,

Response: O Hills and all That Grows Upon the Earth, Praise Him Forever.

Glorify the Lord, O springs of water, seas and streams,

Whales and all that moves in the waters, glorify the Lord.

All the birds of the air, glorify the air,

Response: Glorify the Lord, Praise Him Forever.

O beasts of the wild and all you flocks and herds

Glorify the Lord, praise him forever.

Men and women everywhere

Response: Glorify the Lord, Praise Him Forever.

Let us glorify the Lord, Father, Son, and Holy Spirit.

Glorify the Lord forever.

In the firmanent of his power,

Response: Glorify the Lord, Praise Him Forever.

A Prayer attributed to St. Francis: Henry John Heinz IV.

Lord, make us instruments of your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

Hymn: America The Beautiful, S. Ward, K. Bates.

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea!

O beautiful, for pilgrim feet,
Whose stern, impassioned stress
A thoroughfare for freedom beat
Across the wilderness!
America! America!
God mend thy every flaw,
Confirm thy soul in self control,
Thy liberty in law!

O beautiful, for heroes proved,
In liberating strife,
Who more than self their country loved,
And mercy more than life!
America! America!
May God thy gold refine,
Till all success be nobleness,
And every grain divine!

O beautiful, for patriot dream,
That sees beyond the years,
Thine alabaster cities gleam,
Undimmed by human tears!
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea!

Recessional: Ode to Joy, L. van Beethoven.

USHERS AND HONORARY PALLBEARERS

Jeanne A. Alexander, Dixon R. Brown, W. Russell G. Byers, Joseph Clarke, Alexander C. Cortesi, Stewart Dalzell, Ronald R. Davenport, Victor E. Ferrall, Jr., A. Lawrence Groo, Samuel M. Grossman, Mark Hampton, Elsie H. Hillman.

Henry L. Hillman, Mark Hoffman, Arie L. Kopelman, Howard M. Love, William H. Luers, David L. O'Loughlin, Russell D. Martz, Anthony J. F. O'Reilly, Charles Page, William H. Rea, Fred M. Rogers, Dolores M. Senanis.

Clifton W. Shannon, J. Pedro Simoes-Ferreira, Theodore E. Stebbins, Norton Stevens, Lynn Swann, Peter H. Tillou, Neil Y. Van Horn, O. Mallory Walker, James M. Walton, George R. Whitmer, Timothy E. Wirth.

CLERGY

The Reverend John C. Danforth, The Most Reverend Anthony J. Bevilacqua, Archbishop of Philadelphia, The Most Reverend Donald W. Wuerl, Bishop of Pittsburgh.

MUSICIANS

Pittsburgh Symphony Orchestra String Quartet: Andres Cardenes, violin, soloist, Mark Huggins, violin, soloist, Randolph Kelly, viola, soloist, Anne Martindale Williams, cello, soloist.

Guest Violinists: Alison Peters, Christopher Wu.

Organist: Dr. Robert S. Lord.

Heinz Chapel Choir: John Goldsmith, director.

Prayer: Christopher Drake Heinz, Ecclesiastes Rabbah 7:13.

When God created the first man, he led him round all the trees in the Garden of Eden.

God said to him, "See My works, how beautiful and praiseworthy they are. Everything I have created has been created for your sake. Think of this, and do not corrupt or destroy My world; for if you corrupt it, there will be no one to set it right after you."

IN MEMORY OF JOHN TOWER

Mr. SYMMS. Mr. President, I wish to speak briefly about a man that had a lot to do with the formation of my political views; that, of course, is our departed colleague, John Tower.

I was a young second lieutenant stationed for a brief period of time in Kingsville, TX, when Senator Tower was running for the Senate his first time in 1961. He was running for the Senate, if I recall, against then Senate majority leader Lyndon Johnson who was also running for Vice President of the United States. That is where I started watching Senator Tower's—then college Professor John Tower—political campaign and how it drew me to it because here was a man who stood for principle, and he believed that principled politics from a conservative point of view made the most pragmatic position that could be taken. He was a thinker who thought his positions through with a great deal of care.

Senator Tower was not at all unabashed to take a conservative position. This was before Barry Goldwater had run his race in 1964 for President.

If you want to look at the ideological side of the political events that happened in the United States, then Senator Tower was the predicate to the election of Ronald Reagan in 1980. He was the predicate to the restoration of American foreign policy and our defense policy. It is so interesting how his life played such an important role in those events.

It was John Tower who was the first Republican Senator elected in Texas since reconstruction. It was when he ran that the people thought Republicans should not be elected in that part of the country. But his election fueled the Goldwater candidacy, which in a way brought about the event of Ronald Reagan becoming a famous national figure and becoming Governor of California.

It was interesting that throughout John Tower's career, he had this very firm, dedicated, studious, and capable view, a student, if you will, of America's foreign policy. How peace through strength was an important factor if we are to survive in this troubled world we live in; and how all of the events of his career played to some of the major events that have happened in the 30-year period of time during his life as a public figure.

From the time he was first elected to the Senate in 1961, the Goldwater election, and then the Reagan election, and his chairmanship of the Armed Services Committee, where literally John Tower was the architect of the restoration of America's defense capability. He was one of the unsung heroes in our glorious victory in the Persian Gulf of recent weeks. And how important I think his life was to so many of us. I shall miss John Tower.

Mr. President, the sad part for me about Senator Tower was to see him passing, yet never really able to reconcile the fact the had literally been lynched by the U.S. Senate. Here was a person who had been the architect of the defense buildup. He had lavish praise placed on him by his colleagues when he retired from the Senate. Then to come to the Senate and be denied confirmation to the job that he had worked so hard for: to be Secretary of Defense.

I guess it will be my saddest moment when I look back over the years in the Senate and certainly an all-time low-point, from my point of view, for the U.S. Senate, when they refused to confirm Senator Tower. I believe the vote was 47 to 53. It was close; but it was not adequate. It was sad, because there was really no reason for it except pure partisan politics. It really is a blot, in my view, as one Senator, on the record of the U.S. Senate.

Another great Senator that I admired and loved so much, who was here when I came to the Senate and had grown to know very well, being a member of the Northwest delegation, was the late Senator Scoop Jackson from Washington State.

I know that Senator Tower—and I know this from friends of his, and from my personal conversations with him—was distraught when Senator Jackson passed away, and how he was so concerned. I think that had he known—of course, no one knows what will happen in the future—that his friend Scoop Jackson was going to be taken from us, I am not sure whether he would have left the Senate. And how those things happen. Because I will always believe that had Henry Jackson continued to live, that John Tower would have been confirmed as Secretary of Defense, and he would have been a great Secretary of Defense for this President and this country. If we would have had Senator Jackson's presence here in the Senate, we would not have slipped down into the gutters of partisan politics and bickering, and besmirching of this great man's character.

So I am sorry that we lost him before he had been able to reconcile that loss. But nevertheless, in my book, he was a great American, a great patriot. He was loved by his family. My sympathy goes to his daughters and his former wife, Lou, who remain. What a tragedy that his other daughter, Marian, was with him, and I extended my sympathies to Penny and Jeanne today.

But I think one other thing should be said about John Tower, the man, and I think our colleague, BILL COHEN, made one of the most appropriate statements on Senator Tower, that really says it all, of what a tower of a man he truly was.

But I think one of the things that should be said: Soldiers, sailors, marines, and airmen throughout the world grieved at the loss of this man because they know what he meant to them. I know, for example, that Col. Jim Jones, who is the commander of our Marine Expeditionary Force that is in the Mediterranean now, grieved at the loss of John Tower because he knows, as a marine colonel, what he meant to our ability to project force, to our ability to have our troops to be the best armed and best trained in the world. How John Tower worked for the quality of life for our military personnel. There was nothing he would not do to go the extra mile to see that our troops were taken care of. I know that I can speak for military personnel throughout the world that grieve the loss of that great man.

But I think another thing that marks the quality of someone who has the positive impact on the political system in this country that I believe John Tower had is the quality of the people that worked for him. When I think of the likes of Paul Moore, Jim McGovern, Will Ball, Rhett Dawson, and so many, many others that have found so much success and have been so important to different administrations that have come through this town; to the impact that he had on arms negotiations; to the impact that he had on the confrontation between the superpowers, where it ended up that the United States was successful and is well on the way toward winning the cold war. Those are the things that I will always remember about John Tower.

When I go back to those days in the early 1960's, as a young man in Texas for a brief period of time, and then watching his career the next year, being so excited that he had been elected to the U.S. Senate. I thought it was remarkable that we would get someone of that quality elected to the Senate.

And then to have the privilege later—which I had no idea, of course, then—to have been able to meet John and know him personally, and watch him and work with him. It was an event that I will cherish all my life. I will miss him. But I am proud to say that I had the privilege to know him.

But I think it is interesting that all of these people that worked for Senator Tower hold him and held him in such high esteem. I think the fact that not only have they been successful in their lives, but that they hold him in such high esteem, speaks very well of this very, very fine man.

So, Mr. President, I extend my sympathies to the family, and those that will miss him. And I know that I speak for so many people.

I said to some of my colleagues in the Senate that it is probably not appropriate, because they did not have a graveyard at the Alamo, but when I think of the words William Barret Travis wrote in his letter that he sent out in the message to the people of Texas and all Americans in the world, that that will be the way that I will always remember John Tower. On Texas Day, when I was a Member of the House and invited to that function and heard Senator Tower stand up and read Travis' message, that is the way I will always remember John Tower.

He truly will go down in the 20th century as one of those people of the same quality as William Barret Travis, who commanded those patriots at the Alamo.

Mr. President, I close in reading William Barret Travis' comments:

To the people of Texas & all Americans in the world:

FELLOW CITIZENS AND COMPATRIOTS: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, & our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and to die like a soldier who never forgets what is due to his own honor and that of his country. Victory or Death.

WILLIAM BARRET TRAVIS,
Lieutenant Colonel, Commandant.

John Tower did not win the last fight in his confirmation to become Secretary of Defense. Neither did Barret Travis win his last fight. But they won the struggle. They won the war. They left the mark and they left the memory. In that memory, John Tower will live forever, for this Senator.

I yield the floor.

THE DEATH OF JOHN TOWER

Mr. DODD. Mr. President, I rise today to pay tribute to John Tower, whose sudden death came as a stunning blow. To Members of the U.S. Senate, and to this Member in particular, John Tower's death is an important—and tragic—loss.

When John Tower died in that plane crash, the country lost more than just a former Senator and accomplished arms negotiator. John Tower was indeed both of these things. But when John Tower's life was taken, the country also lost a man whose integrity, dedication, and commitment to this institution and this country could never be challenged.

Mr. President, during the years 1981 through 1984, I had the privilege of serving with Senator Tower in this body. During his years as chairman of the Senate Armed Services Committee, John Tower impressed me time and time again with his solid commitment to our Nation's security. His understanding of defense and national security issues was thorough, and his capabilities as chairman were formidable.

John Tower was a colorful, engaging and sharp-witted man. He was a true Texan; both a dignified gentleman and a determined, dogged fighter. Whatever the issue, there was never any doubt as to John Tower's stand on it. He staked out his position, stood up for his ideals, and fought relentlessly for everything he believed in.

As a Senator, John Tower was a formidable and important advocate. But John Tower's commitment to public service was perhaps best demonstrated in the years immediately following his retirement from the Senate. In 1985 and 1986, he served as the head of the Reagan administration's negotiating team for the strategic arms talks in Geneva.

And once that commitment was finished, John Tower was called upon once again—this time to head a commission on the Iran-Contra scandal.

John Tower's willingness to take an objective look at the activities of an administration he had worked for showed that his allegiance was truly to America. In the end, the Tower commission broke important new ground, laying the foundation for an inquiry into the role of the national security council during the Iran-Contra affair.

I am proud to have served with John Tower in this body. But Mr. President, my experience with John Tower began before I joined the Senate in 1981, before the breakout of Iran-Contra or the strategic arms talks in Geneva.

Mr. President, 24 years ago John Tower was one of five Senators who chose to reject consensus in favor of fairness in standing up for my father. I will never forget the careful consideration and objectivity that John Tower displayed then. Mr. President, I think that experience taught me more about the integrity and character of John Tower than any of my other encounters with him, in or out of this body.

Mr. President, John Tower gave this body 24 years of dutiful, loyal, and effective service. But to this country, Mr. President, John Tower gave a lifetime. All of us who have had the pleasure of working with John Tower, and all of us who have benefited from his work, owe him our respect and gratitude for his relentless dedication. He will be deeply missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

Also received was a message from the President urging action on the pending treaty on the abolition of forced labor, with accompanying papers.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 41

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Of all the great social and technological changes of the 20th century, none may be more crucial to our well-being and that of future generations than the change that has occurred in the way we view our environment. Ours was the first generation to see the many colors of Earth from the vastness of space, and to recognize that our decisions will determine whether the next generation lives in a polluted world of lowered expectations or in a world that sustains humanity and a wondrous diversity of life.

Given these high stakes, I am pleased to report that 1990 was a landmark year in the Nation's efforts to enhance environmental quality.

—We enacted the Clean Air Act Amendments of 1990, providing the United States with the world's most advanced, comprehensive, and market-oriented laws to address air pollution, including acid precipitation, urban air quality, toxic air pollutants, and global ozone layer depletion.

—We adopted an international agreement and enacted laws to phase out chlorofluorocarbons (CFCs) and other substances that deplete the Earth's ozone layer, which protects us from the harmful effects of solar radiation.

—We enacted the Oil Pollution Act of 1990 and adopted a major international agreement to strengthen laws related to oil pollution prevention, liability, and response.

—We enacted the most environmentally progressive farm bill ever. It will help farmers protect water quality and wildlife habitat and it launches a part of our America the Beautiful initiative to begin a long-term national tree planting and improvement campaign aimed at both rural and urban areas.

—In partnership with the Nation's Governors, we developed ambitious national educational goals, while the Congress and the executive branch strengthened environmental education programs. These actions are an essential part of our efforts to revitalize American education and to improve the environment.

—We made other commitments to environmental stewardship, including the expansion of national parks, wildlife refuges, marine sanctuaries, and recreation areas; accelerated cleanup of Federal facilities; enhanced protection of marine mammals, the African elephant, the Florida panther, and other threatened species; and the suspension for up to 10 years of oil and gas leasing in many areas off our coastlines pending further environmental and resource analysis.

The complete record is told in this report. I am proud that our Administration played a catalytic and constructive role in securing these achievements. Progress has come from working cooperatively with the Congress, State and local governments, environmental and conservation groups, corporations, educators, and scores of individuals, as well as other nations and international institutions.

Our achievements in 1990 add to a growing national record of environmental action that has improved the quality of American life. Compared to the conditions facing Americans earlier in my lifetime, our skies are clearer, our lakes and streams are cleaner, and our major technologies are less wasteful.

Our work, however, is incomplete. Americans are sobered by the scope of the stewardship challenge and recognize that it requires ongoing vigilance and action. We know, for example, that increased trade and economic development is needed to reduce poverty and improve the quality of life for all of the world's people. However, if we fail to make wise economic and environmental choices, those needed increases in economic activity are likely to result in new burdens on the Earth's ability to sustain life. Our challenge is both to provide greater opportunities for an expanding population and to protect the environment upon which we depend.

Several forces work in our favor. Our economy is fundamentally sound, which allows us to make environmental investments and serve as a model for others. Our technology is first-rate, as is our research establishment. Our citizens are eager to make a personal contribution.

In the days ahead, therefore, we must summon the full measure of our powers to achieve environmental results. In that effort we should be guided by what science tells us about the most serious threats to our health and environment, and also by our knowledge of what works and what does not.

In particular, we must learn to harness wherever possible the power of the marketplace in service to the environment. The goal of a healthy environment may not be provided by markets acting alone. However, government regulations are blunt tools that impose unforeseen human costs. Therefore, we need to consider all costs and benefits of government programs as they are developed and expand the use of market incentives that deliver results at the lowest possible cost to society. As

a corollary, we need to strengthen the base of scientific and economic understanding that supports such decisions.

Our environmental efforts should also be guided by a holistic view. The environment is composed of a seamless web of relationships between living organisms and the air, water, and land that surround them. Accordingly, rather than continue to address environmental issues in isolation from each other or from other social goals, we must expand our efforts to understand and protect the functional integrity of the environment—and our place in it.

We can also apply American ingenuity to the challenge of preventing pollution. There is no reason to think of pollution as an inevitable problem that occurs at the end of a pipe. Quite the contrary: as pollution becomes more costly, and because we recognize the environment is an enclosed sphere, we are finding that pollution prevention can be less costly and better for the environment.

Our efforts to enhance the quality of the domestic environment must be accompanied by comparable efforts toward global environmental quality. In these times, Americans are aware that our political and economic security is affected by actions occurring abroad. Likewise, we know that environmental threats do not stop at a line on a map. In the months and years ahead, we need to broaden our dialog with other nations and international institutions and together address environmental issues that know no boundaries.

At home, two further principles will guide our environmental policies. First, we will continue to harness the enthusiasm and expertise of citizen volunteers. Partnerships between the public and private sectors have always been a key to our success, and their value in environmental affairs is growing. Second, we will continue to enforce environmental laws firmly and fairly. Our record and our message in this regard are absolutely clear: polluters must pay.

Taken together, these principles—and the new programs and initiatives that are putting them into action—represent a turning point in American environmental affairs. No longer should we as a nation focus on isolated fragments of what is, in fact, a complex, interconnected set of problems. Nor should we accept rigid, shortsighted measures that stymie innovation, shift pollution from one location to another, or impose unnecessary costs. In the future, our national environmental strategy must be comprehensive, long-range, efficient, and adaptable to changing information about risks and benefits.

In the coming months, our Administration will pursue a number of new initiatives to advance these principles. For example, in December 1990 I established by Executive order the President's Commission on Environmental Quality. This Commission will soon be at work building public-private partnerships to help achieve concrete results in the areas of pollution prevention, conservation, education, and international cooperation. A program of Presidential awards for achievement in conservation and environmental affairs will stimulate voluntary activity and recognize the outstanding efforts of individuals and organizations. Each of these projects is intended to underscore my belief that environmental stewardship must flow from action by all Americans, not just from government action.

In the legislation arena, our Administration will work with the 102nd Congress toward enactment of amendments to the Clean Water Act and other laws, seeking opportunities to incorporate innovative, market-oriented provisions. We will also seek to make progress toward the goal of no-net-loss of wetlands and to strengthen programs to revitalize the Great Lakes, the Chesapeake Bay, and other productive ecosystems. And we will work for a National Energy Strategy that provides a balance among the goals of increased energy efficiency, increased use of alternatives fuels, and environmentally responsible development of all U.S. energy resources.

I have proposed that the Congress give the environment a permanent place at the Cabinet table by creating a Department of the Environment. Given the importance of environmental matters, both domestically and internationally, the Environmental Protection Agency is already accorded equal status with other major Federal departments in my Administration. However, I feel this policy should be established in law for the future. The Congress should reject extraneous provisions that would delay consideration of this proposal.

Looking abroad, the United States will continue to seek to conclude an international convention on global climate change in time for its signing at the 1992 United Nations Conference on Environment and Development in Brazil. In our view, such a convention must be comprehensive in scope, addressing all sources and sinks of greenhouse gases, adaptation as well as mitigation measures, and continued scientific and economic research and policy responses. The United States is committed to a series of domestic actions that have many benefits such as curbing air pollution, conserving energy, and restoring forest lands and that also help to curb greenhouse gas levels. These actions—recently established in law or proposed by my Administration—will hold U.S. net emissions of greenhouse gases at or below the 1987 level through the foreseeable future. An effective response to potential climate change also requires that all nations participate and meet obligations that are appropriate to their circumstances.

I have also proposed that a worldwide convention on forests be developed and ready for signing by world leaders at the U.N. conference in 1992. Forests provide diverse benefits, helping to clean our air and water, foster biological diversity, and sequester greenhouse gases. We should take steps now to protect and enhance them. In the coming year, I also hope we can move forward on U.S. proposals for integrated economic and environmental assistance in such regions as Latin America and the Caribbean, Eastern and Central Europe, and the Middle East.

The worldwide market potentially available for U.S. exports of environmental goods and services approaches $60 billion annually, and it is growing. I have directed the Department of Commerce to assess that market, and I look forward to the creation of a partnership between business and government to develop the opportunities for environmental technology exports. This effort will help to create new jobs while enhancing the quality of life here at home and around the globe.

The causes and effects of environmental problems are diverse and complex. We should be humbled by the fact that the more we learn, the more questions arise. But unlike the situation a generation ago, we know today that ecological degradation can be halted and, indeed, reversed through rigorous analysis, constructive dialogue, and hard work. Let us work together in this generation to achieve a more productive harmony between humanity and the environment.

GEORGE BUSH.

THE WHITE HOUSE, *April 18, 1991*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 18, 1991, during the recess of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions.

S.J. Res. 16. Joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week";

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; and

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

Under the authority of the order of the Senate of April 17, 1991, the joint resolution, House Joint Resolution 222,

was signed on April 18, 1991, during the recess of the Senate, by Mr. GRAHAM.

MESSAGES FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 121. A concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

ENROLLED JOINT RESOLUTION SIGNED

At 4:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 121. A concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

ENROLLED JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that on today, April 18, 1991, he had signed the following enrolled joint resolutions previously received signed by the Speaker of the House:

S.J. Res 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 18, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-946. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize appropriations for the planning, construction, acquisition, alteration, repair of facilities, and other public improvements of Agricultural Research Service facilities at Beltsville, Maryland; Riverside, California; New Orleans, Louisiana; Greenport, New York; and Yakima, Washington; to the Committee on Agriculture, Nutrition, and Forestry.

EC-947. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that the amounts appropriated for the Board of International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are less that the amount necessary to maintain the budgeted level of operation; to the Committee on Appropriations.

EC-948. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that certain appropriations to the Department of Veterans Affairs have been reapportioned on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

EC-949. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1992 and 1993; to the Committee on Armed Services.

EC-950. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on biological or infectious agents used in Department of Defense Biological Defense Research programs; to the Committee on Armed Services.

EC-951. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the section to retain the Training and Audio Visual Support Center function at Fort Eustis, Virginia as an in-house operation; to the Committee on Armed Services.

EC-952. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a revised baseline for the T-45TS Defense Enterprise Program; to the Committee on Armed Services.

EC-953. A communication from the Acting Secretary of the Navy, tramsitting, pursuant to law, notice of six programs which have breached the unit cost threshold by more than 15 percent; to the Committee on Armed Services.

EC-954. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-955. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-956. A communication from the Secretary of Energy, transmitting, pursuant to law, the Strategic Petroleum Reserve Annual, Quarterly, and Test Sale Report; to the Committee on Energy and Natural Resources.

EC-957. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-958. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-959. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-960. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-961. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-962. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-963. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual summary on United States coal imports for 1990; to the Committee on Energy and Natural Resources.

EC-964. A communication from the Administrator of General Services, transmitting, pursuant to law, a prospectus for the construction of the Department of Transportation Headquarters facility in Washington, D.C.; to the Committee on Environment and Public Works.

EC-965. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report of the Commission for 1991; to the Committee on Finance.

EC-966. A communication from the Administrator of the Health Care Financing Administration, transmitting, pursuant to law, a report on conversion of hospital's Medicare capital payments to a prospective payment system; to the Committee on Finance.

EC-967. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act for the quarter ended December 31, 1990; to the Committee on Finance.

EC-968. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the initial application percentage increase for fiscal year 1992 that will be recommended for hospitals subject to the Medicare prospective payment system and for excluded hospitals and units; to the Committee on Finance.

EC-969. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on numerous trust funds that were enclosed in the winter issue of the Treasury Bulletin; to the Committee on Finance.

EC-970. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that the President has authorized the use of certain available refugee assistance funds; to the Committee on Foreign Relations.

EC-971. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the African Development Fund Act to authorize consent to and authorize appropriations for the United States contribution to the sixth replenishment of the resources of the African Development Fund; to the Committee on Foreign Relations.

EC-972. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to April 11, 1991; to the Committee on Foreign Relations.

EC-973. A communication from the Executive Director of the Office of Navajo and Hopi Relocation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-974. A communication from the Executive Director of the Illinois and Michigan Canal National Heritage Corridor Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-975. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1990; to the Committee on Governmental Affairs.

EC-976. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-977. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of the approval of an amendment to the PACER SHARE personnel management demonstration project; to the Committee on Governmental Affairs.

EC-978. A communication from the Co-Chairs of the Franklin Delano Roosevelt Memorial Commission, transmitting, pursuant to law, the annual report of the Commission for 1990; to the Committee on Governmental Affairs.

EC-979. A communication from the Chairman of the National Commission on Migrant Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-980. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-981. A communication from the Executive Director of the National Commission on Responsibilities for Financing Postsecondary Education, transmitting, pursuant to law, the Commission's plan to provide an audit report for fiscal year 1991; to the Committee on Governmental Affairs.

EC-982. A communication from the President of the James Madison Memorial Fellowship foundation, transmitting, pursuant to law, the annual audit report of the Foundation for fiscal year 1990; to the Committee on Governmental Affairs.

EC-983. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-984. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers General Retirement System; to the Committee on Governmental Affairs.

EC-985. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-986. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-987. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-988. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1992, and for other purposes; to the Committee on the Judiciary.

EC-989. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-990. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-991. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-992. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Federal Judicial Center for fiscal year 1990; to the Committee on the Judiciary.

EC-993. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-994. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for Educational Media Research, Production, Distribution, and Training Program; to the Committee on Labor and Human Resources.

EC-995. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-996. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 1990"; to the Committee on Labor and Human Resources.

EC-997. A communication from the Under Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual proceedings of the Ninety-Ninth Continental Congress of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC-998. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, thirty-eight recommendations for legislative action; to the Committee on Rules and Administration.

EC-999. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period October 1990 through January 1991; to the Committee on Small Business.

EC-1000. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees was submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Special report entitled "Report on Legislative Activities of the Committee on Labor and Human Resources, United States Senate, during the 101st Congress" (Rept. No. 102-39).

Mr. KENNEDY. Mr. President, pursuant to section 136 of the Legislative Reorganization Act of 1946, as amended, (2 U.S.C. 190d), the Labor and Human Resources Committee is filing its report on the committee's legislative activity during the 101st Congress. The jurisdiction of the committee covers numerous domestic policy challenges, including health care, education, employment and labor, child care, and other issues affecting America's children and families. It was the goal of the committee last Congress, as it is in this Congress, to direct its activity toward the basic needs of hard-pressed American families and their children.

Fifty-four separate measures from the Labor and Human Resources Committee became public laws in the 101st Congress, making it one of the most productive periods in the committee's

history. More bills were enacted into law from the committee than in any previous Congress, with the exception of the 89th Congress in 1965 and 1966, when many of the Great Society programs, including the Elementary and Secondary Education Act, the Higher Education Act, the Older Americans Act, the Manpower Act, and numerous health measures, were first enacted.

At the beginning of the 101st Congress, the Democratic policy committee in the Senate established its legislative agenda for the entire Congress, and identified 63 priority items for action in the 1989 and 1990 sessions; 57 of these items were actually enacted into law; 28, or almost half of these measures, originated in the Labor and Human Resources Committee.

In the area of legislation affecting children and families particularly, the 101st Congress was one of the most productive Congresses in the last 20 years. Legislation enacted from the committee in this area includes: The reauthorization and expansion of Head Start, to bring the program to all 3-, 4-, and 5-year-old children by 1994; the landmark 1990 Child Care Act, which is the first comprehensive child care legislation enacted since World War II; the 1990 and 1991 increases in the Federal minimum wage, which are the first increases since 1981; the groundbreaking National and Community Service Act, which is a call to action by all Americans, young and old, in and out of school, to serve their communities and their country in volunteer and service projects; the Americans With Disabilities Act, a historic step to end discrimination and open the doors of opportunity for 43 million disabled Americans; and the reauthorization and expansion of the McKinney Homeless Assistance Act, which provides a broad range of services to homeless families with an emphasis on the prevention of homelessness.

In the area of education and training, legislation enacted from the committee includes: the reauthorization and reform of the Perkins Vocational Education Program, the most comprehensive strengthening of vocational education legislation since the program was enacted in 1963; the Excellence in Math/Science and Engineering Education Act, which seeks to improve the quality of math and science education in the Nation's schools and colleges; the 1989 Drug Free Schools and Community Act, which strengthens drug education and drug prevention in America's schools and communities; the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act, which uses Defense Department appropriations to assist workers, communities and companies in adjusting to military spending cutbacks and in making the transition to a peacetime economy through job training, job placement and relocation assistance; and the reauthorization of the National Endowment for the Arts, which removes content restrictions on the grant making authority of the NEA.

In the area of health care, legislation enacted from the committee includes: the revitalization and expansion of the National Health Service Corps, a highly successful program which was cut back too deeply by budget reductions in previous years, and which places physicians in urban and rural underserved areas; the Ryan White Comprehensive AIDS Care Act, which provides urgently needed relief to urban and rural health care systems overwhelmed by the twin epidemics of AIDS and drugs; the Disadvantaged Minority Health Improvement Act, which contains a sense of initiatives to improve the health of minorities and other disadvantaged Americans; the Emergency Medical Services Planning and Development Act, which establishes a formal grant program to develop trauma and emergency medical assistance programs throughout the country; the Safe Medical Devices Act, which is the first comprehensive updating and strengthening of the system for regulating all items, other than drugs, used for medical care purposes, such as wheelchairs, hospital beds, pacemakers, heart valves, and CAT scanners; and the Nutritional Labeling and Education Act, which for the first time establishes uniform regulations for food labels and ensures that consumers have access to this basic information.

In the area of employment and labor, legislation enacted from the committee includes: reform of the pension fund reversion requirements, which will restrict the ability of employers to terminate certain benefit plans in order to capture surplus assets for other uses; legislation which increased the maximum penalties for violations of the Occupational Safety and Health Act, the Miner Safety and Health Act and the Fair Labor Standard Act; the Older Workers Benefit Protection Act, which overruled recent Supreme Court decisions that allowed employers to discriminate against older workers in employment benefits; and the housing trust fund, which amends the Labor Management Relations Act to permit unions and employers to bargain for and establish joint trust funds for housing assistance to employees.

More complete descriptions of these important laws and descriptions of each of the committee's other bills enacted into law are included in the report filed today.

In addition to this legislation, the committee conducted extensive oversight hearings on programs within its jurisdiction. The committee has jurisdiction over large numbers of Federal programs related to health, education, labor, and public welfare. The committee held 154 hearings in Washington and 33 field hearings to review and conduct oversight of programs in its jurisdiction. The committee also conducted staff studies, special inquiries, and investigations of many of these programs.

The work of the committee reflects our strong bipartisan consensus of the members on the vast majority of issues. The ranking minority member, Senator ORRIN HATCH, played a central role in advancing and achieving our consensus on many of these measures, and I commend him for his outstanding contributions to the committee's work throughout the 101st Congress. I also commend the Democratic members of the committee, Senator PELL, chairman of the Education, Arts, and Humanities Subcommittee; Senator METZENBAUM, chairman of the Labor Subcommittee; Senator DODD, chairman of the Children, Family, Drugs, and Alcoholism Subcommittee; Senator SIMON, chairman of the Employment and Productivity Subcommittee; Senator HARKIN, chairman of the Disability Policy Subcommittee; Senator ADAMS, chairman of the Aging Subcommittee; and Senator MIKULSKI and Senator BINGAMAN for their leadership and valuable contributions to the committee's work. I also thank Senator KASSEBAUM, ranking member on the Education, Arts, and Humanities Subcommittee; Senator JEFFORDS, ranking member on the Labor Subcommittee; Senator COATS, ranking member on the Children, Family, Drugs, and Alcoholism Subcommittee; Senator THURMOND, ranking member on the Employment and Productivity Subcommittee; Senator DURENBERGER, ranking member on the Disability Policy Subcommittee; and Senator COCHRAN, ranking member on the Aging Subcommittee, for their cooperation and assistance throughout the 101st Congress.

On behalf of the members of the committee, I also express my gratitude to the staff of the committee who worked hard in developing the legislation in the committee and sorting out differences in the committee, on the Senate floor, with the House, and with the administration. The committee's record of accomplishment in the 101st Congress is in no small respect a result of the contributions of the committee's outstanding staff.

I would also like to pay special tribute to Senator Spark M. Matsunaga, a valued member of the committee for 8 years until his death in 1990. Senator Matsunaga served as chairman of the Aging Subcommittee, where he was deeply involved in meeting the needs of the Nation's senior citizens. He was also an effective leader for the committee on many other issues in the areas of education, labor, and health programs. We greatly miss his leadership and friendship.

Finally, I want to thank the majority leader, Senator MITCHELL, for his cooperation throughout the 101st Congress. The committee's productive record would not have been achieved without his strong leadership.

I ask unanimous consent that a list of major legislation of the 101st Congress enacted from the Labor and Human Resources Committee be inserted in the RECORD.

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

LISTING OF MAJOR PUBLIC LAWS OF THE 101ST CONGRESS FROM THE LABOR AND HUMAN RESOURCES COMMITTEE

H.R. 678—To make a correction in the Education and Training for Competitive America Act of 1988—Public Law 101-26.

H.R. 1300—To amend the Head Start Act to increase the amount of authorization to be appropriated for Fiscal Year 1990—Public Law 101-120.

H.R. 2087—Child Abuse Prevention and Treatment Act—Public Law 101-126.

H.R. 2088—To revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1989—Public Law 101-127.

H.R. 2710—Amendments to the Fair Labor Standards Act of 1938 to increase the minimum wage—Public Law 101-157.

S. 1390—To authorize funds to be appropriated for the construction of a mouse research laboratory—Public Law 101-190.

H.R. 1312—To revise and extend the programs of the Domestic Volunteer Service Act of 1973—Public Law 101-204.

S. 1877—James Madison Memorial Fellowship Foundation—Public Law 101-208.

H.R. 3614—Drug-Free Schools and Communities Act—Public Law 101-226.

H.R. 2281—To amend the elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs—Public Law 101-250.

H.R. 2742—Library Services and Construction Act—Public Law 101-254.

S. 1949—To amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing—Public Law 101-273.

S. 2300—Simon Wiesenthal Center—Public Law 101-300.

H.R. 3910—National Assessment of Elementary and Secondary Education—Public Law 101-305.

S. 1999—To amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Postsecondary Education—Public Law 101-324.

S. 933—Americans With Disabilities Act—Public Law 101-336.

H.R. 4790—Breast and Cervical Cancer Mortality Prevention Act—Public Law 101-354.

H.R. 4273—Tuberculosis Prevention—Public Law 101-368.

S. 2461—Drug Treatment Waiting Period Reduction Grant Program—Public Law 101-374.

S. 2240—Ryan White Comprehensive AIDS Resources Emergency Act—Public Law 101-381.

H.R. 7—Carl D. Perkins Vocational Education Act—Public Law 101-392.

H.R. 2372—National Atmospheric Testing and Radiation Compensation Act—Public Law 101-426.

S. 1511—Older Workers Benefit Protection Act—Public Law 101-433.

S. 1824—Education of Individuals With Disabilities—Public Law 101-476.

S. 2753—Reauthorization of the Developmental Disabilities Assistance Bill of Rights Act—Public Law 101-496.

H.R. 4151—Human Services Reauthorization Act—Public Law 101-501.

H.R. 4238—Vaccine and Immunization Act Amendments—Public Law 101-502.

H.R. 5794—Age Discrimination Claims Assistance Amendments Act—Public Law 101-504.

H.R. 5835—Omnibus Budget Reconciliation Conference Report, S. 5, Child Care and S. 685, Employee Pension Protection Act of 1989 as amendments thereto—Public Law 101-508.

H.R. 4739—Defense Authorization Act included Division D, the Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, S. 2884 as an amendment thereto—Public Law 101-510.

H.R. 5769—Interior Appropriations Conference Report, S. 2724, Reauthorization of the National Endowment for the Arts and Humanities Act as an amendment thereto—Public Law 101-512.

H.R. 5257—Labor, HHS and Related Agencies Conference Report, S. 3095, National Education Report Card as an amendment thereto—Public Law 101-517.

H.R. 5759—Age Discrimination in Employment Act Amendments to clarify the application of such act to employee group health plans—Public Law 101-521.

H.R. 5702—Disadvantaged Minority Health Improvement Act—Public Law 101-527.

H.R. 3562—Nutrition Labelling and Education Act—Public Law 101-535.

S. 580—Student Athlete Right-to-Know—Public Law 101-542.

H.R. 3069—Displaced Homemakers Self Sufficiency Assistance Act—Public Law 101-554.

H.R. 5112—Home Health Care Demonstration—Public Law 101-557.

H.R. 5113—Injury Control Program Reauthorization—Public Law 101-558.

S. 2056—Health Objectives 2000—Public Law 101-582.

S. 2930—American Samoa—Public Law 101-583.

H.R. 996—Excellence in Math, Science and Engineering Education—Public Law 101-589.

H.R. 1602—Emergency Medical Services and Trauma Care Improvement Act—Public Law 101-590.

H.R. 4487—National Health Service Corps—Public Law 101-597.

H.R. 5140—School Dropout Demonstration Program Expansion—Public Law 101-600.

S. 1430—National and Community Service Act—Public Law 101-610.

S. 2857—National Institutes of Health Reauthorization—Public Law 101-613.

S. 2946—Transplant Amendments—Public Law 101-616.

H.R. 3095—Comprehensive Medical Device Improvement Act of 1990—Public Law 101-629.

S. 845—FDA Revitalization—Public Law 101-635.

S. 1939—Taft Institute Reauthorization—Public Law 101-638.

S. 2628—Mental Health Amendments—Public Law 101-639.

H.R. 3789—Stewart B. McKinney Homeless Assistance Act—Public Law 101-645.

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 29. An original concurrent resolution setting forth the Congressional Budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996 (Rept. No. 102-40).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 104. An original executive resolution relating to the return of certain treaty amendments.

S. 100. A bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 253. A bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 786. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

By Mr. NUNN, from the Committee on Armed Services, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 97. A joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contributions to victory in the Persian Gulf.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Melissa Foelsch Wells, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Zaire.

Raymond George Hardenbergh Seitz, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Raymond George Hardenbergh Seitz.

Post: Ambassador to the Court of St. James's.

Contributions, amount, date and donee:

1. Self, none.

2. Spouse, Caroline Richardson, none.

3. Children and spouses, Manning Barr; Hilary Brewster; and Thomas Cutler, none.

4. Parents, deceased.

5. Grandparents, deceased.

6. Brothers and spouses, John F.R. Seitz, brother, none.

7. Sisters and spouses, deceased.

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of April 11, 1991, and ask unanimous consent, to save the expense of reprinting

on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself, Mr. MCCONNELL, Mr. KASTEN, Mr. LOTT, Mr. CRAIG, Mr. HELMS, Mr. MCCAIN, Mr. HATCH, Mr. COATS, and Mr. SYMMS):

S. 847. A bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 848. A bill to provide financial assistance for the establishment of the Hiram Rhodes Academic Science Complex at Alcorn State University in Claiborne County, MS; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself and Mr. REID):

S. 849. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 850. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 851. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

By Mr. DASCHLE:

S. 852. A bill to suspend temporarily the duty on imitation nonmetal jewelry; to the Committee on Finance.

S. 853. A bill to suspend temporarily the duty on ceramic (nonporcelain) mugs; to the Committee on Finance.

S. 854. A bill to suspend temporarily the duty on porcelain ornaments; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. RUDMAN):

S. 855. A bill to amend the act entitled "An act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War"; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 856. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM:

S. 857. A bill to require providers of long-distance telephone services to offer to all classes of customers served by such provider the same lowest increment time billing for long-distance service; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, and Mr. AKAKA):

S. 858. A bill to amend the Agricultural Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 859. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. SIMON, Mr. D'AMATO, Mr. KASTEN, Mr. DECONCINI, Mr. LUGAR, Mr. COHEN, Mr. PRESSLER, Mr. GARN, Mr. MCCAIN, Mr. SEYMOUR, Mr. DIXON, and Mr. COATS):

S. 860. A bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 861. A bill to amend title 18 of the United States Code to permit the prosecution of a murder of a United States national abroad; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 862. A bill to provide for a demonstration program for vior dire examination in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 863. A bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 864. A bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 865. A bill to provide for a demonstration program for vior dire examination in certain civil cases, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself, Mr. MACK, Mr. DECONCINI, Mr. SEYMOUR, and Mr. PRYOR):

S. 866. A bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 867. A bill to establish a commission in the Department of the Interior to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON:

S. 868. A bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 869. A bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself and Mr. SEYMOUR):

S. 870. A bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, CA; to the Committee on Energy and Natural Resources.

S. 871. A bill to provide estate tax credit for the transfer of property for inclusion in the Golden Gate National Recreation Area, CA; to the Committee on Finance.

By Mr. PELL (by request):

S. 872. A bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Relations.

By Mr. BOREN:

S. 873. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. GRAHAM, Mr. D'AMATO, Mr. KOHL, Mr. ADAMS, Mr. DODD, Mr. CHAFEE, and Mr. SIMON):

S. 874. A bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug-abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN (for himself and Mr. WARNER):

S. 875. A bill to authorize certain construction at military installations for fiscal year 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 876. A bill to amend the Head Start Act to fund the Head Start Program as an entitlement program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. SEYMOUR:

S. 877. A bill for the relief of Shen-Yen Kuan and certain members of his family; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. HATFIELD, Mr. SARBANES, Mr. KERRY, Mr. LUGAR, and Mr. BRADLEY):

S. 878. A bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATFIELD (for himself, Mr. KASTEN, Mr. DODD, and Mr. BRADLEY):

S.J. Res. 126. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; 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. PELL:

S. Res. 104. An original executive resolution relating to the return of certain treaty amendments; from the Committee on Foreign Relations.

By Mr. DOLE:

S. Res. 105. Resolution recognizing the contributions of the Hugoton Gas Field to the Nation; considered and agreed to.

By Mr. DOLE (for himself, Mr. SYMMS, Mr. PELL, and Mr. HELMS):

S. Res. 106. Resolution to express Senate support for democracy and human rights in Yugoslavia and Senate opposition to the use of force against democratic republic governments in Yugoslavia; considered and agreed to.

By MOYNIHAN:

S. Res. 107. Resolution expressing the sense of the Senate concerning freedom and human rights for Tibet; considered and agreed to.

By Mr. BUMPERS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WIRTH):

S. Res. 108. Resolution relative to the illness of the Honorable DAVID PRYOR, a Senator from the State of Arkansas; considered and agreed to.

By Mr. SASSER:

S. Con. Res. 29. An original concurrent resolution setting forth the Congressional Budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996; from the Committee on the budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself, Mr. MCCONNELL, Mr. KASTEN, Mr. LOTT, Mr. CRAIG, Mr. HELMS, Mr. MCCAIN, Mr. HATCH, Mr. COATS, and Mr. SYMMS):

S. 847. A bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

FOUR PERCENT SOLUTION ACT

Mr. BURNS. Mr. President, now that the war is over, we all must focus our attention on the important domestic matters at hand. There has been talk about the need to commit the resources necessary to win the war on drugs or to fight against poverty.

These are issues of great importance to the American people. We understand that and we are trying to respond.

But, Mr. President, I am concerned that there is a message out there that we are not hearing—or should I say that we are not listening to.

In a recent Washington Post-ABC News poll, 81 percent of those surveyed said the country was not making enough progress on the Federal budget deficit.

The American people are still concerned about the size of our deficit—and frankly so am I.

I know that many of my colleagues will respond saying, "we dealt with that issue last year." But did we? I have my doubts.

In 1995—the last year covered under the 1990 budget agreement—we will still be paying over $200 billion to serve our national debt.

That is a lot of money folks! A lot of money that could be funding programs like WIC, Head Start, transportation and long-term care for the elderly.

But as we all know, you can't start paying off the principle until you get ahead of the interest—we can not even begin to address the debt until we get rid of the deficit.

It is for this reason that I am introducing a revised version of a bill I introduced last year called the Four Percent Solution Budget Act. I am extremely pleased to have Senators MCCONNELL, KASTEN, LOTT, CRAIG, HELMS, MCCAIN, HATCH, and COATS join me as original cosponsors of this bill.

The 4-percent solution limits spending increases to a level roughly equal to inflation using the framework laid by last year's budget agreement. If enacted this year, the 4-percent solution would balance the budget by fiscal year 1995.

Our proposal reforms the budget process to put the emphasis on the crux of our deficit problem: Federal spending.

The Progressive Policy Institute, a forward-looking think tank with Democratic leanings issued a report this February entitled, Paying for Progress: A Progressive Strategy for Fiscal Discipline. They say that there is justice in the Democrats' complaint that the tax cuts of the eighties led to the deficits of the eighties, but conclude that spending increases have the greater consequences for the deficit.

It seems that there is a consensus building on both sides about the need to bring Federal spending under control.

Unfortunately, last year's package will not work to effectively reduce Federal spending.

In fact, over the next 5 years, domestic spending will increase by $1.83 for every dollar of new taxes raised. Prior to last year's agreement, Washington was spending at a rate of $1.57 for every tax dollar brought in.

The 1990 package did contain some features that may help control the growth of Government. The 4-percent solution builds on those features.

The 1990 budget agreement established, for the first time, limits on Federal spending. This was definitely a step in the right direction.

However, the current spending limits will do little to control spending. They are too high and they come on the heels of a huge spending increase in 1991.

When you look at aggregate spending figures, it appears that Federal spending is growing at a modest rate. But those figures are masked by the fact that defense spending is declining in nominal terms and by the one time costs and later revenues of the off-budget S&L bailout.

A closer analysis of domestic spending reveals that from 1990 to 1991, domestic discretionary spending jumped 9.5 percent. Domestic mandatory—or entitlement—spending jumped a whopping 12 percent.

So the current spending limits start on a jacked-up base, and then they increase from there.

Next year, domestic discretionary spending is slated for a 6.1-percent increase.

Under the 4-percent solution, the domestic spending limits are lowered to allow for a 4-percent growth rate. This is equal to roughly $32 billion in new spending each year from 1992 to 1995.

The spending limits on defense and international spending set by the 1990 law remain the same because they are already set to grow at or below 4 percent.

The 4-percent cap applies to all domestic spending—except the off-budget S&L bailout and interest on the national debt. The primary change here from current law is the fact that entitlement spending is brought under the domestic spending limit.

Under last year's agreement, current entitlement spending can grow unchecked. Entitlement spending makes up 52 percent of all Federal spending.

We cannot let half of the entire Federal budget grow unchecked. If we do, we will never be able to get rid of the deficit.

By placing a realistic spending limit on all domestic spending, we create an environment in which Federal spending is controlled and domestic programs compete for the available resources.

This will focus the debate on appropriate questions and priorities.

Members of Congress need to come to the same philosophical realization that the comic strip character Shoe came to here settin' on his bar stool. He says, "I never learn * * * whenever I throw

money at a problem to make it disappear, the only thing that disappears is my money."

We are often too quick to throw money at our Nation's problems with no regard to the fact that we aren't solving those problems.

The 4-percent solution will force a rigorous, and long overdue, debate about our Federal spending priorities. Congress must learn that no program is immortal. Times change, the Federal Government's programs should change, too.

This process will be greatly enhanced, in my opinion, by the passage of S. 20, a bill introduced by Senator ROTH of which I am a cosponsor.

S. 20, the Federal Program Performance Standards and Goals Act, requires that measurable performance goals to be established for all Federal programs. If this legislation becomes law, it will greatly enhance our ability to determine which programs are effective and should be continued and which are a waste of taxpayers' money and should be cut or eliminated.

There was also a lot of talk last year about the issue of tax fairness. Well, what about spending fairness.

Is it fair that we subsidize health benefits for people who make over $125,000 a year with Federal tax dollars.

Payments to individuals have risen to 46 percent of the total budget, most of that does not go to the poor.

If we are going to preserve a responsible safety net for the needy and balance the budget, we may have to reduce subsidies for those who clearly are not needy.

These are the tough decisions that will only be made if Congress is forced to make them—politicians do not like to make tough choices.

Finally, our legislation replaces the Gramm-Rudman deficit targets with the new spending limits.

The Gramm-Rudman process, as amended last year, remains intact.

However, the sequester process is tied to spending limits rather than deficit targets. If a spending limit is breached, then a minisequester will take effect, but only in the category in which the breach occurred.

This process will ensure that Federal spending is kept in check.

It is my hope that my colleagues will look seriously at the concept embodied in the 4-percent solution. I truly believe that this concept can, and will, lead to a balanced budget.

The question is do we start now, or do we wait until our budget problems reach crisis proportions again. I think we owe it to the American people to start now. After all, it is their money we are wasting.

I look forward to working with my colleagues, on both sides of the aisle, to bring Federal spending under control.

I ask unanimous consent that a copy of the bill be inserted in the RECORD.

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

S. 847

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 "Four Percent Solution Act of 1991".

SEC. 2. UNIFIED CAP ON ALL DOMESTIC SPENDING.

(a) UNIFIED CAP.—Subsection (a) of section 601 of the Congressional Budget Act, as amended by section 13111 of the Budget Enforcement Act of 1990, is amended to read as follows:

"(a) DEFINITIONS.—As used in this title and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term 'spending limit' means—

"(A) with respect to fiscal year 1991—

"(i) for the defense category: $288,918,000,000 in new budget authority and $297,660,000,000 in outlays;

"(ii) for the international category: $20,100,000,000 in new budget authority and $18,600,000,000 in outlays; and

"(iii) for the domestic category: $182,700,000,000 in new budget authority and $198,100,000,000 in outlays;

"(B) with respect to fiscal year 1992—

"(i) for the defense category: $291,361,000,000 in new budget authority and $295,800,000,000 in outlays;

"(ii) for the international category: $34,025,000,000 in new budget authority and $19,613,000,000 in outlays; and

"(iii) for the domestic category: $805,690,000,000 in outlays;

"(C) with respect to fiscal year 1993—

"(i) for the defense category: $291,480,000,000 in new budget authority and $292,523,000,000 in outlays;

"(ii) for the international category: $22,612,000,000 in new budget authority and $20,438,000,000 in outlays; and

"(iii) for the domestic category: $837,920,000,000 in outlays;

"(D) with respect to fiscal years 1994 and 1995—

"(i) for the domestic category (I) Fiscal year 1994: $871,430,000,000 in outlays, and (II) Fiscal year 1995: $906,290,000,000 in outlays; and

"(ii) for each of the 2 other categories an amount set by law during the consideration of the concurrent resolution on the budget for fiscal year 1993.".

(b) POINT OF ORDER.—Subsection (b) of section 601 of the Congressional Budget Act of 1974 is amended—

(1) by striking "DISCRETIONARY"in the caption for such subsection; and

(2) in paragraph (1), by striking "or 1993" and inserting "1993, 1994, or 1995".

(c) CONSIDERATION OF LEGISLATION IN HOUSE.—Section 603 is amended—

(1) by striking "DISCRETIONARY" in the caption for subsection (a); and

(2) by striking "discretionary" in subsection (a).

SEC. 3. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Section 250 is amended to read as follows:

"SEC. 250. TABLE OF CONTENTS; STATEMENT OF BUDGET ENFORCEMENT THROUGH SEQUESTRATION; DEFINITIONS.

"(a) TABLE OF CONTENTS.—

"Sec. 250. Table of contents; budget enforcement statement; definitions.
"Sec. 251. Enforcing spending limits.
"Sec. 252. Enforcing pay-as-you-go.
"Sec. 253. Repealed.
"Sec. 254. Reports and orders.
"Sec. 255. Exempt programs and activities.
"Sec. 256. Special rules.
"Sec. 257. Repealed.
"Sec. 258. Suspension in the event of war or low growth.
"Sec. 258A. Modification of presidential order.
"Sec. 258B. Alternative defense sequestration.
"Sec. 258C. Special reconciliation process.

"(b) GENERAL STATEMENT OF BUDGET ENFORCEMENT THROUGH SEQUESTRATION.—This part provides for the enforcement of the deficit reduction assumed in House Concurrent Resolution 310 (101st Congress, second session) and the Four Percent Solution Act of 1991 and the applicable spending limits for fiscal years 1991 through 1995. Enforcement, as necessary, is to be implemented through sequestration—

"(1) to enforce spending levels assumed in that resolution and Act (with adjustments as provided hereinafter); and

"(2) to enforce the requirement that any legislation increasing direct spending be on a pay-as-you-go basis.

"(c) DEFINITIONS.—As used in this part:

"(1) The terms 'budget authority', 'new budget authority', and 'outlays' have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 (but including the treatment specified in section 257(b)(3) of the Hospital Insurance Trust Fund) and the term 'spending limit' shall mean the amounts specified in section 601 of that Act as adjusted under section 251 of this Act.

"(2) The terms 'sequester' and 'sequestration' refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

"(3) The term 'breach' means, for any fiscal year, the amount (if any) by which new budget authority or outlays for that year (within a category of spending and appropriations) is above that category's spending limit for new budget authority or outlays for that year, as the case may be.

"(4) The term 'category' means, for fiscal years 1991, 1992, 1993, 1994, and 1995, any of the following subsets of spending and appropriations: defense, international, or domestic. Spending and appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990, except that the domestic category shall include all direct spending. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate. Contributions to the United States to offset the cost of Operation Desert Shield shall not be counted within any category.

"(5) The term 'baseline' means the current-year levels of new budget authority, outlays, and receipts.

"(6) The term 'budgetary resources' means—

"(A) with respect to budget year 1991, new budget authority; unobligated balances; new

loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; direct spending authority; and obligation limitations; or

"(B) with respect to budget year 1992, 1993, 1994, or 1995, new budget authority; unobligated balances; direct spending authority; and obligation limitations.

"(7) The term 'appropriations' means budgetary resources (except to fund direct-spending programs) provided in appropriation Acts.

"(8) The term 'direct spending' means—

"(A) budget authority provided by law other than appropriation Acts;

"(B) entitlement authority; and

"(C) the food stamp program.

"(9) The term 'current' means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31, United States Code, the estimates consistent with the economic and technical assumptions underlying that budget and with respect to estimates made after submission of the fiscal year 1992 budget that are not included with a budget submission, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

"(10) The term 'real economic growth', with respect to any fiscal year, means the growth in the gross national product during such fiscal year, adjusted for inflation, consistent with Department of Commerce definitions.

"(11) The term 'account' means an item for which appropriations are made in any appropriation Act and, for items not provided for in appropriation Acts, such term means an item for which there is a designated budget account identification code number in the President's budget.

"(12) The term 'budget year' means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

"(13) The term 'current year' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

"(14) The term 'outyear' means, with respect to a budget year, any of the fiscal years that follow the budget year through fiscal year 1995.

"(15) The term 'OMB' means the Director of the Office of Management and Budget.

"(16) The term 'CBO' means the Director of the Congressional Budget Office.

"(17) For purposes of section 252, legislation enacted during the second session of the One Hundred First Congress shall be deemed to have been enacted before the enactment of this Act.

"(18) As used in this part, all references to entitlement authority shall include the list of mandatory appropriations included in the joint explanatory statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990.

"(19) The term 'deposit insurance' refers to the expenses of the Federal Deposit Insurance Corporation and the funds it incorporates, the Resolution Trust Corporation, the National Credit Union Administration and the funds it incorporates, the Office of Thrift Supervision, the Comptroller of the Currency Assessment Fund, and the RTC Office of Inspector General.

"(20) The term 'composite outlay rate' means the percent of new budget authority that is converted to outlays in the fiscal year for which the budget authority is provided and subsequent fiscal years, as follows:

"(A) For the international category, 46 percent for the first year, 20 percent for the second year, 16 percent for the third year, and 8 percent for the fourth year.

"(B) For the domestic category, 53 percent for the first year, 31 percent for the second year, 12 percent for the third year, and 2 percent for the fourth year.".

(2) Section 251 is amended—

(A) in the caption by striking "DISCRETIONARY";

(B) in subsection (a)(1), by striking "and section 253";

(C) in subsection (a)(2), by striking "discretionary";

(D) in subsection (a)(5), by striking "discretionary";

(E) in subsection (b)—

(i) by striking "DISCRETIONARY" in the caption;

(ii) by striking paragraph (1);

(iii) in paragraph (2) in the matter before subparagraph (A), by striking "discretionary";

(iii) in paragraph (2), by striking subparagraphs (E) and (F); and

(iv) by striking "(2) When OMB" and inserting "When OMB".

(3) Section 252 is amended—

(A) in subsection (a), by striking "increases the deficit" and inserting "breaches a category's spending limit";

(B) in subsection (b)—

(i) by striking "and section 253";

(ii) by striking "net deficit" and inserting "net spending";

(iii) by striking "deficit" and inserting "spending";

(iv) in paragraph (1) by striking "and receipts";

(v) in paragraph (2)—

(I) by striking "or section 253"; and

(II) by striking "deficit" and inserting "spending";

(C) in subsection (c) by striking "DEFICIT" in the caption and inserting "SPENDING";

(D) in subsection (d) by striking "or receipts" each place it appears; and

(E) in subsection (e), by striking "or receipts".

(4) Section 253 is repealed.

(5) Section 254 is amended to read as follows:

"SEC. 254. REPORTS AND ORDERS.

"(a) TIMETABLE.—The timetable with respect to this part for any budget year is as follows:

"Date:	Action to be completed:
5 days before the President's budget submission.	CBO sequestration preview report.
The President's budget submission.	OMB sequestration preview report.
August 10	Notification regarding military personnel.
August 15	CBO sequestration update report.
August 20	OMB sequestration update report.
10 days after end of session.	CBO final sequestration report.
15 days after end of session.	OMB final sequestration report; Presidential order.
30 days later	GAO compliance report.

"(b) SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

"(c) SEQUESTRATION PREVIEW REPORTS.—

"(1) REPORTING REQUIREMENT.—On the dates specified in subsection (a), OMB and CBO shall issue a preview report regarding spending and pay-as-you-go sequestration based on laws enacted through those dates. The report shall also include a projection of the deficit for statistical purposes only.

"(2) SPENDING SEQUESTRATION REPORT.—The preview reports shall set forth estimates for the current year and each subsequent year through 1995 of the applicable spending limits for each category and an explanation of any adjustments in such limits under section 251.

"(3) PAY-AS-YOU-GO SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

"(A) The amount of net spending increase or decrease, if any, calculated under subsection 252(b).

"(B) A list identifying each law enacted and sequestration implemented after the date of enactment of this section included in the calculation of the amount of spending increase or decrease and specifying the budgetary effect of each such law.

"(C) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to eliminate a spending increase under section 252(c).

"(d) NOTIFICATION REGARDING MILITARY PERSONNEL.—On or before the date specified in subsection (a), the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under section 255(h).

"(e) SEQUESTRATION UPDATE REPORTS.—On the dates specified in subsection (a), OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview reports.

"(f) FINAL SEQUESTRATION REPORTS.—

"(1) REPORTING REQUIREMENT.—On the dates specified in subsection (a), OMB and CBO shall issue a final sequestration report, updated to reflect laws enacted through those dates.

"(2) SPENDING SEQUESTRATION REPORT.—The final reports shall set forth estimates for each of the following:

"(A) For the current year and each subsequent year through 1995 the applicable spending limits for each category and an explanation of any adjustments in such limits under section 251.

"(B) For the current year and the budget year the estimated new budget authority and outlays for each category and the breach, if any, in each category.

"(C) For each category for which a sequestration is required, the sequestration percentages necessary to achieve the required reduction.

"(D) For the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions.

"(3) PAY-AS-YOU-GO SEQUESTRATION REPORTS.—The final reports shall contain all the information required in the pay-as-you-go sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of

the sequestration in each outyear through 1995 for direct spending programs.

"(4) EXPLANATION OF DIFFERENCES.—The OMB report shall explain any differences between OMB and CBO estimates of the amount of any net spending change calculated under subsection 252(b), any excess spending, any breach, and any required sequestration percentage. The OMB report shall also explain differences in the amount of sequesterable resources for any budget account to be reduced if such difference is greater than $5,000,000.

"(5) PRESIDENTIAL ORDER.—On the date specified in subsection (a), if in its final sequestration report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

"(g) WITHIN-SESSION SEQUESTRATION REPORTS AND ORDER.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in paragraph (f)(2). Fifteen days after enactment, OMB shall issue a report containing the information required in paragraphs (f)(2) and (f)(4). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

"(h) GAO COMPLIANCE REPORT.—On the date specified in subsection (a), the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which each order issued by the President under this section complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(2) the extent to which each report issued by OMB or CBO under this section complies with all of the requirements contained in this part, either certifying that the report fully and accurately complies with such requirements or indicating the respects in which it does not.

"(i) LOW-GROWTH REPORT.—At any time, CBO shall notify the Congress if—

"(1) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the 4 quarters following such notification, CBO or OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any 2 consecutive quarters within such period; or

"(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarters and the immediately preceding quarter is less than one percent.

"(j) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code.".

(6) Section 256(d)(1) is amended by striking "and 253".

(7) Section 257 is repealed.

(8) Section 258A(a) is amended by striking "the deficit" and inserting "spending".

(9) Section 258C is amended—

(A) in subsection (a)(1), by striking "or 253";

(B) in subsection (a)(2), by striking "deficit" and inserting "spending";

(C) in subsection (a)(4), by striking "deficit" and inserting "spending"; and

(D) in subsection (a)(5), by—

(i) striking "amount of the deficit" and inserting "spending"; and

(ii) striking "maximum deficit amount" and inserting "spending limits".

SEC. 4. ADDITIONAL AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.

The Congressional Budget Act of 1974 is amended as follows:

(1) Section 604 is repealed.

(2) Section 605(b) is amended—

(A) by striking the caption and inserting "SPENDING LIMIT BREACH POINT OF ORDER IN THE SENATE";

(B) by striking all after "would result in," and inserting "that would result in a spending limit breach for the appropriate category in the first fiscal year covered by that resolution that exceeds the spending limits specified for such fiscal year in section 601(a).".

(3) Section 606 is amended—

(A) in subsection (b), by striking "maximum deficit amount" and inserting "spending limits";

(B) in subsection (c), by striking all after "concurrent resolution or conference report" and inserting "exceeds the spending limits for that year as set forth in section 601(a), or if the adoption of such amendment would result in a level of total budget outlays for that fiscal year which exceeds the spending limits for that year as set forth in section 601(a)."; and

(C) by striking subsection (d).

(4) Section 301(b)(7)(A) is amended by striking "the deficit" and "deficit" each place such terms appear and inserting "spending".

SEC. 5. ELIMINATION OF CURRENT SERVICES BASELINE.

(a) THE PRESIDENT'S BUDGET.—Section 1105(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section—

"(A) estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year;

"(B) estimated expenditures and proposed appropriations the President decides are necessary to support the Government for each function and subfunction in the fiscal year for which the budget is submitted; and

"(C) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;".

(b) CONGRESSIONAL BUDGET.—Section 301(e) of the Congressional Budget Act of 1974 (2 U.S.C. 632(e)) is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the congressional budget for the next fiscal year shall be from those estimated levels.";

(2) striking paragraphs (2) and (3) and inserting the following:

"(2) a comparison of levels for the current fiscal year with proposed spending for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;

"(3) information, data, and comparisons indicating the manner in which and the basis on which the committee determined each of the matters set forth in the concurrent resolution, including information on outlays for the current fiscal year and the decisions reached to set funding for the subsequent fiscal years;";

(3) striking paragraph (8);

(4) redesignating paragraph (9) as paragraph (8) and adding "and" at the end thereof; and

(5) redesignating paragraph (10) as paragraph (9).

(c) CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.—The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including—

"(A) estimated budget outlays in all functions and subfunctions for appropriated accounts for the current fiscal year and estimated budget outlays under current law for all entitlement programs for the next fiscal year;

"(B) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits); and

"(C) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in those levels based on proposals in the budget submitted by the President for that fiscal year.".

Mr. MCCAIN. Mr. President, I would like to thank my colleague, Senator BURNS, for introducing this much-needed legislation. We must control excessive Government spending if we wish our private sector to remain vibrant and competitive. No longer can we afford as a Nation to permit the Federal Government to consume 25 percent of our gross national product and still expect to be the world's economic leader.

Last year, the Congress passed the largest tax increase in the history of the United States—over $166 billion over 5 years. An integral part of the budget agreement were much advertised and painful spending cuts that would reduce the deficit by $500 billion over the same 5-year period. Thus, tax increases and spending cuts would balance the budget by 1995.

Three facts are now self-evident: First, taxes did increase; but second, spending was not cut; and third, the deficit continues to grow rather than shrink. In fact, close analysis of domestic spending for fiscal year 1991 reveals the explosive growth in domestic discretionary spending. It accelerated by 9.5 percent while entitlement spending accelerated even faster by 13 percent. There is no evidence of the painful spending cuts. There is clear evidence of a substantial increase in Government spending.

Under the terms of the 1990 budget package, every dollar of new taxes will result in a $1.83 increase in domestic spending.

As a result, American families and businesses will pay more in taxes to support more spending and larger deficits. This simply must stop.

Mr. President, the problem with fiscal policy in the Congress is that we have failed to link Federal finances with private sector finances. Congress acts, year after year, without regard for the economic health of our Nation. The prioritization of Government over taxpayers must be reversed.

This legislation will clearly control Government spending. It will not cut spending, but simply limit it to a modest 4-percent annual increase. This is not draconian legislation that attempts to eliminate Government programs.

In fact, it will provide an annual 4-percent increase in spending level for all programs. The key to spending control is not the mirage of painful cuts, but consistent and vigilant efforts to control the rate of increase in Government spending.

The Four Percent Solution Budget Act will control the rate of growth in Government spending. If enacted this year, this legislation would save American families and businesses $255 billion over 4 years.

It would not increase their tax burden by $166 billion over 5 years, and would not produce annual budget deficits that exceed $300 billion.

But, this legislation would truly balance the budget by 1995.

I commend Senator BURNS for this effort to control Government spending and balance the budget. This effort is consistent with other legislation aimed at controlling spending, balancing the budget, and limiting taxes.

He is a cosponsor of the Legislative Line-Item Veto Act and the McCain Tax Fairness And Accountability Act which would require a 60-vote supermajority in the Senate for any new tax or tax increase. I thank him for his tireless support of these efforts, and look forward to working closely with him on the "Four Percent Solution Budget Act."

Finally, I rise in support of this legislation because the American taxpayer deserves more fiscal responsibility and less deficit spending from Congress. This is taxpayer friendly, fiscally sound legislation which I wholeheartedly support.

Mr. CRAIG. Mr. President, last year, as a Member of the other body, I cosponsored the 4 percent solution to our budget dilemma. To my regret, Congress chose to ignore this sensible, workable solution and instead approved a budget summit agreement that burdened the American people with one of the largest tax increases in history—and increased spending and the size of the Federal Government.

I commend my colleague from Montana for his leadership in again presenting the Congress with an opportunity to enact true budget reform.

Without smoke-and-mirrors, without draconian cuts, without even violating the parameters of the 1990 budget summit agreement, the Four Percent Solution Budget Act will save the American people $255 billion and balance the Federal budget by 1995. It simply limits the rate of increase in Federal spending to 4 percent—just about the rate of inflation.

Mr. President, I've probably heard more about the budget than about any other issue from the people in my State of Idaho. When I tell them that we can balance the budget by slowing the increase in Federal spending—not cutting spending, but just allowing it to increase more slowly than we do now—they can't understand why Congress won't do it.

Frankly, Mr. President, neither can I.

I hope my other colleagues in the Senate will take a long, close look at what Senator BURNS is offering, and join us in passing this much-needed reform.

Mr. HATCH. Mr. President, I rise today in support of the 4-percent solution introduced by my colleague, Senator BURNS.

This country is faced with an enormous deficit which continues to grow each year despite our past efforts of at least $206.7 billion. This is more than three times the size of the Gramm-Rudman-Hollings target we were facing just 1 year ago.

The Omnibus Budget Reconciliation Act of 1990 was intended to cut the deficit by nearly $500 billion by the year 1995. After the release of the budget data for the fiscal year 1992, however, it is readily apparent that this goal will not be met.

Government spending appears to be growing at a modest rate when you look at the aggregate spending figures of the budget agreement. This is just an illusion, however. These growth figures are masked by the decline, in nominal terms, of defense spending and the fact that the S&L bailout figures, though technically off budget, are included in the aggregate totals of Federal spending. This gives the appearance of modest Federal spending growth.

Upon closer analysis of the spending figures, a different picture emerges. For fiscal year 1991, domestic discretionary spending grew at a rate of 9.5 percent, while entitlement spending jumped by an incredible 13 percent. These can hardly be called modest rates of growth.

The problem here is not a lack of revenue; it is an increase in spending. For every $1 that taxes went up in last year's omnibus budget reconciliation, new domestic spending jumped by $1.83. How can we expect to reduce the deficit if we spend more than we collect each year? Congress has shown a distinct inability to curb the growth of spending. This legislation will change that.

The failure of Congress to control its spending habits is apparent to the taxpayers. In a poll conducted by The Washington Post and ABC News, 81 percent of those surveyed stated that not enough progress is being made on the deficit.

This legislation heeds the call of the American taxpayer. It would reverse the current spending trend by holding the rate of total domestic spending to 4 percent. In addition, it would create a pay-as-you-go system for spending similar to the revenue provision in the 1990 omnibus budget reconciliation. Any increase in spending would have to be offset by a corresponding decrease in spending somewhere else. This would remove the incentive for raising taxes. There would be no reason for the tax-and-spend advocates in Congress to raise taxes if spending could not be increased as well.

I urge my colleagues to support this legislation. If the 4-percent solution were to be enacted this year, we could have a balanced budget by 1995 with no more new taxes. Congress cannot be allowed to continue to operate in the traditional tax-and-spend environment. We must be made accountable for how and where the American taxpayers' money is spent.

Mr. MCCONNELL. Mr. President, I rise today to offer my support for the Four Percent Solution Budget Act, introduced today by the distinguished Senator from Montana [Mr. BURNS]. This proposal offers a solution to the continuing Federal budget deficits that plague our great country. The 4-percent solution, if adopted, would control spending, reduce the budget deficit, and produce a policy of balanced budgets by fiscal year 1995, all without having to resort to tax increases.

As we all remember, the Congress and the administration last year agreed on a 5-year budget plan that was intended, in theory, to reduce the projected Federal deficit by nearly $500 billion. The package contained a record 5-year $165.5 billion tax increase. In return for these new taxes, we promised the American public lower budget deficits. Despite the tax increases, the projection for the fiscal year 1991 budget deficit has grown from $230 billion to more than $318 billion. Even more disturbing is the fact that domestic spending will be increased by $1.83 for every dollar of new taxes raised by the budget agreement. Is it any wonder that in a recent Washington Post-ABC News poll, 81 percent of those surveyed said the country was not making enough progress on the Federal budget deficit? As I have stated previously,

the deficit problem does not exist because of lack of revenues, but due to an inability to curb the growth of Federal spending.

Last year's budget agreement did contain some features that may help control the growth of government spending. Separate spending caps have been placed on domestic, international, and defense spending. It is my belief, however, that the current caps are flawed because they are set too high, and they come on the heels of a huge spending increase in 1991. For example, a closer analysis of domestic spending reveals that from 1990 to 1991, domestic discretionary spending jumped 9.5 percent. Domestic mandatory or entitlement spending increased 13 percent. The caps, therefore, start on an inflated base, and increase from there. In fiscal year 1992, domestic discretionary spending is slated for a 6.1 percent increase and an additional 5.3 percent in fiscal year 1993. I am not convinced that these spending caps will bring the deficit under control.

The 4-percent solution will bring the deficit under control. It caps total domestic spending at 4 percent above the previous year's level. This is roughly the rate of inflation and still provides domestic spending an approximately $32 billion increase each fiscal year. This increase could be allocated throughout domestic programs based on the country's priorities. There is no question that the debate for determining those priorities and how to allocate domestic spending would be rigorous. That is our job. Such debate is exactly what is needed. Congress cannot continue to tax and spend and tax and spend without being held accountable for how and where we spend taxpayers' money. The best part of the 4-percent solution is that if it is enacted beginning in fiscal year 1992, the budget would be truly balanced by 1995.

Again, I thank the Senator from Montana for introducing this legislation.

Mr. President, I yield the floor.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 848. A bill to provide financial assistance for the establishment of the Hiram Rhodes Revels Academic Science Complex at Alcorn State University in Clairborne County, MS; to the Committee on Labor and Human Resources.

HIRAM RHODES REVELS ACADEMIC SCIENCE COMPLEX

Mr. LOTT. Mr. President, today I am pleased to introduce legislation to establish the Hiram Rhodes Revels Academic Science and Center for Community Development Complex at Alcorn State University—the oldest historically black land-grant university in the world. Alcorn State is located in southwest Mississippi in a college community called Lorman. The university seeks to build a living memorial to its first president and the first black to serve as a U.S. Senator, the late Honorable Hiram Rhodes Revels.

Revels was a noted religious leader, politician, educator, and developer of human resources. He was also deeply concerned about educational opportunities for the rural poor. He served in the U.S. Senate from February 24, 1870 to March 3, 1871. Although brief, his stint as a Senator was best described by historians as being "marked by a quiet but determined fight to improve race relations in the South, preserve rights (of blacks), and rebuild the economy of Mississippi."

The late Senator Revels began his illustrious career as a Methodist minister in Natchez, MS. Through his leadership and commitment to patriotic principles, this black Republican recruited two black regiments of soldiers to fight in the Civil War and served himself as a chaplain.

He was later appointed alderman for the city of Natchez by the Mississippi military governor, Gen. Albert Ames. Revels did not confine his educational teachings to school buildings, but espoused his teachings in religious edifices, places of business, community meeting places, and other areas where there were opportunities for learning.

Revels was elected U.S. Senator in 1870, from the State of Mississippi to the 41st Congress, replacing ex-Confederate President Jefferson Davis. He served with distinction, most notably on the Education, Labor, and District of Columbia Committees. Enfranchisement for black and white citizens in Georgia after the Civil War found an eloquent spokesperson in the form of Senator Revels. Unity was promoted by Revels' plea for amnesty for all those who would pledge their support to the new U.S. Government. Wendell Phillips called Senator Revels the "15th amendment in flesh and blood" because of Revels' efforts to promote equality and civil rights.

In 1871, Senator Revels answered the call of Gov. James L. Alcorn of Mississippi and left the U.S. Senate to assist in the founding of Alcorn University—an institution which in 1878, was selected to become the first historically black land-grant college in the United States of America. The contributions that the late Senator, educator, religious leader, and politician made to the State of Mississippi and the Nation still impact the lives and socioeconomic conditions of people in this great country.

Despite the many advances that have been made as a result of the pioneering work of Senator Revels, his dreams and aspirations have not fully come to fruition for the people he loved—the rural poor. Alcorn State University seeks to bring these dreams closer to reality by establishing a Hiram Rhodes Revels Academic Science and Center for Community Development complex in his honor.

This proposed living memorial will be more than an edifice of brick and mortar. It will encompass the dream of Hiram Rhodes Revels and his lecture themes: To improve the socioeconomic conditions of the disadvantaged by providing quality education in areas in which the rural poor and minorities are underrepresented. Alcorn State University is committed to providing quality education and research for the rural poor. This commitment transcends the boundaries of the State of Mississippi and hopes to continue to impact the quality of life in all of America for the less fortunate.

For some 120 years, Alcorn has been at the forefront of educating black students who have gone on to professional and graduate schools in pursuit of careers in many scientific and related fields. For example, the first female dentist to graduate from the University of Mississippi school of dentistry, received her undergraduate degree from Alcorn State University. In 1977, 5 of the 14 black students who graduated from the University of Mississippi medical school received their undergraduate degrees from Alcorn State University.

When President Ronald Reagan appointed members to the Council on Environmental Quality, one of the persons he selected was Dr. William Mills, a chemistry graduate of Alcorn State University.

The university has had very a successful history of producing graduates who have obtained doctoral degrees in the sciences and the field of mathematics. This clearly demonstrates the potential of the university to become a major resource in preparing individuals who are capable of contributing to America's competitive edge in our global society. The list of Alcorn's math and science graduates who have done well is quite extensive. The university, however, yet faces one great challenge—that of providing talented students and enthusiastic and dedicated faculty with adequate science facilities. In addition, the university seeks to acquire more adequate facilities for conferences, workshops, and seminars which would be highly beneficial in conducting oncampus training for community leaders.

The rural location of this land-grant university and its desire to assume an effective role in the economic and social development of the community, State, and Nation, provide strong justification for Federal support to strengthen the capacity of the institution so it can achieve its service mission to the national community. The university now enlists aid to continue as a vital resource for the development of the Nation's science and mathematics professional work force.

The proposed facilities will house all science programs—natural, social—at Alcorn State University. Also, it will house facilities for conferences, workshops, seminars, and lodging accommodations. The academic science and center for community development complex will significantly strengthen and expand the capabilities of the university to conduct quality scientific research and teaching, and the delivery of community and economic development programs.

Central to the purpose of the facilities is the expansion of opportunities for minorities and the socioeconomically disadvantaged to pursue careers in the sciences and related fields. Equally as important, it will foster economic and community development among the rural and urban poor of Mississippi.

The Hiram Rhodes Revels Academic Science and Center for Community Development will be available and accessible to individuals throughout the Nation and the world. This will allow Alcorn State University to continue to provide leadership in many facets of human endeavors locally, nationally, and internationally. I urge my colleagues to join me in supporting this legislation.

By Mr. THURMOND:

S. 850. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 851. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

TARIFF LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce two bills which will suspend the duties imposed on certain chemicals used by the manufacturing industry. Currently, these chemicals are imported for use in the United States because there is no known domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would permanently suspend the duty on certain menthol feedstocks. This duty imposes an unnecessary burden on the U.S. menthol industry by increasing production costs.

Previously, I have introduced bills to relieve this burden. In 1983, a temporary duty suspension was included in the Miscellaneous Tariff Act of 1984 which became law in October 1984. This act provided for the suspension of this duty until December 31, 1987.

This duty suspension was reintroduced in 1987 and included in the Omnibus Trade and Competitiveness Act of 1988. It provided for the duty suspension until December 31, 1990. During the 101st Congress, I introduced a bill to permanently suspend the duty on menthol feedstocks. However, this duty suspension was extended only until December 31, 1992, in the Customs and Trade Act of 1990.

The bill being introduced today will permanently suspend the duty on menthol feedstocks. This relief is warranted because the American menthol market has not significantly changed since 1984 when the duty was first suspended.

The second bill would temporarily suspend the duty on lauryllactam—omega-dodecalactam—until December 31, 1995. This chemical has not benefited from a previous duty suspension. Lauryllactam is used in the manufacturing of small plastic pellets, which are used to make speciality products, such as fuel and vent lines, for automobiles. This chemical is important to the production of these fuel and vent lines because of its unique characteristics. These characteristics include: Low moisture absorption, superior processing capabilities, flexibility, heat stability, and chemical resistance.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. As previously stated there is no domestic producer or source of these chemicals; therefore, no American company will be harmed. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the RECORD immediately following my remarks.

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

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT DUTY-FREE TREATMENT.

(a) IN GENERAL.—Chapter 29 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description for subheading 2906.14.00:

"2906.17.00	Mixtures containing not less than 90 percent by weight of stereoisomers of 2-isopropyl-5-methyl-cyclohex-anol, but containing not more than 30 percent by weight of any one such stereoisomer .	Free	Free (A,E,IL) ..	45%"

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking out heading 9902.29.05.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAURYLLACTAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Lauryllactam (provided for in subheading 2933.79.50)	Free	No change	No change	On or before 12/31/95".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. GLENN (for himself and Mr. RUDMAN):

S. 855. A bill to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War"; to the Committee on Energy and Natural Resources.

EXTENSION OF AUTHORIZATION FOR CONSTRUCTION OF KOREAN WAR VETERANS MEMORIAL

• Mr. GLENN. Mr. President, I rise today to introduce legislation to extend for 2 additional years the authorization for the construction of a memorial honoring Korean war veterans. As my colleagues may recall this memorial project was originally authorized in 1986, Public Law 99-572. The subsequently enacted Commemorative Works Act, Public Law 99-652, provides that legislative authority for a commemorative work shall expire at the end of the 5-year period beginning on the date of the enactment of such authority. Hence the Korean War Veterans Memorial authority will expire in October of this year.

I must commend all those who have been associated with this project for the past 4½ years—the American Battle Monuments Commission, the Korean War Veterans Memorial Advisory Board, and all those who have made donations to make this memorial a reality. Much progress has been made: a site on The Mall has been selected and approved; a national design competition has been conducted and a design selected; an architecture and engineering contract has been awarded to turn

the winning design into detailed drawings and specifications; an eminent sculptor has been selected to sculpt the figures which are the focal point of the design; and almost $9 million is on hand to be applied to the construction and maintenance of the memorial.

The Commemorative Works Act, in laying out the steps that must be followed for any memorial project, requires that the site and design be approved by the Fine Arts Commission, the National Capital Planning Commission, and the Secretary of the Interior or the Administrator of the General Services Administration who are advised by the National Capital Memorial Commission. Approval of all these individuals and groups is required before final plans and specifications can be drawn up, before a construction contract can be let, and before a construction permit can be issued. If a construction permit has not been issued within the 5-year authorization period, the authorization will expire.

The Korean War Veterans Memorial is the first memorial project to come along under the new requirements and procedures of the Commemorative Works Act. While the ABMC and the Advisory Board have worked steadily at fulfilling all the requirements, they have run into unanticipated problems in getting their design approved by the various commissions. The Advisory Board, Army Corps of Engineers, and the designated architects have attempted in good faith to incorporate all the recommendations of the various approval commissions. However, changes recommended by one organization have been rejected by another and vice versa until the project resembles a ping pong ball being batted back and forth in an unending round of design approval.

At this point it is unlikely that, even if the design problems are resolved expeditiously, the remaining steps required for the issuance of a building permit can be accomplished in the time remaining of the 5-year authorization. Hence I am submitting legislation today to extend the authority for this memorial for an additional 2 years, until October 1993. I am not aware of any opposition to this proposal and hope that it can be enacted quickly so that the veterans of the "forgotten war" will not be forgotten again.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 856. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Finance.

FAIRNESS IN MEDICAID FUNDING ACT

Mr. MACK. Mr. President, I rise today to introduce the Fairness in Medicaid Funding Act of 1991.

The bill would change the Federal Medicaid matching funds formula and result in a more accurate and fair disbursement of these funds to the States. Over the last several years, the General Accounting Office [GAO] has evaluated the existing Medicaid formula and has concluded that it does not meet the objectives originally set up by Congress. GAO looked at these original objectives and developed an alternative formula. In its judgment, this new formula would do a much better job at allocating Medicaid dollars than the present formula. My bill would use the GAO formula not to change policy but only the process by which Medicaid dollars are allocated.

The essence of the Medicaid formula has been unchanged since 1965. The formula had two major purposes. First, Congress wanted to make certain the Federal matching funds reflected a State's ability to pay benefits to those in need. And second, Congress wanted to determine how many residents of each State needed Medicaid benefits. At the time—over 25 years ago—policymakers believed that an estimate of a State's per capita income would adequately respond to both objectives.

A per capita income formula may well have done an acceptable job in the past in meeting congressional intentions.

But during the past 25 years, the Federal Government has collected more and better economic data.

Today, there are much better measurements available, and we ought to use them.

A significant weakness of the current formula is that it does not adequately reflect a State's ability to pay benefits. In essence, the money a State can pay in Medicaid benefits depends upon how much income its residents and businesses produce.

A measurement of per capita income, however, reflects only part of the total income produced by a State's residents and businesses.

Per capita income, for example, does not include corporate retained earnings, which is a significant share of a State's business income. This means that two States with the same per capita income may actually have significantly different abilities to pay Medicaid benefits.

The result is that States with relatively little corporate income may receive significantly less in Federal reimbursement than Congress intended.

In addition, the per capita income formula does not adequately measure the number of people in need of Medicaid benefits. That need is essentially determined by the number of residents with incomes low enough to qualify for Medicaid. But two States with roughly equal per capita incomes can have dramatically different percentages of residents qualifying for Medicaid. Yet, both States would receive the same matching rate from the Federal Government. This just does not make sense.

My proposal, built on the GAO's recommendations, would base the Federal share for Medicaid on:

First, per capita income plus corporate income produced within a State. This is a much more accurate measure of a State's ability to finance Medicaid benefits.

Second, the State's poverty ratio, which generally indicates the number of persons in each State who are in need of Medicaid benefits.

All of these statistics are already compiled for other purposes by the Federal Government.

According to GAO, nearly 30 States would receive the same or a higher Medicaid reimbursement rate under this legislation.

Mr. President, since becoming a U.S. Senator, one of my goals has been to make sure the Federal pie is fairly divided so that each State receives its fair share. In fact, Mr. President, the first bill I introduced in the U.S. Senate in 1989 would require Federal agencies to use updated U.S. Census statistics when calculating population-based grants.

The goal of the Fairness in Medicaid Funding Act of 1991 is the same. Its passage will ensure that States receive what they deserve and need from Washington, based upon an objective, fair and contemporary evaluation of each State's needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 856

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 "Medicaid Fairness in Funding Act of 1991".

SEC. 2. CHANGE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) IN GENERAL.—Subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

"(b)(1)(A) Except as provided in paragraph (3), the term 'Federal medical assistance percentage' means, for each of the 50 States and the District of Columbia, 100 percent reduced by the product of the applicable percentage (as specified in subparagraph (B)) and the ratio of—

"(i)(I) for each of the 50 States, the total taxable resources (TTR) ratio of the State specified in subparagraph (C), or

"(II) for the District of Columbia, the per capita income ratio specified in subparagraph (D),

to—

"(ii) the population in poverty ratio of the State or District, as described in subparagraph (E).

"(B)(i) For the purposes of this subsection, the applicable percentage is a percentage estimated by the Secretary with the advice of the General Accounting Office (GAO) that,

when applied under subparagraph (A), would result in an amount of aggregate payments under section 1903(a) for calendar years 1992 through 1996 equal to the amount of aggregate payments that would have been made under such section for quarters in such years if this subsection were applied as in effect immediately preceding the Medicaid Fairness in Funding Act of 1991.

"(ii) The applicable percentage estimated by the Secretary under clause (i) shall continue to apply with respect to quarters after fiscal year 1996.

"(C) For purposes of subparagraph (A)(i)(I), the total taxable resources (TTR) ratio for each of the 50 States is—

"(i) an amount equal to the most recent 3-year average of the total taxable resources (TTR) of the State, as determined by the Secretary of the Treasury, divided by

"(ii) an amount equal to the sum of the 3-year averages determined under clause (i) for each of the 50 States.

"(D) For purposes of subparagraph (A)(i)(II), the per capita income ratio of the District of Columbia is—

"(i) an amount equal to the most recent 3-year average of the total personal income of the District of Columbia, as determined in accordance with the provisions of section 1101(a)(8)(B), divided by

"(ii) an amount equal to the total personal income of the continental United States (including Alaska) and Hawaii, as determined under section 1101(a)(8)(B).

"(E) For purposes of subparagraph (A), with respect to each of the 50 States and the District of Columbia, the population in poverty ratio is—

"(i) an amount equal to the the 3-year-average of the number of individuals in the State (or the District of Columbia) whose family income is below the income official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981), divided by

"(ii) the total of the averages determined under clause (i) for the 50 States.

"(2) The Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be 50 percent.

"(3)(A) Except as provided in subparagraph (B), the Federal medical assistance percentage shall in no case be less than 40 percent or greater than 83 percent.

"(B) The Federal medical assistance percentage shall be 100 percent with respect to amounts expended as medical assistance for services which are received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act).

"(4) For purposes of any provision of law other than a provision of this title, unless otherwise specifically provided, any reference to the "Federal medical assistance percentage" as defined in this section shall be considered a reference to such terms as defined under this subsection before the date of the enactment of the Medicaid Fairness in Funding Act of 1991.".

(b) CONFORMING AMENDMENT.—Section 1118 of the Social Security Act (42 U.S.C. 1318) is amended by striking "(as defined in section 1905)" and inserting "(as defined in section 1905(b), as in effect immediately preceding the date of the enactment of the Medicaid Fairness in Funding Act of 1991)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made to States with respect to calendar quarters beginning on or after January 1, 1992.

SEC. 3. ADMINISTRATION EXPENDITURES.

(a) IN GENERAL.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by sections 4801(a) and 4401(b) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "75 percentum" and inserting "the Federal medical assistance percentage";

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) with respect to amounts expended for nursing aide training and competency evaluation programs, and competency evaluation programs described in section 1919(e)(1) (including the costs for nurses aides to complete such competency evaluation programs) regardless of whether the programs are provided in or outside nursing facilities or the skill of the personnel involved in such programs, an amount equal to the Federal medical assistance percentage of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such programs; plus";

(C) in subparagraph (C), by striking "75 percent" and inserting "the Federal medical assistance percentage"; and

(D) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) an amount equal to the Federal medical assistance percentage of so much of the sums expended (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to State activities under section 1919(g); plus";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "(A)(i)" and inserting "(A)";

(ii) by striking "90 percentum" and inserting "the Federal medical assistance percentage";

(iii) by striking "and the plan of any other State approved under this title, and" and inserting "and the plan of any other State approved under this title; plus"; and

(iv) by striking clause (ii);

(B) in subparagraph (B), by striking "75 percentum" and inserting "the Federal medical assistance percentage";

(C) in subparagraph (C), by striking "75 percentum" and inserting "the Federal medical assistance percentage"; and

(D) in subparagraph (D) (as added by section 4401(b) of the Omnibus Budget Reconciliation Act of 1990) by striking "75 percent" and inserting "the Federal medical assistance percentage";

(3) in paragraph (4), by striking "100 percent" and inserting "the Federal medical assistance percentage";

(4) in paragraph (5), by striking "90 percentum" and inserting "the Federal medical assistance percentage";

(5) by striking paragraph (6) and inserting the following new paragraph:

"(6) subject to subsection (b)(3), an amount equal to the Federal medical assistance percentage of the sums expended with respect to costs incurred during such quarter (as found necessary by the Secretary for the elimination of fraud in the provision and administration of medical assistance provided under the State plan) which are attributable to the establishment and operation of (including the training of personnel employed by) a State medicaid fraud control unit (described in subsection (q)); plus"; and

(6) in paragraph (7), by striking "subject to section 1919(g)(3)(B), an amount equal to 50 percentum" and inserting "subject to section 1919(g)(3)C), an amount equal to the Federal medical assistance percentage".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made to States with respect to calendar quarters beginning on or after January 1, 1992.

• Mr. GRAHAM. Mr. President, as a former Governor, I am more than aware of the tight fiscal situation States are experiencing due to escalating Medicaid costs and the slump in revenue caused by the recession.

Medicaid costs represent a large portion of State budgets, most of which must be balanced. Medicaid spending is projected to rise 25 percent this year on top of an 18-percent increase last year.

For this reason alone, States deserve to receive a Federal matching rate which is determined in a fair manner. In a 1983 report and testimony to the House last year, the General Accounting Office [GAO] stated that the Medicaid Program uses a Federal matching formula that denies the poorest States of billions annually in Federal health care dollars.

According to the GAO, the poor could receive more and better health care from Medicaid if the formula the Government uses to reimburse States was changed to ensure that needier States get a larger share of the Federal money.

The GAO has recommended that the current Medicaid formula, which uses per capita income both to measure the abilities of States to finance program benefits and the incidence of poverty, be revised.

Per capita income is a faulty indicator of a State's ability to finance program benefits as it does not reflect all the income States are potentially able to tax, said the GAO. Per capita income is also a poor measurement of the incidence of poverty because two States with the same per capita income can have very different poverty rates.

Instead, the GAO suggests that the formula incorporate estimates of total taxable resources [TTR]. TTR is a more comprehensive measure of States' ability to finance program benefits because it reflects both income produced within the State and income received by State residents, even if received from out-of-State sources.

Additionally, the GAO recommends the use of poverty levels instead of per capita income in computing the Federal Medicaid share. Lastly, lowering the guaranteed 50-percent minimum federal share to 40-percent would help equalize the Medicaid share for States.

The legislation which we are introducing today incorporates the three GAO recommendations. The measure would use: First, total taxable resources; second, poverty levels; and

third, a minimum 40-percent share in calculating the Federal Medicaid matching rate.

Replacing per capita income with different measures of States' financing capacities and poverty rates would offset the fiscal disadvantage that low-tax-base, high poverty rate States face under the existing formula.

Mr. President, our bill would make the distribution of Medicaid funds more equitable, and, essentially, the formula more fair. I am pleased to be introducing this important bill along with Senator MACK, and hope that my colleagues in the Senate look closely at this issue.

By Mr. METZENBAUM:

S. 857. A bill to require providers of long-distance telephone services to offer to all classes of customers serviced by such provider the same lowest increment time billing for long-distance service; to the Committee on Commerce, Science, and Transportation.

BILLING FOR LONG-DISTANCE TELEPHONE SERVICE

• Mr. METZENBAUM. Mr. President, I am today introducing legislation to correct a serious inequity in the way long-distance telephone companies bill their residential customers.

The situation today is that residential customers are being left behind as the Nation's long-distance phone companies move to more modern billing techniques that more accurately measure the timing of long distance phone calls.

While the phone companies' now bill their business customers for the exact length of their calls down to the nearest second, or at worst, up to the nearest 6 second increment, residential customers' bills are rounded up to the nearest full minute.

That means if I place a 3 minute 3 second call from Washington to Cleveland from my home, I get billed for a full 4 minutes of service. Yet, if I place the call from a business telephone, I would be billed for exactly 3 minutes and 3 seconds or at the worst, 3 minutes and 6 seconds.

Why should residential customers pay more money for the same call?

Furthermore, rounding to the nearest minute makes up a larger percentage of the cost of a short call. On a 3 minute 1 second call rounded to 4 minutes, the unused time accounts for about 25 percent of the cost of the call.

Therefore, people who attempt to save money by keeping their calls as short as possible are precisely the ones who are harmed the most by rounding.

Mr. President, business users have demanded more accurate billing from the phone companies, and they have received it.

But what about other people who make long-distance calls—lower income people, senior citizens on fixed incomes?

Working people, farmers, students—every one of them has the right to be charged only for the services they use.

What possible reason is there for businesses to get a better deal?

Consider this.

The New York Times reports that charging people for those extra few seconds after they hang up accounts for nearly $2 billion in additional revenue each year—4 percent of the total $50 billion yearly long distance business.

That is a lot of money.

And, according to General Accounting Office statisticians, the estimate is accurate.

I have asked AT&T representatives for their opinion. But they have thus far declined to comment.

Mr. President, the phone companies are technologically capable of providing all customers the more accurate billing.

This bill would ensure that they do.

All customers—small businesses, international conglomerates, senior citizens, factory workers, and students would all be offered the same deal.

It is the fair thing to do. It is the right thing to do.

This bill is supported by the Consumer Federation of America.

I believe it's a reasonable bill, and I urge my colleagues to support it.

I ask unanimous consent that it be printed in the RECORD.

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

S. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREMENT TIME BILLING.

Effective 180 days following the date of the enactment of this Act, each provider of long distance telephone service shall make available to all customers, including business and residential, the same increment time billing for such long distance telephone service.

SEC. 2. FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission, within 60 days following the date of the enactment of this Act, shall issue such regulations as may be necessary to implement the purposes of this Act.

SEC. 3. DEFINITION.

For purposes of this Act, the term "increment time billing" means the method used by a provider of long distance telephone services in calculating, for purposes of billing, the time utilized in connection with a long distance telephone call.•

By Mr. INOUYE (for himself, Mr. STEVENS, and Mr. AKAKA):

S. 858. A bill to amend the Agricultural Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MILK PRICE SUPPORT LEGISLATION

• Mr. INOUYE. I rise to introduce a bill to amend the Agriculture Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States.

This matter arose in the Omnibus Budget Reconciliation Act of 1990. This bill contained a provision—section 1105 (h)—calling for a reduction in the price received for milk produced in the United States. Specifically:

Beginning January 1, 1991, the Secretary shall provide for a reduction in the price received by producers for all milk produced in the United States and marketed by producers for commercial use, in addition to any reduction in price required under subsection (g).

The price reduction is set at 5 cents per hundredweight of milk marketed in 1991 and will increase to at least 11.25 cents in each of the calendar years 1992 through 1995.

These price reductions are not new since similar reductions were authorized in 1982. The major difference between 1982 and now is that in earlier years the United States was defined as the 48 contiguous States in the continental United States. Hawaii, Alaska, and U.S. territories were exempted from these price reductions.

In Hawaii's case, the rationale for the exemption is that our island State is strictly a fresh milk industry and is regulated by the State. A strict quota system is used to discourage surplus production. In fact, Hawaii is a milk deficient State. Milk from the continental United States is imported into the State. Thus, Hawaii does not contribute to the dairy surplus prevalent in the continental United States. Finally, even if there were an occasional surplus of fluid milk, these supplies would not make their way to Commodity Credit Corporation [CCC] storage since there are no manufacturing plants in the State to produce butter, powdered milk, or hard cheeses. Similar arguments apply to Alaska and the U.S. territories.

Mr. President, I have attached, as a part of my statement letters I have received from Puerto Rico Delegate FUSTER and Governor Hernandez-Colon which provide strong support for this bill.

The conditions calling for the exemption in 1983 still hold today. I urge my colleagues to support this amendment to correct this inequity.

Mr. President, I ask unanimous consent that the full text of my bill and the letters be printed in the RECORD.

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

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILK PRICE SUPPORT AND MILK INVENTORY MANAGEMENT PROGRAM LIMITED TO 48 CONTIGUOUS STATES.

(a) IN GENERAL.—Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) APPLICATION OF SECTION.—This section shall apply only to milk produced in the 48 contiguous States in the continental United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on January 1, 1991.

COMMONWEALTH OF PUERTO RICO,
San Juan, PR, April 4, 1991.

Hon. DANIEL K. INOUYE,
U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: I write to thank you for introducing legislation that will free milk producers from Puerto Rico and Hawaii from price reductions legislated in the Omnibus Budget Reconciliation Act of 1990 and the Food Agriculture, Conservation, and Trade Act of 1990. Previous price reductions of this type in effect from 1983 to 1990 have not applied to Puerto Rico in recognition of the fact that the Island's milk industry is self-sufficient and entirely separate from that on the U.S. mainland. Your legislation is necessary to remove a milk assessment that will have a detrimental impact on the dairy industry in Puerto Rico.

Because Puerto Rico's milk industry is entirely separate from that on the U.S. mainland, local dairy farmers neither benefit from Commodity Credit Corporation purchases of excess dairy products nor contributes to the U.S. milk surplus. Since 1957 Puerto Rico has had in place an effective system of supply management for its milk production. Indulac, a corporation organized under the Commonwealth's laws and governed by a board comprised of dairy farmers, milk producers, and public sector officials, maintains a system which has been very effective in controlling milk surpluses.

The Omnibus Budget Reconciliation Act of 1990 mandates a price reduction to milk producers—five cents per hundredweight in 1991 rising to 11.25 cents per hundredweight in 1992—that is designed to discourage surplus milk production by refunding the reductions to those producers who have not increased their production over that of the prior year. Under the Act, the U.S. Department of Agriculture will then have to recoup these refunds by reassessing the other producers—those who had increased their production—in order to maintain a given revenue level.

We do not believe that the U.S. Congress intended to impose price reductions that would so seriously harm Puerto Rico's milk industry and milk consumers, nor to make Puerto Rico pay for a program it does not use, a program designed for the U.S. mainland and not for an island economy.

In addition to having a successful milk supply management program in place, Puerto Rico faces the existing reality of higher milk prices than those on the U.S. mainland, due primarily to the transportation costs of importing grain. With a growing demand for milk, a population with an average income one-third of that of the United States, Puerto Rico is simply not in a position to absorb new assessments on its milk.

On behalf of the Commonwealth of Puerto Rico, I deeply appreciate your efforts to rectify this situation, and I am confident that with your leadership this bill will ultimately become law.

Cordially,

RAFAEL HERNÁNDEZ COLÓN.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1991.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUYE: I write in strong support of your bill which would limit the proposed reduction of producer prices for milk to the 48 contiguous states. I have always opposed any attempt to include Puerto Rico, Hawaii and other non-contiguous areas in such "milk tax" legislation, and I applaud your efforts to correct this with your new bill.

Because this matter is of great importance to the 3.6 million U.S. citizens of Puerto Rico, I have pursued it vigorously in the House, and the Chairman of the House Committee on Agriculture, the Hon. E. (Kika) de la Garza, was so informed in my letter to him of February 28, 1991.

As we both know, this reduction in the price received by producers of commercially marketed milk, imposed by the Omnibus Budget Reconciliation Act for Fiscal Year 1991, amounts to a thinly-disguised tax on milk, the revenue from which will be remitted to the Commodity Credit Corporation (CCC). Last year's Farm Bill also provides for an additional—and potentially more substantial—tax on milk producers beginning in 1992 to offset costs associated with the U.S. Department of Agriculture's milk price support program through the CCC.

But, traditionally, Puerto Rico has had no relationship with the CCC and does not participate in agriculture support programs. Price reductions to milk producers in effect for the years 1983-1990 were applicable only to the 48 contiguous states, in recognition of the fact that other states and insular areas, because of their distance from the United States, have domestic milk industries and do not sell surplus milk to the CCC nor otherwise benefit from the CCC program.

In the case of milk, Puerto Rico has its own agency, known as Indulac, which purchases what little surplus milk is produced in Puerto Rico, and therefore has no need for the CCC. Puerto Rico was initially included in this program when it was begun in 1982 and was later excluded on this basis. Puerto Rico's supply-management system relies on quotas, with excess milk purchased by Indulac, a corporation set up under the laws of the Commonwealth of Puerto Rico and administered by a board representing the Commonwealth Government, dairy farmers and milk producers.

The price of milk in Puerto Rico, like that for other insular jurisdictions, is already considerably higher than that on the U.S. mainland because of the transportation costs on imported grains. It is not economically feasible for Puerto Rican milk producers to sell surplus milk to the CCC because the milk would be sold at an enormous loss due to the higher costs of production.

Moreover, the CCC program could be detrimental to Puerto Rico because it attempts to discourage increased milk production without taking into account the particular needs of an island with an insular milk industry and a growing demand for milk. We feel that we should not be obligated to pay for services we do not receive and that taxing milk in the poorest region of the United States is a counterproductive measure. The Commonwealth of Puerto Rico will be the most severely affected by the taxes, given that it is the most populous of the offshore areas and has the highest milk consumption and production levels.

Again, Senator Inouye, I commend your attempts to resolve this matter legislatively in the Senate, and I look forward to working with you on this issue which is so very important to the Commonwealth of Puerto Rico.

With warm personal regards, I am

Cordially yours,

JAIME B. FUSTER,
Member of Congress.●

By Mr. GRASSLEY:

S. 859. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Commerce, Science, and Transportation.

LIMITATIONS ON AGE RESTRICTIONS IMPOSED UPON AIRLINE PILOTS

● Mr. GRASSLEY. Mr. President, today I rise to introduce legislation that would allow individuals to serve as commercial pilots until they are 65 years old provided they meet necessary physical requirements.

In 1959, the Federal Aviation Administration adopted a rule which prohibited persons over 60 years of age from serving as pilots for certified air carriers and for other commercial operators using large aircraft. This regulation is still in effect today.

The choice of the age of 60 was totally subjective and discriminatory. It discriminates because it treats all pilots over age 60 as a class and allows no exceptions. Obviously there are pilots over 60 whose health, skill and judgment are excellent. In fact, there are numerous cases of pilots approaching the age of 60 who have performed heroic actions, only to be forced to retire.

On July 19, 1989, United Flight 232 crashed in Sioux City, IA. As the National Transportation Safety Board aircraft accident report stated,

Flight 232 experienced a catastrophic failure of the number 2 tail-mounted engine during cruise flight. The separation, fragmentation and forceful discharge of stage 1 fan rotor assembly parts from the number 2 engine led to the loss of the three hydraulic systems that powered the airplane's flight controls. The flight crew experienced severe difficulties controlling the airplane.

And yet, even with these severe difficulties, Capt. Alfred Haynes, a veteran of 33 years' flying experience was able to maneuver the aircraft into an emergency landing, saving dozens of people's lives.

Regrettably, Capt. Haynes is being forced to retire by this arcane FAA rule.

Capt. David Cronin flew United Flight 811 back to Honolulu after a section of its right side was ripped away, sucking nine people from the plane. Captain Cronin made numerous split second decisions after the accident, which saved many lives. Later he credited his 38 years of experience as the reason for his success.

Captain Cronin was forced to retire 1 month later.

There is no evidence that there are substantial safety differences between pilots age 59 and pilots aged 61 or 62. Previous studies done by the FAA are flawed and not applicable.

The choice of the age 60 is arbitrary because it applies only to pilots but not other flight personnel. It applies to certified airline pilots but the FAA turns around and lets these same pilots fly planes with fewer than 30 seats, where equipment is likely to be less sophisticated and crews smaller.

Does this make sense? Pilots over the age of 60 can fly numerous other kinds of aircraft, including commuter planes and private planes. They are even allowed to fly the planes of the Federal Aviation Administration.

Why should an agency regulation automatically eliminate a qualified and experienced pilot from flying because of age alone? This is discrimination. The civil rights of an entire class of people are being violated on a daily basis by the Federal Government.

Medical technology exists to evaluate pilots of all ages to determine whether they are fit to fly. The Director of the National Institute on Aging has listed the necessary tests for the FAA and the Congress. Pilots wishing to continue to fly past age 60 would be called upon to undergo a rigorous medical exam and competency check.

Presently we are enduring a shortage of qualified pilots. Older pilots are being forced to retire, depriving the traveling public of their seasoning and experience. This rule contributes to the shortage of experienced and qualified pilots.

If a pilot can prove that they have the mental and physical requirements to fly, they should be allowed to fly commercial flights.

I urge my colleagues to support this anti-age discrimination legislation, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON AGE RESTRICTIONS IMPOSED UPON AIRCRAFT PILOTS.

Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1422(b)) is amended by adding at the end thereof the following new paragraph:

"(3) LIMITATION ON AGE RESTRICTIONS.—The Administrator shall not, solely by reason of the age of a person, if such person is less than sixty-five years of age—

"(A) refuse to issue an airman certificate to, or refuse to renew such certificate for, such person, if such person is applying for the issuance or renewal of such certificate in order to serve or continue to serve as a pilot of an aircraft; or

"(B) require an air carrier to terminate the employment of, or refuse to employ, such person as a pilot on an aircraft of such air carrier.".●

By Mr. DOLE (for himself, Mr. SIMON, Mr. D'AMATO, Mr. KASTEN, Mr. DECONCINI, Mr. LUGAR, Mr. COHEN, Mr. PRESSLER, Mr. GARN, Mr. MCCAIN, Mr. SEYMOUR, Mr. DIXON, and Mr. COATS):

S. 860. A bill to support democracy and self-determination in the Baltic States and the Republics within the Soviet Union; to the Committee on Foreign Relations.

DEMOCRACY IN THE BALTICS AND THE SOVIET UNION

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senator from Illinois, Senator SIMON, in offering a bill which—in the words of the title—will "support Democracy and self-determination in the Baltic States and the Republics within the Soviet Union."

I am pleased that the following Senators, from both sides of the aisle, have joined in cosponsoring this bipartisan legislation: Senators D'AMATO, KASTEN, DECONCINI, LUGAR, COHEN, PRESSLER, GARN, MCCAIN, SEYMOUR, DIXON, and COATS.

Mr. President, these past 2 years have been among the most remarkable of this century. In an ironic twist on Communist theology, the people of Poland, and Hungary, and Czechoslovakia, and East Germany, and Bulgaria—they have all decided they truly had nothing to lose but their chains. And they have broken those chains of Communist domination that had held them in slavery for a half century.

Nations such as Romania, Yugoslavia, and now even Albania, have taken the first strides toward democracy—though they still have a considerable way to go before they successfully complete their journey to full freedom.

Among the most remarkable struggles for freedom and self-determination are those still on-going in the Baltic States, and in so many of the constituent Republics of the Soviet Union itself.

The fundamental purpose of this legislation is to put the United States squarely, and unequivocally, on the side of those engaged in these historic and courageous struggles.

Mr. President: Let us be clear. We have an enormous stake in our relationship with the Soviet Union. In cooperation with the Soviet leadership, we have made considerable progress on critical issues such as arms control and some of the regional conflicts. Generally speaking, the Soviets played a constructive role in the Persian Gulf war.

So, none of us wants to disrupt that relationship; none of us wants to undermine President Gorbachev; none of us seeks to split apart the Soviet State.

But neither do we believe that our equity in constructive United States-Soviet relations gives Gorbachev a blank check for aggression against the Baltics, or repression against the constituent Republics of the Soviet Union.

Nor do we believe that our desire for continued bilateral progress with Moscow requires us to compromise on our commitment to freedom and the support of those seeking their freedom.

The future of the Soviet State is up to the people of the Soviet Union.

As this legislation makes clear, our only position on that issue is that the people of the Soviet Union—and not just the Kremlin—should have the final say on their own future; and that, whatever happens, it happens in an atmosphere of peace, not through the use of force.

Everything else is not our business.

But the fate of freedom, human rights, and self-determination for all people, in the Baltics, the Soviet Union and elsewhere, that is our business, and the business of all free men.

That is the message of the U.N. Charter, of which the Soviet Union is a signatory; that is the message of the Helsinki accords, of which the Soviet Union is a signatory.

And that is the message of this legislation.

Mr. President: As the earlier reading made clear, this bill has four essential components.

One, it affirms that United States policy is to support democratization and self-determination within the Soviet Union.

Two, it reaffirms that United States policy is to support restoration of independence for the Baltic States.

Three, it directs that the administration shape our foreign assistance and trade programs to support those who share those first two goals. I should add that this provision mirrors the provisions of S. 9, which I introduced in the first days of this session, and which I hope will be acted on soon by the Foreign Relations Committee and on the floor of the Senate.

Four, the bill sends this clear message to the Soviet authorities: The use of force to repress or frustrate the will of the people of the Baltics and the Soviet Union will have serious repercussions for United States-Soviet relations.

Mr. President, I don't think that any of these provisions ought to be very controversial.

I think all of them, though, are very important, and worthy of the prompt, and favorable consideration of the Senate.

Mr. President, a number of important groups, representing Americans who trace their ancestry to the Baltic States and the constituent Republics of the Soviet Union, have endorsed this

legislation. I ask unanimous consent to include in the RECORD, letters from some of those organizations, supporting the bill.

I would also note that Congressmen DAVE BONIOR, and JERRY LEWIS have introduced identical legislation in the House, with a large number of cosponsors, so I hope and anticipate that the House will be acting on this bill, too.

In closing, I want to thank all Senators who are cosponsoring this bill. And I especially want to thank Senator SIMON and his staff for their hard work in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill and the letters mentioned earlier be placed in the RECORD.

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

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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, individual representation in international organizations, 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 trade 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.

UKRAINIAN NATIONAL ASSOCIATION, INC.,
Washington, DC, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.
Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATORS DOLE AND SIMON: The Ukrainian National Association applauds your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union.'

United States foreign policy must be based on support for democracy and self-determination and should recognize that the democratic movements in the Soviet Union exist only in the republics. The Soviet Union, as an empire, is simply incapable of democratic reform because, as Dr. Zbigniew Brzezinski recently testified at a CSCE hearing, democracy and empire are inconsistent.

To effectively promote the democratization of the USSR, the United States must target its assistance programs at the republic and lower levels. The long-term interests of the United States will only be served if it is identified with the democratic movements in the republics and not the repressive policies of the central government.

On July 16, 1990, the Ukrainian Parliament voted 355–4 in support of the Declaration on the State Sovereignty of Ukraine. During the year, the parliaments in each of the other 14 republics enacted similar declarations of sovereignty or independence. Your legislation effectively addresses this changing situation in the Soviet Union and provides the framework for assisting the development of democratic institutions. The Ukrainian National association fully supports the provisions of your bill and will work for its enactment.

Sincerely,

EUGENE M. IWANCIW,
Director, Washington Office.

ARMENIAN ASSEMBLY OF AMERICA,
Washington, DC, March 19, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.
Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATORS DOLE AND SIMON: The Armenian Assembly of America deeply appreciates your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union."

This legislation codifies United States support for democracy as opposed to totalitarianism in the Soviet Union and positions the United States squarely against the actual or threatened use of force by the Soviets against the Republics. For Armenians, the pursuit of self-determination in Nagorno-Karabakh brought vicious pogroms, economic blockades which continue to this day, and joint Soviet and Azerbaijani military actions which continue to kill and deport families in and around the region. Following Armenia's Declaration of Independence last August, the central Soviet government has tightened the screws on the Republic of Armenia even further. In fact, despite President Gorbachev's December 1988 pledge to rebuild the entire earthquake zone by December 1990, only ten percent of the planned Soviet construction is complete (Soviet crews having been pulled out) and the 1991 Soviet budget cuts out funds for reconstruction.

This same type of Soviet behavior has occurred in other Republics and regions where advocates of democracy have succeeded. If the past is any guide to the future, the Republics which boycotted or voted contrary to the central government in last Sunday's referendum are in for more of the same.

Considering the circumstances in the Soviet Union, we hope your colleagues will agree that this legislation is a measured, appropriate response—legislation which Congress should pass overwhelmingly. The Armenian Assembly of America unequivocally and wholeheartedly supports this bill, and we look forward to working for its enactment.

Sincerely,

VAN Z. KRIKORIAN,
Director, Government and Legal Affairs.

JOINT BALTIC AMERICAN NATIONAL COMMITTEE,
Rockville, MD, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am writing on behalf of the Joint Baltic American National Committee to thank you for introducing legislation to support democracy and self determination in the Baltic countries and republics of the Soviet Union. As you know, the Baltic countries of Estonia, Latvia and Lithuania reasserted their right to democracy and independence last spring. Since taking these first steps towards freedom, the people of Estonia, Lativa and Lithuania have endured constant intimidation and repression on the part of the Soviet Union, culminating in the first weeks of this year in a bloody occupation by Soviet "black beret" troops of several buildings in the capitals of Latvia and Lithuania.

In his State of the Union address President Bush stated that it is his goal to help the Baltic countries rather than to punish the Soviet Union. The Joint Baltic American National Committee shares that goal—we believe that the best way to help Estonia, Latvia and Lithuania realize their independence is through providing assistance to the democratic governments and the private sector of the Baltic countries as they privatize and make their transition to a market economy. The bill that you are proposing has these same interests and goals at its foundation.

The Joint Baltic American National Committee has initiated efforts to authorize and appropriate funds to assist Estonia, Latvia and Lithuania in making the transition back to democracy more smoothly. If adopted by the Congress this measure would provide for the promotion of democratic ideals in Estonia, Latvia and Lithuania through Congress to Congress exchange programs, reconstruction and ecological programs, and educational and technical assistance programs. We feel very strongly that the best way to promote democracy in Eastern Europe is through programs such as these which teach people to help themselves. We would like to thank you once again for your commitment to the promotion of democracy and self-determination in the Baltic countries and in republics of the Soviet Union. We hope for your continued support.

Sincerely,

OLGERTS R. PAVLOVSKIA, PH.D.,
Chairman.

CONGRESS OF RUSSIAN-AMERICANS, INC.,
Washington, DC, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Thank you for sponsoring our resolution supporting democracy and self-determination in the republics of the USSR. The Congress of Russian-Americans commends you on recognizing the need for legislation directing foreign aid to the republics and encouraging democracy in the USSR. This should always be the policy of the United States.

We also commend you for requiring the Secretary of State to provide detailed reports on the use of Central Government force before foreign assistance will be offered.

Once again we thank you. If there is anything we can do to help, do not hesitate to call.

Sincerely,

EUGENIA ORDYNSKY,
Executive Director.

Mr. SIMON. Mr. President, I am pleased to sponsor this legislation with the distinguished minority leader, Senator DOLE. Our bill concerns the Soviet Union, their crackdown in the Baltics and the shape of our foreign assistance program toward the U.S.S.R. What we are calling for is in keeping with our aid program in Eastern Europe, particularly the emphasis placed on democratic institution building. I hope my colleagues will agree that our approach ought to be adopted as U.S. policy.

We are calling for a report to Congress on the actual and threatened use of force against the Baltic States and the Soviet Republics. This report, which we are asking be prepared annually from now on, will be included in the annual State Department country reports on human rights practices. The State Department ought to focus on this problem in these reports, given the weight we place on the human rights dimension in our foreign policy and given the criticial importance of the future of the Soviet Union to our national security.

But our bill goes further than calling for a report. We are asking that the policy of the United States support democratization and self-determination inside the Soviet Union, and support the efforts of those republics that seek independence. We are asking that we continue to support the restoration of Estonian, Latvian, and Lithuanian independence, the history of which is well-known to my colleagues in Congress. And those republics, like Armenia and most recently Georgia, that have followed democratic procedures and are trying to establish the rule of law, ought to be given our support and advice.

One of the more interesting things we are calling for, and I am sure it will be controversial for some, is that we want to shape our foreign aid, trade and related programs to support those republics whose governments are democratically elected and to encourage democracy throughout the Soviet Union. Supporting democracy and a democratic government has long been the basis for U.S. policy toward the U.S.S.R., and in our view the best way to get there at this juncture is to extend a helping hand to those republics who have already held democratic elections and who agree on the necessity of the rule of law and human rights.

Finally, we ask that U.S. policy strongly support the peaceful resolution of conflicts between the Baltic States and the U.S.S.R. and inside the Soviet Union; that we condemn such things as martial law, pogroms, military occupation, blockades, and other threatened or actual uses of force; and that we view the use of force or the threat of force against the Baltic States or the republics as an obstacle to fully normalized United States-Soviet relations.

This is more a statement of reality than it is a redirection of policy. A better United States-Soviet relationship is clearly dependent on an improved human rights situation, progress on Baltic independence and progress on self-determination for the Russian and non-Russian people within the Soviet Union. It is our intention that this legislation will encourage positive changes on human rights, the rule of law and self-determination.

Let me add here that we are not supporting the dissolution of the Soviet Union. This is not an anti-Gorbachev measure. But it is clear that there are some strong independence movements that will continue to gather momentum whether we act or not, whether we support democrats and reformers with technical training and advice or not. Certainly in the case of the three Baltic States, whose sovereignty was lost in 1940, there ought to be no question but that we in the United States support the immediate, peaceful restoration of Baltic independence.

On the question of the Baltics I have earlier introduced a bill, S. 670, that calls for the appointment of permanent cultural and commercial attaches to each Baltic State, and, among other things, encourages the United Nations General Assembly to take up the issue of Baltic independence at the next session. But we ought not shy away from trying to work out a mechanism to begin aid and trade programs for the Baltics, and for certain other republics, in order to support democratic rule.

And if we can help spread democratic institutions within the Soviet Union by giving some incentives to open still further the Soviet system and work towards a freer economy, then we ought to do it. This legislation promotes these objectives, and I hope my colleagues in the Senate will take a careful look at it, discuss it and debate it with us, and then move on it.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 861. A bill to amend title 18 of the United States Code to permit the prosecution of a murder of a U.S. national abroad; to the Committee on the Judiciary.

MURDER OF A U.S. NATIONAL ABROAD

Mr. THURMOND. Mr. President, today, I rise to introduce legislation, along with my colleague Senator HOLLINGS, which will address an unfortunate loophole under Federal law which permits persons who murder Americans in certain foreign countries to go unpunished. The Murder of United States Nationals Act of 1991 ensures that those who kill American nationals while outside of the United States will face prosecution.

Under current Federal law, the U.S. Government cannot extradite a person to another country in the absence of an extradition treaty or congressional authority to do so. This limitation applies even in cases where an American has been murdered. To further complicate the matter, the Federal Government has no jurisdiction to prosecute a person residing in the United States who has murdered an American abroad except in limited circumstances, such as a terrorist murder or the murder of a Federal official. As a result, an individual can murder an American in any one of the approximately 70 countries with which we do not have an extradition treaty, return to the United States, and go unpunished. Some of the countries with which we do not have an extradition treaty include the Philippines, South Korea, Kuwait, and Saudi Arabia. If an American national is killed in any one of these countries, it is possible that the killer will go unpunished if he or she manages to return to the United States.

Mr. President, one might wonder whether this is likely to occur. Unfortunately, I have been made aware of just such a case where a suspect in the killing is walking our Nation's streets unpunished. In 1988, Carolyn Abel, an American teaching and studying in South Korea, was brutally murdered. She was attacked in her sleep, repeatedly stabbed, and finally her throat was cut. Shortly thereafter, an American confessed to helping another American in covering up the murder. Unfortunately, that person had already returned to the United States. South Korea, one of many countries with which the United States does not have an extradition treaty, requested that the suspect be extradited to face murder charges. Yet, current law prohibits such a procedure. According to State Department and Justice Department officials, there is evidence to believe that this person may be responsible for the death of Ms. Abel. Nevertheless, our Government's hands are tied and she walks the streets a free woman. Clearly, Federal criminal law and the procedures for extradition must be remedied.

The Murder of United States Nationals Act of 1991 would amend current law in two ways. First, it would add a new section to title 18 to make it a Federal offense to kill or attempt to kill a national of the United States while such person is in another country. Prosecution under this section, however, would be limited to cases in which the alleged murderer resides in the United States and to cases in which the Attorney General certifies that the country in which the crime occurred lacks the lawfully ability to secure the return of the alleged murderer.

Mr. President, the second half of this bill amends the procedures for extradition to provide the executive branch with the necessary authority, in the absence of an extradition treaty, to surrender to foreign governments those who commit violent crimes against U.S. nationals. This authority is limited to those cases involving victims who are U.S. nationals and to cases in which the Attorney General certifies that: First, the evidence presented indicates that had the offense occurred in the United States, it would constitute a crime of violence under Federal law; and second, that the offense charged is not of a political nature. Since this amendment is procedural in nature and since extradition treaties are retroactively applicable, it is intended that this section of the bill apply retroactively.

Without question, it would be difficult to hold the Federal Government responsible for the prosecution of every crime committed against Americans abroad. However, Congress should provide the executive branch with the authority to prosecute those who commit vicious, brutal acts against Americans and who now reside in the United States. Further, the executive branch should have the authority, in limited cases, to surrender for trial those offenders who are responsible for heinous acts committed against Americans in foreign countries without regard to the existence of an extradition treaty.

In closing, there are certainly cases in which the impediment to our having extradition treaties with some countries is their inferior criminal justice systems. However, there are other countries with which extradition treaties are being discussed and still others with which we recently joined forces with in the war against Iraq. Furthermore, democracy is spreading throughout the world faster than anyone could have anticipated and certainly faster than extradition treaties can be negotiated and ratified. A complete bar to extradition ignores these worldwide changes which are unfolding before us and does not serve the ends of justice. Simply put, brutal murderers of Americans should not be free to walk the streets of our Nation because we lack the formality of an extradition treaty. In this era of unprecedented world travel and accessibility to foreign nations, the United States ought to have the tools it needs to ensure that those who choose to victimize Americans are appropriately punished—either here in the United States or in appropriate cases, in the country where the crime occurred.

For these reasons, I strongly urge my colleagues to support this measure.

• Mr. HOLLINGS. Mr. President, a little more than 2 years ago, a bright and promising young American woman, Carolyn Abel, was savagely murdered in Seoul, South Korea. Another American woman is strongly suspected of having committed this murder; her alleged accomplice in covering up the crime has confessed, and the suspect herself has flunked a lie detector test. Yet despite the impressive body of incriminating evidence against this suspect, she has gotten off scot free, has never been brought to justice, and is living today in the United States—all because of a legal technicality which prohibits the United States from extraditing her to South Korea for trial.

Mr. President, I ask that two letters related to this case be printed in the RECORD at the conclusion of my remarks: My letter of May 1, 1989, to Secretary of State James Baker, and Assistant Secretary for Legislative Affairs Janet G. Mullen's letter to me dated December 26, 1989.

Mr. President, the travesty of justice surrounding the murder of Carolyn Abel, and countless others like it, are possible because, under current U.S. law, our Government cannot extradite a person to another country in the absence of an extradition treaty or congressional authority to do so. Making matters worse, the Federal Government has no jurisdiction—save in a very restricted range of special circumstances—to prosecute a person residing in the United States who has murdered an American abroad.

Mr. President, to close this absurd loophole in current law, I join my distinguished senior colleague from South Carolina today in sponsoring the Murder of United States Nationals Act of 1991, which ensures that those who kill American nationals while outside the territory of the United States will be brought to justice.

This legislation is urgently needed, Mr. President. Today, an American can murder another American in any one of some 70 countries with which we do not have an extradition treaty, flee to the United States, and thereby go unpunished by authorities in the country where the crime was committed.

Mr. President, the Murder of United States Nationals Act of 1991 would amend existing U.S. law in two critical respects. One, it would amend a new section to title 18 to make it a Federal crime to kill or attempt to kill a U.S. national while such a person is in another country. Prosecution under this section would be limited to cases in which the alleged murderer resides in the United States, and to cases in which the U.S. Attorney General certifies that the country in which the crime was committed lacks the lawful ability to effect the return of the alleged murderer.

Second, the bill would amend the current extradition procedures to give the executive branch authority, in the absence of an extradition treaty, to surrender to foreign governments persons who commit violent crimes against U.S. nationals. This authority would be limited to cases involving crime victims who are U.S. nationals and to cases in which the Attorney General certifies two conditions: First, that the evidence presented indicates that had the offense occurred on U.S. soil, it would constitute a crime of violence under Federal law, and second, that the alleged offense is not of a political nature. It is expressly intended that this section of the bill will apply retroactively, which is permitted since all international extradition treaties can be retroactively applicable.

Mr. President, it strikes me that the amendments contained in this bill are just plain common sense. Indeed, I would hope that we will pass this bill promptly and routinely, just as we would any other technical amendments to previously passed legislation—technical amendments designed to correct outrageous oversights or mischievous loopholes that were obviously not intended in the original legislation. Surely, no Senator will disagree that the executive branch should have authority, in carefully circumscribed conditions, to extradite offenders suspected on credible evidence of committing heinous acts against Americans in foreign countries. I urge my colleagues to support this simple but important legislation.

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

COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 1989

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: Late last year Carolyn J. Abel, the daughter of my constituent Dr. Francis L. Abel, Chairman of the School of Physiology of the Medical School of the University of South Carolina, was brutally murdered in Seoul; South Korea. I have been following this matter closely and the facts are accurately related in the enclosed letter from friends and colleagues of Dr. Abel.

As you will note from the enclosed, it is requested that legislation be enacted and an extradition treaty be worked out with South Korea that will allow the murderer of Carolyn Abel to be returned to Korea for trial on this awful offense. I would appreciate your having the Department's legal office look into this for me and advise me of the Department's willingness to help in this tragic situation.

With warm regards, I am

Sincerely yours,

ERNEST F. HOLLINGS.

U.S. DEPARTMENT OF STATE,
Washington, DC, December 26, 1989.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: This is in reply to your letter to the Secretary dated May 1, 1989, enclosing a letter from a number of your constituents about the prospects of bringing to justice the person(s) responsible for the death of Carolyn Abel, an American citizen who was brutally murdered in Seoul, Korea.

The facts stated by your constituents are essentially the same as those reported to the Department. Carolyn Abel, an American citizen who had been teaching at a private

school in Seoul, was found dead in her apartment in Seoul on December 20, 1988. Her throat had been slashed, and her torso and face had been stabbed many times.

In statements made in February, 1989, a teacher at the school reportedly accused a former colleague of having committed the murder. The teacher also reportedly said that she had helped the other teacher rearrange the scene of the crime so that it would look as if the murder had been committed in the course of a robbery. The teacher who confessed to helping cover up the crime after the fact has been convicted in Korean court of destroying evidence and aiding the escape of a criminal suspect, and she received a one-year sentence.

The individual she accused of the murder, however, had returned to the United States before the statement about her alleged participation in the crime had been made and therefore was not subject to investigation by the Korean authorities. In a polygraph examination conducted by the Department of Justice pursuant to a Korean letters rogatory request, that individual denied any involvement in the murder. The results of that examination have been provided to the Korean authorities.

The Department shares your constituents' concern that the perpetrator of this horrible crime be brought to justice. To this end, the Department has sought to assist the Government of Korea in the conduct of its investigation so that it may obtain sufficient evidence to identify the person or persons responsible. The Department just recently received a diplomatic note from the Government of Korea indicating that it seeks the return of the accused individual to stand trial for the murder of Carolyn Abel. Under United States law, however, the United States cannot return that individual in the absence of an extradition treaty. Valentine v. Neidecker, 299 U.S. 5 (1936).

Your constituents advanced three proposals aimed at bringing the murderer in this case to justice.

Your constituents first urge you to consider pursuing legislation that would give the Secretary discretion to extradite fugitives in the absence of a treaty. The Department has not in the past sought such authority, and the Congress has not seen fit to establish it. We find virtue in the current procedure, under which the Senate is afforded an opportunity to provide its advice and consent to the establishment of extradition relations with a particular State. However, should the Senate wish to carve out an exception that would give the Secretary discretion to extradite in the absence of a treaty, the Department would be willing to entertain the proposal.

Second, your constituents propose the enactment of a federal statute that would give the United States jurisdiction over certain (unspecified) offenses committed abroad against U.S. citizens. Presumably, they had in mind serious common crimes such as murder and felonious assault. Such an assertion of jurisdiction would be based on the "passive personality" principle under international law.

The United States has generally taken the position that the exercise of extraterritorial criminal jurisdiction based solely on the nationality of the victim interferes unduly with the application of local law by local authorities. The practical problems associated with the investigation of offenses that occur abroad—for example, the difficulties in obtaining physical evidence and testimony in admissible form—suggest that it is in the interest of justice to allow the foreign jurisdiction to prosecute such offenses that are in violation of its law.

For these reasons, the United States has spoken against the assertion of "passive personality" jurisdiction and has avoided its application under U.S. law. The Congress, for its part, has generally chosen not to authorize the United States to exercise such jurisdiction.

Third, your constituents advocate the conclusion of an extradition treaty with Korea, and they urge that such a treaty be made retroactive. Under the general practice of States, extradition treaties are generally retroactive. The rule may vary, but at a minimum it holds that extradition may be had for an offense committed before an extradition treaty comes into force if the conduct in question was criminal in both jurisdictions at the time of commission; clearly, this is the case for the crime of murder. In U.S. practice, an extradition treaty is presumed to be retroactive in this sense unless it specifically provides to the contrary.

Independent of the tragic death of Ms. Abel, the Department, together with the Department of Justice, has had under consideration the question of negotiating an extradition treaty with Korea. As you can appreciate, this question involves the evaluation of a number of factors. The Department would be pleased to receive your views on the matter.

As you may be aware, Department officials have been in contact with members of the victim's family and have kept them apprised of developments in the case. I assure you that we will continue to keep the family informed to the fullest extent possible. In the meantime, the Department will continue to pursue the case with the Korean authorities to ensure that they take every possible step to bring the perpetrator of this heinous crime to justice.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.●

By Mr. BREAUX (for himself, Mr. MACK, Mr. DECONCINI, Mr. SEYMOUR, and Mr. PRYOR):

S. 866. A bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities; to the Committee on Finance.

OPERATION OF AMATEUR ATHLETIC EVENTS BY CHARITABLE ORGANIZATIONS

● Mr. BREAUX. Mr. President, college bowl games are an American tradition. Through college bowl organizations, funds are provided to support the educational and athletic programs of the participating colleges and universities. National Collegiate Athletic Association [NCAA] rules require that a minimum of 75 percent of each bowl's gross revenue be given to the participating institutions and their conferences. The needs of our colleges and universities for funding has led a number of the tax-exempt bowl organizations to seek support from individuals and organizations. Some of this support has proven to be so generous that the recipients have recognized their sponsors by having their names associated with bowl events.

The Internal Revenue Service has recently taken positions regarding the tax treatment of income received by these bowl organizations that seriously undermine the ability of these bowls to provide the maximum level of support to the participating colleges and universities. I am introducing legislation today which would clarify certain provisions of the tax law relating to amateur athletic events that will assure, as I believe present law intends, that our colleges and universities—not Uncle Sam—are the recipients of bowl game proceeds.

College bowl organizations are not-for-profit organizations that qualify for tax-exempt status under section 501(c) of the Internal Revenue Code. While generally exempt from Federal income tax, these organizations are subject to tax on any unrelated trade or business income realized during a taxable year. The Internal Revenue Code defines unrelated trade or business as any trade or business of a tax-exempt organization the conduct of which is not substantially related, aside from the need of such organization for income or funds or the use it makes of the profits derived, to the exercise or performance by such organization of the charitable, educational, religious, or other exempt purpose and function constituting the basis for its exemption under Internal Revenue Code section 501 (Sec. 513(a)).

At issue is how the Internal Revenue Service interprets this term. Many of the sponsors of these bowl games are so generous that the bowl organizations choose to recognize their contribution to college athletics by placing the sponsors name in the bowl game title or by other similar means. This practice should not be construed to be anything other than recognition of a sponsor's generosity. IRS is attempting to treat a sponsor's support as taxable income to these not-for-profit organizations that qualify for tax-exempt status. This bill will ensure that associating a sponsor's name with an amateur athletic event, such as recognition of a sponsor's name by including it in the title of the event or some other form of name recognition of a sponsor at an amateur athletic or related event, does not constitute an unrelated trade or business.

A second provision of this bill would codify IRS' current position regarding other types of income received by these organizations in association with amateur athletic events. This list includes the sale of broadcast rights for such amateur sports events. It also includes circumstances whether the exempt organization enters into an agreement with a third party giving that third party the right to produce and sell a game program; or circumstances in which the organization enters into an agreement with a third party giving that third party the right to use the

name or logo of the tax-exempt organization, the amateur athletic event, or related activities.

The final issue addressed by this bill is the tax treatment of the licensing of the right to produce or to sell event programs. Bowl organizations, the NCAA, and other amateur sports organizations generally license their rights to an unrelated third party to produce and sell an event program. In exchange for these rights, the exempt organization receives a royalty. The Internal Revenue Code exempts royalties received by tax-exempt entities from taxation. However, the IRS has challenged whether the fee received from transferring these rights qualifies as a royalty and has claimed that such fees are unrelated to the exercise or performance of the charitable purpose. Although IRS lost in the 10th circuit, they are still taking the position that such receipts should be taxed. See *NCAA* v. *Comm'r of Internal Revenue*, 914 F. 2d 1417 (10th Cir. 1990). This bill would codify the conclusion of the 10th circuit.

By clarifying these issues, the bowl organizations will be able to turn over the maximum amount of money to the participating schools. Without these changes in law, the bowl organizations will be required to turn 34 percent of those proceeds over to the Federal Government resulting in less revenues to the schools. This bill is good tax policy and is good educational policy especially during these times when Congress and the administration are looking for ways to fund and improve our educational system. I look forward to working with my colleagues on the Senate Finance Committee toward adoption of this legislation.●

By Mr. HEFLIN:

S. 862. A bill to provide for a demonstration program for vior dire examination in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 863. A bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 864. A bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 865. A bill to provide for a demonstration program for vior dire examination in certain civil cases, and for other purposes; to the Committee on the Judiciary.

VOIR DIRE LEGISLATION

Mr. HEFLIN. Mr. President, I rise today to introduce legislation regarding the voir dire process in federal courts. The voir dire process is simply the method by which potential jurors are selected to sit on a jury. The legislation which I am introducing goes directly to establishing a more functional approach to voir dire, and to protecting the right to a fair and impartial jury.

Presently, federal rules permit attorneys to participate in conducting voir dire only at the discretion of the court. The legislation that I am introducing alters this process and guarantees an attorney's participation in the examination of prospective jurors. I believe that the attorneys representing clients are best equipped to elicit bias in potential jurors. Attorneys are generally more knowledgeable about the facts of a particular case and by participating in the voir dire process are better equipped to elicit a potential jurors' bias which may not be readily apparent. Therefore, I am convinced that the voir dire process can be substantially improved through the limited participation of attorneys who are directly involved in a case.

I am introducing four separate bills today. Two of these bills are identical to legislation which I have introduced in previous sessions of Congress. These bills legislatively amend the federal rules of civil and criminal procedure which would have a direct impact on all the federal courts. This legislation has received criticism in the past, especially from federal judges who believe that such changes would undermine their authority in the courtroom. Although I disagree with the premise that a result of these bills would be a loss of courtroom control, I do believe that judge's fears while unfounded, are sincere.

In order to alleviate these fears, these previous legislative proposals have been compromised to establish study districts in which these procedural changes can be examined. I appreciate the efforts of the federal judiciary to compromise and to acknowledge a willingness to study these proposed changes. The two alternative proposals which I am introducing are a result of thoughtful compromise and I am hopeful that they will be speedily enacted. These compromises passed the Senate last year.

I believe that an impartial and unbiased jury is the cornerstone of constitutionally protected right to trial by jury. I further believe that this legislation will help to protect and enhance this fundamental tenet and I urge my colleagues to support these bills.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 867. A bill to establish a commission in the Department of the Interior to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on Energy and National Resources.

WHITE SANDS FAIR COMPENSATION ACT

● Mr. DOMENICI. Mr. President, we have recently been blessed with a great moral and military victory in the Persian Gulf. I am happy to say that much of the advanced technology that was deployed so successfully against the enemy forces, such as the brilliant Patriot missile system, was tested in my home State. I am not the least bit embarrassed to rise before this body and claim bragging rights for the State of New Mexico and the role it has played in giving this country its pride back.

New Mexico, you understand, has a long history of standing firmly behind the President and this country in time of war. At the outbreak of World War II, President Roosevelt needed the temporary use of ranch land in the White Sands area of New Mexico for a bombing range. Many ranchers and hard rock miners—about 150 families—were required to leave behind their ranches and claims so the military would have an adequate site for its testing and training needs. Most of these folks, I am proud to say, willingly did so with the full expectation that they would be able to resume their former livelihood when the war ended.

However, several years later, in 1975, the Government determined it would have a continuing long-term need for the use of the rangeland as a military testing and training facility and took permanent possession. History will show that this area played an important part over the years in the development of U.S. military capabilities as the premier peacekeeping force in the world. As I mentioned earlier, testing and training for the use of the Patriot missile system took place in the close vicinity of these very lands. Obviously, one must concede that the Government took possession of the lands for what must be considered a higher and better use on a national perspective.

But what of the ranchers and miners who gave up their claims to the land? They were compensated, to be sure, for those lands to which they held free title; however, they received no compensation for the remainder of the lands within their ranch units—the public domain lands—for which they held grazing permits or mining claims. Now, one might ask why the Government should compensate a rancher or miner for land which is not theirs but which belongs to the people of the United States? The answer to that question is that the Government must consider each ranch or mining claim as a full unit of business, including both patented lands and public domain lands within the unit boundaries which had been used in the pursuit of the rancher's or miner's livelihood.

Consider this analogy, if you will: A businessman who manufactures widgets purchases a small shop to set up his widget making factory. His business begins well, but he sees that, in order

to stay up with the competition, he must expand his factory and make more widgets at a lower price. The landlord of a large vacant building next door offers to lease the widget maker the building at a moderate price for a period of 10 years, with an option to extend. The widget maker leases the vacant building and over the next few years puts thousands of dollars of capital expenditures into the building so it can be specially outfitted to make widgets. The widget maker doesn't get rich, but he works hard and makes a comfortable living manufacturing widgets. He lives the American dream.

After a time, the landlord of the building decides he has a better use for his property and tells the widget maker that he must pack up his factory and move out. He very generously, or so he thinks, offer to buy out the remainder of the term of the lease from the widget maker even though the widget maker didn't pay for the lease in advance. The landlord is amazed and taken aback when the widget maker threatens to file suit on him for loss of his business. After all, the building didn't belong to the widget maker, did it?

Now, this may seem like a simple story and indeed it is just so; however, the message is clear: The landowner, by merely taking back what was rightfully his, not only reneged on the expectation of a long-term business arrangement, but in so doing affected the widget maker's ability to maintain his livelihood. That is exactly the situation in which the White Sands ranchers and miners were put by the Government when they were compensated for the loss of their fee lands, but not for the public domain lands within their ranch unit or claim. These folks lost not only their own patented lands, but also the ability to maintain their livelihood from the businesses they had engendered, businesses which included the use of the public domain lands as an integral part of the business package.

I want to say that two well established organizations, the banking industry and the Internal Revenue Service, have recognized for some time now that public domain lands within a ranch unit lend an intrinsic value to the ranch over and above that of the patented acreage and facilities. The fact of the matter is, as recently stated to me by the president of one of New Mexico's banks, many western ranches would not be of much value at all if the public lands and federal grazing permits were not considered as part of the ranch. I have in my possession letters from the IRS and the banking industry which document the fact that public domain lands and appurtenant privileges are calculated in determining estate taxes and ranch appraisals. I believe this is proof enough that the value of a ranch unit—or a mining claim—must include all the lands controlled by the rancher or miner and not merely the fee lands. I ask unanimous consent that these letters be printed in the RECORD at the end of my statement.

Briefly, let me explain that the White Sands ranchers did seek relief through legal remedies; however, the courts' decision was that the ranchers had no right to compensation for their loss of use of the public domain lands in their former ranch units. I disagree with that decision. The Congress, it seems, is the final hope for these folks to be fairly compensated for the loss of their livelihood.

My bill will establish a seven-member commission appointed by the Secretary of Interior to evaluate the owners' claims and distribute $17.5 million in compensation. The truly unfortunate thing about this situation is that most of the original patriots who willingly left their homes and ranches are no longer with us today and went to their rest believing their Government had done them wrong.

Finally, Mr. President, I would like to say that 1991—the year of this Nation's great victory over the injustices in the gulf—is clearly an appropriate time to correct the injustices perpetrated on the White Sands ranchers and miners and finally fully compensate them for the sacrifices they have endured to ensure the military superiority enjoyed by this country. To this end, I am introducing my bill, the White Sands Fair Compensation Act of 1991, in the hopes the Congress will act swiftly and favorably toward its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD along with the previously mentioned letters.

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

S. 867

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 "White Sands Fair Compensation Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the White Sands Missile Range is a vital national defense installation;

(2) the United States established the White Sands Missile Range during World War II, temporarily displacing ranchers and miners working on land in the area of the Range and later, in 1975, permanently taking the land;

(3) individuals who owned land or mining claims in what is now the Range made a significant contribution to the effort of the United States to win World War II and to the post-war national defense program by vacating their land at the request of the United States Government;

(4) these individuals have not been fully compensated by the United States Government for the loss of their land;

(5) the United State Government has an obligation to pay full compensation to these individuals for the loss of their land; and

(6) the only way for these individuals to receive full compensation is through an Act of Congress.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established in the Department of the Interior a commission to be known as the White Sands Fair Compensation Commission.

(b) MEMBERSHIP—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members appointed by the Secretary. In making appointments to the Commission, the Secretary shall consider—

(A) individuals whose names are submitted by the Governor of New Mexico and any Member of Congress representing New Mexico; and

(B) individuals from New Mexico with special knowledge in the area of agricultural economics or the history of the establishment of the White Sands Missile Range.

(2) TERMS; VACANCIES.—Members shall be appointed for the life of the Commission. The President shall appoint a new member, consistent with the requirements of paragraph (1), if a vacancy on the Commission arises.

(3) COMPENSATION.—Members shall serve without pay or compensation except as provided in paragraph (4).

(4) TRAVEL EXPENSES.—Each member shall be allowed travel expenses, including per diem in lieu of subsistance, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) QUORUM.—4 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(d) OFFICERS.—The chairman, and all other officers of the Commission, shall be elected by the members to serve terms determined by the Commission.

(e) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with such professional, technical, and clerical staff and services and administrative support as the Secretary determines necessary for the Commission to carry out its responsibilities under this Act. Amounts required by the Secretary to carry out this subsection shall be paid from funds appropriated under section 10.

(f) BYLAWS.—The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions.

SEC. 4. EVALUATION AND PAYMENT OF CLAIMS.

(a) EVALUATION.—The Commission shall evaluate the claims submitted by owners relating to the taking of their property.

(b) PAYMENT.—The Commission shall make payments to those claimants the Commission determines have not been fully compensated by the United States for the taking of their property.

(c) DETERMINATION OF AMOUNT OF PAYMENT.—In evaluating claims, the Commission shall determine that value the property had in 1975 based on established precedents for the valuation of similar real estate in New Mexico. The payment amount shall be an amount which exceeds the difference between the amount the Commission so determines and the amount of the payment received by the claimant in 1975 from the United States. Any payments received by claimants from the United States between 1942 and 1975 for the lease of property by the United States shall not be considered by the

Commission in determining values under this subsection.

(d) PRIORITY OF CONSIDERATION.—In considering claims, the Commission shall give priority to claims submitted by those claimants who owned property until the date the United States took the property in 1975.

SEC. 5. APPEAL PROCEDURE.

If a claimant disputes a decision of the Commission, the claimant may appeal that decision to the Secretary. The Secretary may uphold the decision or reject it. If the Secretary rejects a decision of the Commission relating to the determination of a payment amount under section 4(c), the Secretary may increase the amount of the payment, or, if no payment was approved by the Commission, the Secretary may authorize a payment to be made. The Secretary may not decrease the amount determined by the Commission. The decision of the Secretary shall be final and no further appeals, or judicial review, shall be permitted.

SEC. 6. LIMITATIONS

(A) FILING OF CLAIMS.—No claims may be filed under this Act after the 12 month period beginning on the date of enactment of this Act.

(b) FILING OF APPEALS.—No appeals may be filed by a claimant after the 30 day period beginning on the date the claimant is notified of the determination of the payment amount by the Commission under section 4(b).

SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 1 year after completing action on all claims filed under this Act.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "claimant" means an owner who files a claim pursuant to this Act;

(2) the term "Commission" means the White Sands Fair Compensation Commission;

(3) the term "owner" means any individual (or their heirs or assignees) who owned property in 1975;

(4) the term "property" means ranching units or mining claims in the area of the Range taken by the United States for national defense purposes after 1941 and which are part of the Range as of the date of enactment of this Act;

(5) the term "Range" means the White Sands Missile Range, New Mexico; and

(6) the term "Secretary" means the Secretary of the Interior.

SEC. 9. BUDGET ACT COMPLIANCE.

No authority under this Act to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriation acts.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $17,500,000, which may remain available until expended, to pay claims and for necessary expenses of the Commission and the Secretary related to carrying out this Act.

PRODUCTION CREDIT ASSOCIATION
OF SOUTHERN NEW MEXICO,
Roswell, NM, April 17, 1991.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: I would like to express my concerns regarding legislation affecting the lease of federal lands by individuals for the purpose of grazing livestock.

It is a common practice for agricultural lenders to place considerable value on a ranching unit which includes federal leases. This value is based on the number of animals the ranch unit can accommodate as well as appraisals by licensed real estate appraisers. These appraisers justify a grazing lease value based on income potential and replacement cost values.

Oftentimes, leasees have paid considerable amounts for the private properties and the assignment and transfer of the associated federal grazing leases. These same people also invest their own time and money improving the leased federal lands. The only way they can regain their investment is from the sale of the "ranch unit" which includes the assignment and transfer of the grazing lease.

Another strong reason for valuing federal grazing leases is based on tax considerations. The Internal Revenue Service definitely places a value on federal grazing leases in an individual's estate.

It is based on these facts that lenders do indeed loan funds for the purchase of ranching units (including the federal grazing lease) and the purchase of livestock for these ranches.

I hope this letter clearly expresses the great concern shared by Production Credit Association of Southern New Mexico and all financial institutions concerning legislation affecting federal grazing leases and the values associated with these leases.

Sincerely,

JIM MCCOY,
Vice President.

FIRST NATIONAL BANK
OF CHAVES COUNTY,
Roswell, NM, April 15, 1991.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: In response to your inquiry concerning whether or not BLM Permits have value, the answer is a definite yes. Whenever ranches are bought and sold, the BLM Permit has value because it allows the rancher to have control of enough acreage to produce a profitable operation.

In some cases, if it were not for the BLM Permit, the ranch would be too small to be profitable with just the deeded acres. Ranch loans in our area usually depend on deeded land and leased BLM land to have enough production for repayment.

If you have any questions concerning this matter, please to not hestitate to contact us.

Sincerely,

LARRY G. STOERNER,
President.

INTERNAL REVENUE SERVICE,
Great Falls, MT, September 30, 1983.

Mr. ——— ———,
Glasgow, MT.

DEAR MR. ———: Enclosed is a copy of my revised report showing adjustment to the real estate acreage for the farmland and net minerals. My valuation of the real property is based upon the comparable sales in the area. The Drewery Angus to Tew Ranch sale provided supports my valuation after computation of a more realistic evaluation of animal units on the leased grazing of 600 a.u.m. The following is a summary of the comparable sales:

	Crop adj. time	Grass adj. time	Lease value	Sale date
Hanson to Carlson	$225–$279	$74–$87	0	1/79
Drewery to Tew	$181–$200	$70–$70	$40/aum	2/80
Amundson Estate	$200–$200	$63–$65	0	82
Durfrey to Arnston	$250–$250	$100–$100	0	12/82

Hanson to Carlson was a sale south of Miles City of 6057 acres of rough badland grazing. Another sale was out of the Shefelbeine Estate north of the subject in March of 1982 which sold 250 acres of rough badland grazing for $75 per acre. These sales support my valuation of the deeded acreage of the subject at $200/acre for the cropland and $70/acre for the grazing.

I disagree with your evaluation that the over 9,000 acres of State and Federal lease held by the decedent should be given no value. Comparable sales and appraisals made show the value of leased grazing to range from $40 to $50 per a.u.m. Even the estate's appraisal of the subject property recognizes that the State and Federal grazing privileges are worth ⅓ of the value of deeded grazing. (See attached copy) My valuation would result in the State and Federal grazing privileges being worth approximately ¼ of the value of the deeded grazing. The following is a summary of sales of grazing privileges.

Eiselein Ranch Appraisal, Date: 12/80, Value: $50/aum.

Fraser to Keefer, Date: 9/77, Value: $45/aum.

Knerr to Kindle, Date: 4/76, Value: $40/aum.

Mr. Lawrence's appraisal per letter of September 7, 1983 of cutter and canner cows from $36 to $42 per hundredweight is an indication of the Glasgow market. The Billings market shows a range of $41 to $49.50 per hundredweight for slaughter cows for the week of April 3–10, 1981. The Glasgow market would likely be a few cents below the Billings market in general. However, what we are valuing in the Edward Paine estate as of April 1981 are bred cows and cow/calf pairs. Middle aged 900–1100 pound cows with calves were selling for $575–$650 per pair and bred cows for $500–$550 per head as of the valuation date. USDA—Weekly Livestock Summary, Billings, Montana. I am also aware of a sale in January of 1981 of 100 head of 10–12 year old cows in very poor shape for $475 per head, where the buyer only expected to be able to get one years calf crop and would have the additional expense of three months feeding cost before calving. Therefore, my valuation of $400 per head for the bred/cow-calf pairs is reasonable and discounts the value for poor condition and must stand in the valuation for the cattle in the Edward Paine Estate.

Further, there is a disallowance of the farm debts incurred after decedent's date of death which were merely the operating expenses of carrying on the decedent's business of operating the farm and not necessarily incurred in preserving the estate for sale or to effect distribution to the beneficiaries. Decedent's will provides for the property to be left as a unit, except for the livestock which passed to Eddy Paine Jr., indicating a sale was not a necessity for distribution to the beneficiaries. These operating expenses would be properly deductible on the estate income tax return and not the estate tax return. *Estate of Brewer*, BTA Memo. op. Dec. 12,233-H.

Also I will need to know whether Mr. Paine was actively engaged in the management of the ranch at the time of his death in order to allow the installment payment election. I was informed that he was living in a nursing home prior to his death. I have computed the installment payments that would be due if it is found the estate qualifies for this election.

I will need to know whether the estate agrees with my adjustments to the Edward Paine Estate within the next 3 weeks, as I will have to close it out at this time. Thank

you for your cooperation in handling this matter.

Sincerely yours,

JAMES K. STREETER,
Estate Tax Attorney.

INTERNAL REVENUE SERVICE,
Albuquerque, NM, July 31, 1990.

Re: Estate Tax Valuation of State and Federal Lease Land.

Mr. ——— ———,
Glenwood, NM.

DEAR MR. ——: I apologize for the delay in responding to your inquiry. As I understood your question, you wanted to know how farm or ranch land would be valued for estate tax purposes when it was used in conjunction with either or both State and Federal grazing permits. If I have not addressed your question or you wish to discuss other issues, you should not hesitate to contact me at the number noted above.

Section 2031 of the Internal Revenue Code provides in relevant part that the value of the gross estate of a decedent will be determined by including property in the gross estate on the basis of the fair market value of the property as of the date of the decedent's death, unless the executor elects the alternate valuation method under section 2032 of the IRS Code. Internal Revenue regulation 20.2031-1(b) provides in relevant part that the fair market value of property is the price at which the property would change hands between a willing buyer and a willing seller, neither being under a compulsion to buy or sell and both having knowledge of relevant facts.

It is my understanding that the grazing permits may be renewed periodically by the governmental agency and they retain the discretion not to renew the permit. It is also my understanding that with respect to the federal permit there is no right, title, or interest in the federal land created by the permit. However, absent abuse of the land, the permits are generally renewed and enhance the value of the land. When farmland is sold, the purchaser will consider the existence of the permits because the purchaser who otherwise qualifies will generally be able to obtain a new grazing permit.

Although a grazing permit does not create any right, title, or interest in the federal land affected by the permit, it is a valuable component part of the nearby fee land and has been recognized as having value in several court decisions. See *Estate of Cronin* v. *Cronin*, 89 S.D. 632, 237 N.W. 2d 171 (1975); *United States* v. *Jarnillo*, 190 F. 2d 300 (10th Cir. 1951). See also *Board of Supervisors of County of Modoc* v. *Archer*, 18 Cal. App. 3d 717, 726, 96 Cal. Rptr. 379, 386 (1971), which held that a federal grazing permit was a possessory interest in real property which exists as a result of possession, exclusive use, or a right to possession or exclusive use of land . . . unaccompanied by the ownership of a fee simple or life estate in the property", and *Ruelas* v. *Ruelas*, 7 Ariz. App. 98, 346 P2d.490, 493 (1968), which held that a federal grazing permit "has an economic value which affects the value of the patented land to which the permit is an adjunct." Accordingly, the grazing permit is a valuable asset attached to the land owned in fee by the decedent and is thus an element of the value of the land owned in fee. Rev. Rul. 86-99, 1986-2 C.B. 159.

If the governmental unit adjusts the animal units per month for the leased land, the value of the fee should decrease because the return to the rancher has also decreased. In other words, because the value of the lease has decreased, the value of the fee which takes the value of the lease into consideration has also decreased.

Again, if you have additional questions in this matter, please do not hesitate to contact me.

Sincerely yours,

DON TENNENT,
Estate Tax Attorney.●

By Mr. CRANSTON:

S. 868. A bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans' Affairs.

EDUCATIONAL ASSISTANCE AMENDMENTS

● Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 868, a bill to improve educational assistance benefits for certain servicemembers and reservists who served during the Persian Gulf conflict. Specifically, this bill would amend chapters 30, 32, and 35 of title 38, United States Code, and chapter 106 of title 10 to restore educational assistance entitlement to participants in the programs under these chapters who had received benefits for the pursuit of courses which they were unable to complete because either they were reservists who were called to active duty or, in the case of active-duty servicemembers, they were assigned duties that prevented them from completing their courses. The bill would also amend chapter 106 to extend the delimiting date for reservists' education entitlement by the length of their periods of active duty, and provide that reservists are not to be considered to have been separated from the Selected Reserve for education benefit purposes by reason of their active-duty service.

Mr. President, these provisions are derived from two Persian Gulf benefits bills—H.R. 1108, as introduced on February 25, and, in part, from S. 490, as introduced by Senator BOREN on February 26. Similar provisions were included in the Persian Gulf servicemembers and veterans' benefits package—H.R. 1175, as passed by the House on March 13, and in S. 578, as part of the leadership amendment passed by the Senate on March 14 as an amendment to H.R. 1175—but not included in S. 725 as enacted in Public Law 102-25. Unfortunately, the measure enacted on April 6 was limited by a monetary cap on funding for all veterans' benefits in the bill and, as a result, did not include these provisions.

RESTORATION OF EDUCATIONAL ASSISTANCE ENTITLEMENT

Mr. President, from August 1 through the present time, many active-duty servicemembers and reservists have had to leave school in order to serve in the Persian Gulf or in support of military operations there. Section 1 of this bill would restore educational assistance to participants in programs for active-duty servicemembers, dependents and survivors, and reservists who had received payment of VA-administered educational benefits but were unable to complete their courses as a result of a change in their duties, or of their activation, in connection with the Persian Gulf conflict. This measure would restore to them the entitlement they used for the interrupted course. Thus, upon returning to school, they would resume their educational pursuit with the amount of entitlement that they had before entering the period of schooling that they were unable to finish.

DELIMITING DATE FOR RESERVISTS' EDUCATION ENTITLEMENT

Mr. President, current statutory requirements allow reservists participating in the educational assistance program under chapter 106 of title 10 to use their educational benefits until the end of the 10-year period following their attaining eligibility or until they are separated from the Selected Reserve, whichever occurs first. Section 2 of the bill is designed to ensure that reservists do not have any less time in which to use their benefits by reason of their active-duty service in connection with the Persian Gulf conflict. Thus, it would provide both that the period of active duty would not count as part of the 10-year period and that, for education benefit purposes, the individual would not be considered to have been separated from the Selected Reserve.

Mr. President, I urge my colleagues to support this legislation, which, as a matter of basic fairness, would ensure that veterans of the Persian Gulf period are not limited in their opportunity to use their educational benefits by the requirements of active-duty service during this extraordinary period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

"(A) be charged against any entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, or 673b, of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her couse pursuit.

"(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual lost training time, as determined under paragraph (2)(C) of this subsection.".

"(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter if the Secretary finds that the eligible veteran—

"(i) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, or 673b of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allownce to an individual for pursuit of a course under this chapter if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of which, by reason of this subsection, and educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

SEC. 2 DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, served on active duty pursuant to an order to active duty issued under section 672 (a), (d), or (g), 673, or 673b of this title—

"(i) the period of such active duty service shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(ii) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"(B) For the purpose of this paragraph, the term 'Persian Gulf War' shall have the meaning given such term in section 101(33) of title 38.".●

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 869. A bill to amend title 38, United States Code, to improve the availability of treatment of veterans of post-traumatic stress disorder; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS POST-TRAUMATIC STRESS DISORDER TREATMENT ACT OF 1991

● Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced S. 869, legislation to address the unmet needs of combat veterans for post-traumatic stress disorder [PTSD] care. I am pleased that my colleagues on the Veterans' Affairs Committee, Senators DECONCINI, ROCKEFELLER, and AKAKA, join as original cosponsors of this bill. In the past two Congresses, I introduced legislation that incorporated provisions similar to those in sections 2 and 3 of this bill which were reported

by the committee and passed by the Senate, but, unfortunately, were not agreed to by the House. I am very hopeful that this is the year that meaningful PTSD legislation will be enacted, and I am encouraged that the House is also considering legislation to address this issue.

BACKGROUND

I have long been concerned about the diagnosis and treatment of PTSD and have monitored actively for many years VA's response to veterans with PTSD and other mental health care needs. In 1979, legislation I authored, enacted in Public Law 96-22, established entitlement to readjustment counseling for Vietnam-era veterans. That legislation, the first measure that sought to address the psychological impact of the Vietnam war on those who served there, was enacted only after a 10-year effort, during which the Senate passed the legislation four times, to convince VA and our colleagues in the House that the mental health care needs of Vietnam veterans—including the need for treatment of what came to be known as PTSD—were not being met by the system.

In 1980, the year after that legislation was enacted, the American Psychiatric Association, in its Diagnostic and Statistical Manual of Mental Disorders—third edition—first designated PTSD as a clinically recognized psychological disorder and assigned a clinical name and a set of diagnostic criteria to the condition that had been evident in combat veterans for decades.

In 1983, based on concerns that had arisen from the early experience of the vet centers about the extent of PTSD among Vietnam veterans, I authored legislation, enacted in Public Law 98-160, to require VA to provide for the conduct of a study to establish "the prevalence and incidence of post-traumatic stress disorder and other psychological problems in readjusting to civilian life." VA contracted with the Research Triangle Institute [RTI] to conduct the study.

I also authored the legislation that was enacted in 1984, in Public Law 98-528, which established the Chief Medical Director's Special Committee on PTSD. That committee's seven annual reports on VA's activities related to PTSD have made extremely helpful recommendations for improving PTSD services and have identified specific problems in VA's administration of its specialized PTSD programs, as well as in the administration of claims for benefits related to PTSD. The 1984 legislation also authorized the designation of special diagnostic and treatment programs for PTSD and mandated the establishment of a National Center on PTSD, to which was assigned the responsibilities to carry out and promote training of health care and related VA personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans with PTSD and to serve as a resource and training center for all PTSD-related activities carried out by VA. I am very pleased that the national center, under the leadership of current director, Dr. Matthew Friedman of the White River Junction VA Medical Center and his colleagues at the other national center sites, has evolved into a first-rate center of clinical and educational excellence.

On July 14, 1988, I chaired an oversight hearing, during which we learned that preliminary results of the PTSD study showed that the incidence of PTSD among Vietnam veterans was much higher than had previously been thought. The testimony presented at that hearing—followed 4 months later by the formal release of the comprehensive $10 million study conducted by RTI—raised serious questions about VA's capacity, under then-current law and practice, to furnish the care needed by veterans suffering from this disorder.

The RTI study, as it has come to be known, is often referred to as the finest epidemiological mental health study ever conducted, and its findings have been universally accepted and, I note, never questioned by VA.

The study's findings were alarming. RTI found that 479,000 male veterans of the Vietnam theater of operations, representing slightly over 15 percent of all male servicemembers who served in the theater, were suffering from full-blown cases of PTSD. Another 350,000 male theater veterans, representing 11.1 percent of those who served in the theater, were found to be suffering from clinically significant PTSD symptoms which warranted professional attention. Of the approximately 7,200 women veterans of the Vietnam theater, 8.5 percent were found to have current cases of PTSD and another 7.8 percent were found to be suffering from PTSD symptoms. RTI also found that the prevalence rates for current PTSD were higher among black and Hispanic male veterans of the Vietnam theater, 20.6 and 27.9 percent, respectively, than among white/other male theater veterans, 13.7 percent of whom were found to have current PTSD.

In addition, the study also found that 960,000 male Vietnam theater veterans—over 30 percent of all such male veterans—and over 1,900 female theater veterans—over 26 percent of all such female veterans—had suffered from the full-blown disorder at some point in their lives.

It is important to note that the noninclusion of other special populations in the RTI study has been an issue of great concern to veterans' representatives from the native American, Asian-American, native Hawaiian, native Pacific Islander, and Native Alaskan groups. The fiscal year 1991 budget includes earmarked appropriations of $1.5 million for a study of PTSD among, and treatment methods for, veterans of those groups. That study is being conducted by the National Center on PTSD in consultation with representatives of veterans of those groups.

As chairman of the Veterans' Affairs Committee, I found the RTI findings tremendously disturbing. The best scientific inquiry found that over 800,000 men and women veterans were then suffering from symptoms of a highly disturbing, life-altering, psychological disorder that for nearly all of them was likely to be directly related to their service in Vietnam. The researchers also found that a great majority had not received the help they needed and that their utilization of VA mental health services was very low. The study reported that, of male veterans with current PTSD, only 20 percent had ever utilized any VA mental health services and that in the 12 months preceeding the study, only 10.3 percent of them had utilized any VA mental health services. Overall, approximately 80 percent of the male veterans with current PTSD had not received mental health services from any source during the previous 12 months.

Mr. President, I am not aware of any other such uncontroverted study that has documented such a great unmet need among veterans for medical treatment for a very serious condition that is directly related to their active-duty service. Combat veterans' needs for treatment and services for PTSD related to their service are precisely the type of needs that the VA medical care system was established to meet. Unfortunately, despite this documented need, VA has not placed a high priority on addressing it, and the system has simply not done well by these veterans.

For the past 3 fiscal years, including the current one, and for the fiscal year 1992, the administration has requested no new funds for expanded PTSD treatment or research activities. In fact, although the administration accepts the validity of the RTI study's findings, it consistently has taken the position that its budget requests and available resources provide adequately for the treatment needs of veterans with PTSD. I have strongly disagreed with that assertion and have raised the issue repeatedly with the Secretary, the Deputy Secretary, and the Chief Medical Director over the past several years. Despite their assurances that PTSD treatment is among their highest priorities, no new initiatives or reallocation of internal resources to enhance PTSD treatment has been forthcoming. Their reluctance to take meaningful steps in this regard has been very disappointing and, frankly, puzzling to me.

However, because of the high priority that Congress has placed on providing

adequate resources for PTSD treatment, as reflected in specific additional appropriations over the past 3 fiscal years and, most recently, in the Persian Gulf war supplemental appropriation, VA's treatment programs have been significantly expanded and improved. At my urging, the Senate initiated PTSD treatment add-ons, which were adopted by the full Congress in VA's appropriations acts, of $5 million in fiscal year 1989, $6 million for fiscal year 1990, and $5 million for fiscal year 1991, each of which has been carried forward and added to the subsequent year's baseline funding. In addition, the supplemental appropriations bill recently enacted to over the costs of the Persian Gulf war included an additional $4 million for PTSD treatment activities in this fiscal year, which I also urge, and am confident will be, carried forward into next year as well.

Need for additional PTSD treatment programs: Mr. President, VA currently employs three basic models through which specialized PTSD treatment is furnished. First, specialized inpatient PTSD units [SIPU's] provide intensive care for PTSD in a hospital setting, generally through a 3-month course of treatment. Second, PTSD clinical teams [PCT's]—consisting of four FTE, two of which are funded through VA central office and two provided by the host medical center—provide outpatient PTSD treatment to veterans who are referred to the hospital from vet centers or other sources and follow-up care to veterans discharged from an SIPU. The PCT's also serve as a resource to staffs in the general psychiatry wards and in substance abuse programs in their facilities. Third, PTSD/substance abuse units [PSU's] provide either inpatient or outpatient care to veterans with a dual diagnosis of PTSD and substance abuse, which unfortunately is common among veterans with PTSD.

The seventh annual report of the Chief Medical Director's Special Committee on PTSD reported that, as of February 1, 1991, 18 VA medical centers operated SIPU's, 44 operated PCT's, and 4 operated PSU's. VA has advised that, with the $5 million provided in the regular appropriations act for fiscal year 1991 for specialized PTSD treatment, eight new PCT's, three new SIPU's, and up to four new PSU's will be established and that some of the funds will be used to augment resources for existing SIPU's.

In its most recent report, the Special Committee on PTSD reiterated the need for additional inpatient and outpatient PTSD care in the VA system. SIPU's, which are designed to treat veterans with severe cases of PTSD through an intensive 3-month program, have been plagued by chronic waiting lists for the past 3 years. The special committee reported that this problem remains; that, as of January 1, 1991, over 1,300 veterans were waiting for either preadmission screening at the SIPU's or for admission to treatment; and that the length of wait ranged from 0 to 5 months for screening and, in addition, from 1 week to 13 months for admission to treatment. It is totally unacceptable for veterans who need treatment for PTSD to have to wait as long as 5 months just to be screened for admission into a program and then be told to wait for as long as 13 months before they can receive the treatment they need. The special committee stated that "for those veterans in need of specialized inpatient treatment, this inaccessibility to care can have a detrimental effect upon the veteran."

In addition, the special committee once again recommended, as it has in each of its annual reports since 1985, that each of VA's 158 medical centers with a psychiatry or psychology service have a PCT. Moreover, the special committee noted that the specialized PTSD treatment programs that do exist "tend to be located in the eastern part of our country [which] does not coincide with the location of the veteran population" with PTSD treatment needs.

It is clear that, despite the modest growth in PTSD treatment activities, much more must be done before VA will have met its responsibilities to care for veterans with PTSD.

Mr. President, the RTI study's findings of the hundreds of thousands of veterans with PTSD, the inadequate number of PTSD treatment programs, and the chronic waiting lists indicate as clearly as possible that the Department has not fully met its responsibilities to our veterans. Veterans with PTSD suffer from a disorder that is not as easily seen as is a physical injury, yet the pain they feel is no less real and their need for treatment is no less important. The legislation we are introducing today would go a long way toward ensuring that these veterans are given the help they need.

SUMMARY OF PROVISIONS

Mr. President, the provisions of our bill would:

First, present a series of congressional findings regarding what PTSD is, the findings of the RTI study as to the incidence of PTSD among Vietnam veterans, and the need for increased VA treatment programs to address the huge unmet need for such treatment.

Second, amend section 602 of title 38 so as to require that a veteran who is diagnosed by a mental health professional to be suffering from PTSD related to service in a combat theater and whose service in a combat theater is verified by the Veterans Benefits Administration, be furnished care and services for the disorder as if the veteran's PTSD had been adjudicated as service connected.

Third, require that the determination by the Veterans Benefits Administration of whether the veteran served on active duty in a combat theater be made by the most expeditious means practicable.

Fourth, require that whenever a veteran is referred by a vet center to a VA general health care facility for a determination regarding the veteran's eligibility for care and services under section 602—as amended by the provision I have just described—the veteran be evaluated for diagnostic purposes within 7 days after the date on which the referral is made.

Fifth, amend section 612A of title 38 so as to require VA to furnish readjustment counseling upon request to any veteran who served on active duty in a theater of combat operations, as defined by the Secretary, during World War II or the Korean conflict.

Sixth, require the Secretary, not later than December 1, 1991, to devise and initiate implementation of a plan to increase, to levels commensurate with the needs of veterans suffering from PTSD related to active duty, the availability of PTSD treatment provided by the Department, including treatment provided in specialized inpatient and outpatient PTSD treatment programs, PTSD substance abuse programs, and in vet centers.

Seventh, require that the plan also provide for enhancing outreach to inform combat veterans, the family members of combat veterans, and State and local health and social service organizations of the availability of such treatment and provide for the appropriate encouragement of veterans to participate in treatment.

Eighth, require that the Secretary provide a schedule for the implementation of the plan, appropriate criteria for the selection and training of staff necessary to increase the availability to the treatment and outreach, and the facilities, personnel, funds, and other resources necessary to carry out the plan.

Ninth, require that the Secretary, not later than 90 days after the date of enactment of the legislation, submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the required plan. The report would be required to include a description of the plan; an assessment of the facilities, personnel, funds, and other resources necessary to increase treatment availability and enhance outreach in accordance with the plan; a description of the efforts undertaken by VA to make such resources available for the treatment of veterans for PTSD; an estimate of the availability of community-based residential treatment of veterans for PTSD and whether, in light of that estimate, there is a need for increased availability of PTSD treatment by VA; an assessment of the

need for, and potential benefit of, providing scholarships, tuition reimbursements, or other educational assistance to improve the training and specialization of individuals in the provision of such treatment; and any other proposals and recommendations that the Secretary considers appropriate to increase the availability of such treatment.

Tenth, require that the Secretary consult with the Special Committee on PTSD in preparing the report.

PRIORITY CARE

Mr. President, the provisions I have just outlined would make a tremendous positive impact on VA's current, inadequate methods of providing care for veterans with PTSD. As I noted earlier, the extent of this problem among Vietnam veterans is well documented and urgent.

Section 2 of the bill, which addresses the problem of veterans with PTSD being unable to obtain needed care on a timely basis, is substantively similar to legislation I introduced in section 201 of S. 13 in the last Congress, which passed the Senate on October 3, 1989, and was reported by the committee on July 19, 1990, in S. 2100. Section 2 would require VA to provide treatment for PTSD for a Vietnam-era veteran or a veteran of another period of war or of hostilities—as determined by the Secretary—on a priority-care basis once a diagnosis of the disorder has been made by a mental-health professional designated by the Chief Medical Director and the veteran's service in a combat area is verified without the need for a pretreatment adjudication on the issue of service-connection. This section would also require VA to accomplish an evaluation of a veteran within 7 days after the referral of the veteran to a VAMC from a Vet Center.

Mr. President, the practical effect of this provision would be that, if an appropriate VA diagnostician concludes that a veteran of service in an area of combat or hostilities is suffering from PTSD and that the PTSD is related to that service, care would be forthcoming on a priority basis without the veteran having to wait for a formal VA adjudication of service connection, as long as the Veterans Benefits Administration [VBA] or another designated office or official verified that the veteran served in a war theatre. This verification would have to take place as quickly as possible.

The provision for verification was added in 1989 to address concerns raised by service organizations that combat-area service should be verified by someone other than the diagnostician who diagnoses combat-related PTSD. As was noted in the committee report accompanying S. 13 (S. Rept. No. 101–126, page 106), verification of combat-area service can be done easily by checking a veteran's form DD 214, "Report of Release or Discharge from Active Duty", or a veteran's official military personnel file if the discharge record is unavailable or incomplete.

Mr. President, I recognize that this provision would entail some reallocation of VA resources, but I strongly believe that any such change in focus so as better to serve the needs of combat-area veterans with PTSD is fully in accordance with the historic priorities of the VA to address those needs of veterans which are associated with their military service, most especially VA's mission of treating physical or mental health problems that are related directly to service.

The intent of this provision to enable veterans suffering from PTSD to receive VA health care on a priority basis without the need for their PTSD to be formally adjudicated as service connected. This provision would also have the effect of removing the encouragement for a veteran to seek compensation for the disorder to receive necessary treatment for it. Veterans suffering from PTSD should not be made to await the outcome of the VA claims adjudication process before being able to receive treatment. Indeed, Vet Center team leaders who testified at the committee's July 14, 1988, hearing stated that a veteran's participation in the claims process "completely stops the therapeutic process."

Additionally, they testified that the process is a "very slow process," which then, in 1988, could take 4 to 6 months to complete. VBA currently reports that the processing of an unsuccessful claim at the regional office level—from the date of filing a claim to the regional office's certification of the claim to go before the Board of Veterans Appeals [BVA]—takes approximately 471 days. According to the BVA, the processing of a claim at the BVA takes on the average an additional 150 days. Accordingly, many Vet Center counselors are hesitant to suggest that a veteran undergo the adjudication process unless the veteran is in deep financial distress. Similarly, at the June 14, 1989, hearing, representatives of both the National Association of VA Chiefs of Psychiatry and Psychology testified that veterans with PTSD are generally ill-equipped to cope with the VA adjudication process and that, from a clinical standpoint, the adjudication process can often be extremely stressful to them.

Mr. President, I recognize that some veterans in financial distress will still need to undergo the adjudication process in order to obtain compensation. However, my purpose in recommending this provision is to make it possible to avoid, for combat-area veterans in need of PTSD care, the delay in receiving care, and the stress that the adjudication process can entail.

PRIORITY-CARE EVALUATIONS

The provision in section 2 which requires VA to conduct evaluations of veterans referred to Vet Centers to Va medical centers within 7 days of the date of the referral addresses the situations, which are documented in the record of the committee's June 14, hearing, of veterans being referred to medical centers from Vet Centers and not being able to gain access to either evaluations or needed treatment and of Vet Centers failing to make the referral because they were certain, based on experience, that the veteran would not receive an evaluation or treatment at the medical center. By requiring that such diagnostic evaluations be conducted within 7 days after the referral is made, this provision should ensure that veterans begin the treatment process without having to wait in yet another line just to receive a diagnosis of their condition.

READJUSTMENT COUNSELING ENTITLEMENT

Mr. President, section 3 of the bill we are introducing would expand entitlement for readjustment counseling at Vet Centers so as to include World War II and Korea veterans who served in a theater of combat operations. Since the 100th Congress, I have sought legislation to provide for readjustment counseling for all combat-theater veterans. The Senate has passed such legislation twice—in section 605 of S. 2011 in the 100th Congress and section 202 of S. 13 in the 101st Congress—and Congress recently enacted legislation in the Persian Gulf supplemental authorization bill, now Public Law 102–25, to expand entitlement for readjustment counseling to individuals who served on active duty after the end of the Vietnam era in areas at a time during which hostilities occurred in the area.

I note that the administration supported the expansion of entitlement for readjustment counseling for post-Vietnam-era combat theater veterans. In fact, the administration requested legislation that was nearly identical to the language that I proposed, and the Senate passed, 3 years ago. However, the recently enacted legislation does not address World War II and Korea veterans, many of whom seek help at Vet Centers. VA's Readjustment Counseling Service, which administers the Vet Center program, advises that annual surveys indicate that Vet Centers see approximately 700 to 1,000 new World War II and Korea veterans each month.

Numerous research papers have been published over the last decade which provide evidence that an expansion of Vet Center eligibility would be very beneficial for some older veterans.

A case study in the September 1985 American Journal of Psychiatry, entitled "Post-Traumatic Stress Disorder: A Thirty-Year Delay in a World War II Veteran," describes in detail a World War II veteran's history with PTSD manifested after a delay of many years, following the veteran's forced early retirement. This case study generated

two letters to the Journal, one in July 1986 and one in November 1986, in which other cases of PTSD in older veterans were discussed. An article in the October 1986 issue of Military Medicine, entitled "Post-Traumatic Stress Disorder in the Older Veteran," discussed a group therapy program at a VA medical center in Texas for Veterans of World War II and Korea.

An article in the February 1987 issue of Hospital and Community Psychiatry, entitled "Post-Traumatic Stress Disorder in World War II Naval Veterans," discussed the authors' findings of PTSD among a group of World War II naval veterans who were attending a reunion of the crew of a U.S. destroyer that saw heavy combat in the Pacific during the war. Another article in the American Journal of Psychiatry, in the September 1987 issue, entitled "Survivors of Imprisonment in the Pacific Theater During World War II," summarizes data obtained from 41 survivors imprisoned by the Japanese during World War II. The data suggested that 40 years later half of the subjects met the full set of DSM-III criteria for PTSD. A July 1988 article in Military Medicine, entitled "Case Report: Flashback as a Post-Traumatic Stress Disorder (PTSD) Symptom in a World War II Veteran," alerts health-care personnel to an often unrecognized diagnostic entity, namely PTSD in a combat veteran expressed after more than 40 years of apparently healthy functioning.

These studies, and the fact that more than 8,000 veterans of World War II and the Korean conflict come to Vet Centers seeking help each year, clearly establish that this legislation is needed. The Vet Centers have done a tremendous job in providing needed counseling to thousands of Vietnam-era veterans, and I believe strongly that the expertise of Vet Center staff should be tapped for the benefit of older combat theater veterans who could be helped by it.

PLAN FOR ADEQUATE SERVICES

Mr. President, section 4 of the bill would require that VA, not later than December 1, 1991, devise and initiate implementation of a plan to accomplish two things—first, increase the availability of various forms of PTSD treatment for veterans in VA's health-care system to levels commensurate with the needs of veterans suffering from the disorder as the result of their active-duty service and, second, enhance VA's outreach activities so as to inform combat veterans, including veterans who are members of ethnic minority groups, the family members of such veterans, and State and local health and social service organizations of the availability of PTSD treatment from VA and to provide appropriate encouragement for the veterans to participate in treatment.

Mr. President, these provisions would require VA to address the issue of meeting the needs of veterans with PTSD in a comprehensive manner. It would, however, provide the Department the discretion to develop the plan internally, taking advantage of the vast expertise that exists within the National Center on PTSD, the Chief Medical Director's Specific Committee on PTSD, and the staffs of the Readjustment Counseling Service and Mental Health and Behavioral Science Service.

Mr. President, I note that the bill would not mandate the establishment of a special number of specialized medical programs in attempting to address this enormous problem. I have had some success in advocating for specific appropriations to expand specialized programs for PTSD treatment and will continue to advocate such add-ons as long as the needs remain. However, I believe the proper course of action to take in seeking to improve PTSD services and treatment through legislation is to set forth clearly the issue and the high priority Congress attaches to it and require VA to carry out a mandate to make the necessary improvements. This is the approach that I followed in the late 1970's which led to the establishment of Vet Centers to carry out the mandate to provide readjustment counseling, and I am confident that such an approach with regard to providing PTSD care on a priority basis would result in similar broad expansions of specialized PTSD treatment programs such as SIPU's, PCT's, PSU, and any new treatment models, which I understand are being actively explored, that prove effective in meeting the mandate that this legislation would create.

REPORT

To ensure that Congress is a fully informed participant in the process of change that VA would be required to undertake to meet the needs of veterans with PTSD, section 5 of the bill would require VA, not later than 90 days after the date of enactment of this legislation, to submit to the Committees on Veterans' Affairs of the Senate and House a report describing the plan VA would be required to develop. The report would be required to include a description of what facilities, personnel, funds, and other resources are necessary to increase the availability of treatment and enhance outreach in accordance with the plan, and a description of what efforts have been undertaken by the Secretary to make such resources available for the treatment of PTSD.

The Secretary would be required to include in the report information on other resources that might be brought to bear on this problem—including an estimate of the availability of community-based residential treatment of veterans for PTSD and the impact of such treatment on the demand for treatment by veterans—and an assessment of the need for, and potential benefit of, making available scholarships, tuition reimbursement, or other educational assistance to health-care students and health-care professionals in order to improve the training and specialization of these individuals in the provision of PTSD treatment.

The Secretary would also be required to include such other proposals and recommendations as the Secretary considers appropriate to increase the availability of PTSD treatment. In preparing the report, the Secretary would be required to consult with the Special Committee on PTSD and the Secretary's Advisory Committee on the Readjustment of Vietnam Veterans.

Taking into account the available data regarding veterans' PTSD-care needs, I believe that, by providing VA with a 3-month period after the enactment of this legislation to develop a plan and prepare a report on it, the bill would grant ample time to VA to determine the number and type of new specialized PTSD treatment programs and appropriate expansions of existing programs that would be required to meet the treatment needs of veterans with PTSD.

It should also be ample time to develop a plan to improve outreach to the hundreds of thousands of veterans, including veterans who are members of ethnic minority groups, in accordance with the plan. Taken as a whole, this legislation would make unmistakably clear Congress' assessment that much, much more needs to be done, and that Congress places a top priority on caring for veterans with service-related psychological problems.

CONCLUSION

Mr. President, this legislation is intended to place the proper priority on treating veterans with PTSD related to their service and to create meaningful expansions and improvements in VA's system of providing mental-health care to veterans who need it as a result of their service.

I have been increasingly disappointed that for years the Department has been unwilling to make meaningful changes and address a painfully obvious problem among those whom it is required to serve. In my role of chairman of the Veterans' Affairs Committee it has long been my view that this is the area in which VA has most clearly failed to meet its primary mission to serve those who are wounded—whether psychologically or physically, or both—in the service of our Nation.

I applauded the administration's actions when it sent Vet Center staff to California in the hours after the Loma Prieta earthquake to provide needed counseling to the victims, and I was equally supportive of the administration's offer to make the staff of the National Center on PTSD available—on

call, in fact—to American civilians who had been taken hostage in the gulf subsequent to the Iraqi invasion of Kuwait. Such actions demonstrate the value of VA's excellent staff and leading research in stress-related psychiatric care.

However, it is clear that the veterans who are in need of care as a result of their service must take the highest priority when the VA weighs and ranks its many competing priorities. The hundreds of thousands of Vietnam combat veterans whose PTSD is documented, and the untold thousands of combat veterans from other wars that evidence suggests are still suffering from PTSD, have waited far too long for the help they need. All of those individuals have had their lives profoundly and adversely affected by this disorder, as have their family members and loved ones, upon whom the effects are secondary but nevertheless significant.

I believe strongly that VA must meet its fundamental obligation to these veterans, and I believe that this legislation would go a long way toward ensuring that that is done.

I urge my colleagues strong support for this vitally important measure.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This Act may be cited as the "Veterans Post-Traumatic Stress Disorder Treatment Act of 1991".

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Post-traumatic stress disorder (PTSD) is a highly disruptive and debilitating psychological disorder that can result from exposure to combat or any other traumatic event outside the range of conventional human experience.

(2) Post-traumatic stress disorder can have a destructive impact on the life of a person suffering from the disorder by adversely affecting his or her behavior, ability to work with, relate to, and communicate with others, and ability to maintain gainful employment.

(3) In 1980, the American Psychiatric Association officially recognized PTSD as a diagnosis in its "Diagnostic and Statistical Manual of Mental Disorders (Third edition)" and identified combat experience as a potential cause for PTSD.

(4) A Congressionally-mandated study of Vietnam-era veterans, released in November 1988, regarding the frequency of symptoms of PTSD and other problems relating to readjustment from combat of such veterans, found that 479,000 male veterans of the Vietnam theater of operations (representing 15.2 percent of all such male veterans) suffered from the full effects of PTSD and that another 350,000 of such veterans (representing 11.2 percent of all such male veterans) experienced some symptoms of the PTSD.

(5) That study also found higher incidences of PTSD among Black and Hispanic male veterans of the Vietnam theater of operations than among all male veterans of that theater, but did not include data on the incidence of the disorder among veterans of other ethnic groups.

(6) A large body of evidence indicates that such psychological disorders related to combat stress as war neurosis, combat fatigue, and the disorder commonly known as "shell shock" are analogous to PTSD and that thousands of veterans of combat in World War II and the Korean War experienced and continue to experience symptoms of such disorders.

(7) That evidence also indicates that veterans of combat in military operations conducted after the Vietnam era, including operations in Lebanon, Granada, and Panama, also suffer from symptoms of PTSD.

(8) Although debilitating, PTSD can be treated successfully, and an individual experiencing the disorder can learn coping skills, including how to mitigate the effects of the anxiety, depression, anger, guilt, fear, alienation, and emotional outbursts that he or she experiences.

(9) Early intervention and treatment of acute PTSD can be an important part of a therapeutic course to prevent long-term, chronic PTSD.

(10) The Department of Veterans Affairs has a responsibility to provide opportunities for treatment of PTSD and other stress-related psychological problems to the hundreds of thousands of combat veterans who suffer from PTSD and to conduct outreach activities that provide both actual notice of the availability of such treatment to those veterans and appropriate encouragement for such veterans to participate in the treatment.

(11) The Department has made some progress in expanding diagnosis and treatment programs relating to PTSD.

(12) Through readjustment counseling, specialized inpatient and outpatient programs, and general psychiatric services offered in its hospitals and outpatient clinics, the Department has provided needed treatment to thousands of veterans for PTSD.

(13) Despite such progress the Department can and should be doing much more to provide treatment to veterans for PTSD and other stress-related psychological problems and to provide outreach services to make veterans aware of, and encourage them to participate in, treatment opportunities available through the Department.

(14) It is in the public interest for the Secretary of Veterans Affairs to develop a plan that ensures immediate, on-demand treatment opportunities for the thousands of veterans who suffer from, and need treatment for, this disruptive, life-threatening disorder.

SEC. 2. CARE FOR COMBAT-THEATER VETERANS WITH SERVICE-RELATED POST-TRAUMATIC STRESS DISORDER.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—(1) Section 602 of title 38, United States Code, is amended—

(A) by inserting "(a)" before "For"; and

(B) by adding at the end the following new subsections:

"(b)(1) A veteran referred to in paragraph (2)(A) who is diagnosed by a mental health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be suffering from post-traumatic stress disorder related to service referred to in such paragraph shall be furnished care and services for such disorder pursuant to sections 610(a)(1)(A) and 612(a)(1)(A) of this title even though such disorder has not been determined to be service-connected.

"(2)(A) A veteran eligible for the care and services referred to in paragraph (1) is a veteran who, as determined by the Chief Benefits Director, served on active duty in a theater of combat operations (as defined by the Secretary) during World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, or in any other area during a period in which hostilities occurred in such area.

"(B) In the case of a veteran who is diagnosed as suffering from post-traumatic stress disorder, the determination of whether the veteran served on active duty as described in subparagraph (A) shall be made by the most expeditious means practicable.

"(c) For the purposes of subsection (b) of this section, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

(2)(A) The heading of such section is amended to read as follows:

"§ 602. Special provisions relating to mental illness disabilities"

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of title 38, United States Code, is amended to read as follows:

"602. Special provisions relating to mental illness disabilities.".

(b) TIMELINESS OF EVALUATION AND VERIFICATION OF STATUS.—Section 612A of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Whenever a veteran is referred by a center to a Department general health-care facility for a determination regarding such veteran's eligibility for care and services under section 602(b) of this title, the veteran shall be evaluated for diagnostic purposes within 7 days after the date on which the referral is made.".

SEC. 3. ELIGIBILITY FOR SERVICES AT VET CENTERS.

Subsection (a) of section 612A of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Upon the request of any veteran who served on active duty in a theater of combat operations (as defined by the Secretary) during World War II or the Korean conflict, the Secretary shall furnish counseling to such veteran in order to assist the veteran to overcome any psychological problems associated with such service. The counseling shall include a general mental and psychological assessment to ascertain whether the veteran has mental or psychological problems associated with such service.".

SEC. 4. IMPROVEMENT OF POST-TRAUMATIC STRESS DISORDER TREATMENT AND OUTREACH SERVICES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR TREATMENT AND OUTREACH SERVICES IMPROVEMENT.—Not later than December 1, 1991, the Secretary of Veterans Affairs shall devise and initiate implementation of a plan—

(1) to increase the availability of treatment of veterans suffering from post-traumatic stress disorder by the Department of Veterans Affairs (including treatment provided in inpatient and outpatient programs providing specialized treatment for PTSD,

treatment for PTSD in conjunction with substance abuse, and treatment in Vet centers) to levels commensurate with the needs of veterans suffering from the disorder as a result of active duty; and

(2) to enhance outreach activities—

(A) to inform combat veterans (including veterans who are members of ethnic minority groups), the family members of such veterans, and appropriate State and local health organizations and social service organizations of the availability of such treatment; and

(B) to provide appropriate encouragement for such veterans to participate in such treatment.

(b) IMPLEMENTATION.—In carrying out the plan for the improvement of the provision of treatment and outreach activities referred to in subsection (a), the Secretary shall—

(1) prescribe a schedule for the implementation of the plan;

(2) prescribe appropriate criteria for the selection and training of staff necessary to increase the availability of the treatment and enhance the outreach activities referred to in such subsection; and

(3) provide the facilities, personnel, funds, and other resources necessary to carry out the plan.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Vet center" shall have the meaning given the term "center" in section 612A(j)(1) of title 38, United States Code.

(2) The term "active duty" shall have the meaning given such term in section 101(21) of such title.

(3) The term "veteran" shall have the meaning given such term in section 101(2) of such title.

SEC. 5. REPORT BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and subject to subsection (b), the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the plan required by section 4. The report shall contain the following information:

(1) A description of the plan.

(2) What facilities, personnel, funds, and other resources are necessary to increase the availability of treatment and enhance outreach activities in accordance with the plan.

(3) A description of the efforts undertaken by the Secretary to make such resources available for the treatment of veterans for post-traumatic stress disorder.

(4) An estimate of the availability of community-based residential treatment of veterans for post-traumatic stress disorder and the impact of such availability on the increased availability of such treatment by the Department.

(5) An assessment of the need for, and potential benefit of, making available scholarships, tuition reimbursement, or other educational assistance to health care students and health care professionals in order to improve the training and specialization of such individuals in the provision of such treatment.

(6) Such other proposals and recommendations as the Secretary considers appropriate to increase the availability of such treatment.

(b) REPORT ASSISTANCE.—In preparing the report referred to in subsection (a), the Secretary shall consult with the Special Committee on Post-Traumatic Stress Disorder established pursuant to section 110(b) of Public Law 98-528 (38 U.S.C. 612A note) and the Secretary's Advisory Committee on Readjustment of Vietnam Veterans.

SEC. 6. TECHNICAL AMENDMENTS.

Section 612A of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "Administrator" and "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary" and "Department", respectively;

(2) in subsection (h)—

(A) by striking out "Administrator" and "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary" and "Department", respectively; and

(B) in paragraph (5), by striking out "the Secretary considers" and inserting in lieu thereof "such Secretary considers"; and

(3) in subsection (j) (as redesignated by section 2(b)(1)), by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department".•

By Mr. CRANSTON (for himself and Mr. SEYMOUR):

S. 870. A bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, CA; to the Committee on Energy and Natural Resources.

S. 871. A bill to provide estate tax credit for the transfer of property for inclusion in the Golden Gate National Recreation Area, CA; to the Committee on Finance.

EXPANSION OF GOLDEN GATE RECREATIONAL AREA

• Mr. CRANSTON. Mr. President, today I am introducing two bills to provide for the expansion of the Golden Gate National Recreation Area in California. The first bill authorizes the Secretary of the Interior to acquire by donation approximately 1,300 acres for inclusion in GGNRA. The second bill permits the estate which owns the property to receive an estate tax credit for this donation of the land to the Federal Government.

Mr. President, right now we have a rare opportunity to add national park quality land to the Golden Gate National Recreation Area without Federal appropriations for the acquisition. The land is the Phleger estate, nearly 1,300 acres of unbroken forest just south of San Francisco in San Mateo County. Here visitors find towering redwoods and other evergreens—Douglas fir, madrone, tan oak and bay trees. The understory contains California hazelnut and huckleberry shrubs, trillium and red clintonia, pink star flowers and sword ferns. It is home to mountain lion, bobcats, deer, and coyote. The property is also one of the last remaining links needed to complete the Bay Area Ridge Trail, a 400-mile hiking trail through all nine counties around San Francisco Bay.

Surrounded by protected parkland, the Phleger estate is the most important piece of open space and unprotected viewshed left on the San Francisco Peninsula. Its addition to the Golden Gate National Recreation Area would create a continuous greenbelt extending from GGNRA's Sweeney Ridge to Wunderlich County Park, linking 56 square miles of open space and completing permanent protection for the entire area.

There is urgency to act now. Mrs. Phleger died this past December and the estate must sell the $30 million property to pay estate taxes by September 5, 1991. Cooperating with the local community, the estate has offered to sell the 1,300 acres to the Peninsula Open Space Trust at a favorable price of $25 million. The Peninsula Open Space Trust expects have $12 million for the purchase—$6 million in local park moneys from the Midpeninsula Regional Open Space District and $6 million in donations from Save the Redwoods League and others. Thus, an additional $13 million needs to be found.

The legislation I am introducing would provide that funding by permitting the estate to donate the land to the Federal Government in lieu of paying estate taxes. It's my understanding the tax obligation is approximately $13.7 million.

Mr. President, there is precedent for permitting an estate to satisfy its estate tax obligations with land rather than cash. In 1976 Congress passed legislation which allowed the estate of LeVere Redfield to donate land within the boundaries of the Toiyabe National Forest as a credit against estate taxes owed. Again in 1984 Congress permitted the estate of Elizabeth Schultz Rabe to donate lands at Lake Tahoe to the U.S. Forest Service to meet estate tax obligations with land rather than cash. My legislation will provide the same opportunity for the estate of Mary Elena Phleger.

I hope this Congress will act favorably on these bills so we can expand the Golden Gate National Recreation Area, creating a permanent uninterrupted greenbelt on the San Francisco Peninsula, protecting a beautiful redwood forest, preserving extraordinary scenic vistas and valuable wildlife habitat, and protecting the existing important resources of GGNRA.

Mr. President, I ask unanimous consent that the text of the legislation be printed at this point in the RECORD.

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

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Secretary of the Interior is authorized to acquire by donation approximately 1,300 acres of land in San Mateo County, California, known generally as the Phleger property and bearing San Mateo County Assessor's numbers 067-280-010, 067-280-050, 067-280-060, 067-280-080, 067-280-100, and 067-280-110 and any successor parcel numbers designated by the Assessor for these lands. Upon acquisition of the property and publication of notice in the Federal Register,

the Secretary shall revise the boundary of the Golden Gate National Recreation Acre to reflect the inclusion of such property within the area and prepare and make available a map displaying such boundary revision in accordance with 16 U.S.C. 460bb–1(b).

S. 871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT ALLOWED.—Subject to the provisions of this Act, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1986 (relating to the imposition of estate tax) upon the estate of Mary Elena Phleger for the conveyance by the estate to the United States of real property included in the gross estate and described as approximately 1,300 acres in San Mateo County, California, bearing San Mateo County Assessor's parcel numbers 067–280–010, 067–280–050, 067–280–060, 067–280–080, 067–280–100, and 067–280–110 and any successor parcel numbers designated by the Assessor for these lands.

SEC. 2. AMOUNT OF CREDIT.—The amount allowed as a credit under section 1 shall be equal to the lessor of—

(a) the fair market value of the real property transferred by such estate as of the valuation date used for purposes of the tax imposed by chapter 11 of the Internal Revenue Code, or

(b) the federal estate tax liability (and interest thereon) of such estate.

SEC. 3. LIMITATIONS.—(a) The provisions of this Act shall apply only if the executor of such estate executes a deed (in accordance with the laws of the State of California) transferring title to the United States within 90 days of enactment of this Act, but only if such title is satisfactory to the Attorney General or his delegate.

(b) The provisions of this Act shall apply only if the real property transferred is accepted by the Secretary of the Interior and added to the Golden Gate National Recreation Area. The lands shall be transferred to the Secretary of the Interior without reimbursement or payment from the Department of the Interior.

(c) Unless the Secretary of the Interior determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this Act, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code shall be deemed to be waived by reasons of the provisions of this Act.

SEC. 4. EFFECTIVE DATE.—The provisions of this Act shall be effective upon enactment.•

By Mr. PELL (by request):

S. 872. A bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Relations.

INTER-AMERICAN FOUNDATION AUTHORIZATION

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal year 1992 and 1993 for the Inter-American Foundation.

This proposed legislation has been requested by the Inter-American Foundation, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the president of the Inter-American Foundation, which was received on April 9, 1991.

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

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. sec. 290f(s) is amended to replace the phrase "$16,932,000 for the fiscal year 1990 and $25,000,000 for the fiscal year 1991" with the phrase "$28,794,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993, consistent with the Budget Enforcement Act of 1990 (P.L. 101–508)".

INTER-AMERICAN FOUNDATION,
Rosslyn, VA, March 11, 1991.

Hon. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Inter-American Foundation respectfully submits proposed legislation amending the Foreign Assistance Act of 1969 to authorize the sum of twenty-eight million seven hundred ninety-four thousand dollars ($28,794,000) for Fiscal Year 1992, and such sums as may be necessary for Fiscal Year 1993, consistent with the Budget Enforcement Act of 1990. This legislative proposal is needed to carry out the President's Fiscal Year 1992 budget plan.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

If there are any questions, please contact us.

Sincerely,

BILL K. PERRIN,
President.•

By Mr. BOREN:

S. 873. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

SAFE HARBOR LEASING RELIEF FOR ELECTRIC COOPERATIVES

• Mr. BOREN. Mr. President, I am introducing legislation regarding the tax treatment of safe harbor leases utilized by rural electric cooperatives.

Under a safe harbor lease, a party sells an asset to a second party and then leases it back. The buyer makes a down payment to the seller/lessee and gives the seller/lessee a mortgage note for the balance. As payments are made, the seller has interest income. However, the seller also leases the asset back and these rental expenses provide a deduction. It was clearly intended when the law was enacted that the seller's interest income under the note would be offset by the rental expense deduction.

This bill would amend section 277 of the Internal Revenue Code to clarify that ongoing income and deductions, generated by a safe harbor lease transaction and reported by a cooperative, are to be matched to avoid distortion of income. Cooperatives typically separate business with members from business with nonmembers, in effect treating their operations as if it were carried on through two separate entities. In this context, they treat the income and matching deduction attributable to safe harbor leases as nonmember sourced, and segregate these amounts from income and deductions attributable to member transactions.

The Internal Revenue Service has suggested that the deductions associated with these transactions should not be matched against the lease income, but rather it should be allocated in part against member income and in part against nonmember income. The IRS approach creates a distortion on a cooperative's tax return by a mismatching of lease expenses and lease income. Since the law requires segregation of the two types of business, a cooperative cannot offset the losses and the income. As a result, a cooperative could be subject to large tax bills where it actually has a loss.

When safe harbor leasing was enacted it was intended to benefit financially distressed companies. Even though safe harbor leasing was subsequently repealed, it did serve a beneficial purpose. In fact, some cooperatives owe their continued existence to this provision. It seems odd that it could now be argued that the very businesses this provision was meant to rescue must now lose that benefit because of an obscure accounting theory unique to cooperatives. The irony is that this suggestion is only being made with respect to cooperatives, and not with respect to other industries. No one is arguing that Chrysler or USX should be forced to modify their accounting rules to give back lease benefits.

There is no policy justification for treating cooperatives, who provide needed utility services in rural areas, different from all other corporations in their accounting for safe harbor leases. A distinction based on the type of service provided would be blatantly unfair and this certainly was not our original intent.

Mr. President, I urge my colleagues to give this bill their immediate consideration and join me as a cosponsor. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"In the case of a rural electric cooperative described in section 1381(a)(2)(C) of the Internal Revenue Code of 1986, any interest income in connection with a transaction involving qualified leased property which was treated as a lease under section 168(i) of the Internal Revenue Code of 1986 (as in effect before the amendments made by the tax reform act of 1986) or any corresponding prior provision of law shall be offset by any rental expense in connection with such transaction before allocation of such income or expense to members and nonmembers of such cooperatives for purposes of such Code."•

By Mr. DECONCINI (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. GRAHAM, Mr. D'AMATO, Mr. KOHL, Mr. ADAMS, Mr. DODD, Mr. CHAFEE, and Mr. SIMON):

S. 874. A bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations; to the Committee on Labor and Human Resources.

FAMILIES IN RESIDENTIAL TREATMENT ACT

• Mr. DECONCINI. Mr. President, I do not have to remind anyone in this body of the devastating effect drugs are having on families in America today. The number of children born exposed to drugs and raised in drug abusing families is soaring. One national hospital survey estimates that 11 percent of all pregnant women use illegal drugs. And, a national study reveals that 375,000 infants are born drug-exposed each year. According to another study, the number of babies exposed to illegal drugs could rise to 4 million by the year 2000. There is widespread agreement that the problem of drug and alcohol abuse by pregnant women and mothers of infants and small children is serious and worsening.

Mr. President, today I am reintroducing the Families in Residential Treatment Act [FIRST], along with Senators ADAMS, AKAKA, CHAFEE, D'AMATO, DODD, GRAHAM, KOHL, MOYNIHAN, and SIMON. This legislation would fund six demonstration projects in which addicted mothers in residential treatment would be allowed to have their children with them. These drug and alcohol treatment programs would target economically disadvantaged addicted women and their children and would offer primary health care, child care, parenting and jobs skills, nutrition, and health, social, education, and employment services with followup services after discharge. The idea is to maximize successful treatment, keep families together, and break the intergenerational cycle of addiction. According to Dr. T. Berry Brazelton, professor emeritus of pediatrics at the Harvard Medical School and the author of 17 books on child rearing, 85 percent of drug addicted babies can be rehabilitated if proper nurturing is provided. This rate of recovery is most encouraging and illustrates that programs such as the one we are proposing will pay dividends.

We are now seeing a new population in hospitals across this country. I'm talking about "boarder babies"—infants who are medically ready to be discharged from the hospital but have no place to go. Many of these babies are born to drug-addicted mothers and abandoned at birth or they are unable to leave the hospital with their mother because she is considered unable or unfit to care for the child.

Ten years ago the boarder baby phenomenon did not exist in this country. Five years ago it did not exist. Today it exists with a vengeance. A June 1989 survey conducted in five U.S. cities by the Child Welfare League of America found that nearly 70 percent of the 300 babies abandoned in hospitals in those five cities were impaired by drugs; 70 percent.

The stories of these children will break your heart. In one special shelter in California, some of the children have been in 15 foster homes by the age of 4. One small boy saw a double drug-related homicide in his home. Another 2 year old was abandoned at a construction site and had to be taught how to hug. This is a national tragedy. It's a tragedy compounded by a tragedy. I agree with David Liederman, executive director for the Child Welfare League of America. "The last thing we want to do in this country," he says, "is to start warehousing kids. That's why we began closing orphanages at the turn of the century. Infants and small children need families."

I will admit that the uncertainty of successfully treating drug-addicted parents has made reuniting some families difficult, even impossible. But hope does exist for rebuilding families affected by drugs. I want to focus on that hope. I want to maximize it. As Mr. Liederman says, infants and small children need families.

According to current research, overall use of drugs has decreased but drug addiction is more widespread and its consequences more serious. Women make up a large number of crack users and a larger proportion of crack addicts; yet, despite recommendations of researchers over the past two decades, women and children have received the lowest priority in terms of delivered drug treatment services. Women are significantly underrepresented in alcoholism programs, for example. The National Institute on Alcohol and Alcoholism found that one-third of all Americans who are either alcoholics or alcohol abusers, about 6 million people, were women. Yet, they account for only 20 percent of those in treatment, according to the National Council on Alcoholism. Tragically, two-thirds of the hospitals surveyed in 1989 by the U.S. House of Representatives' Select Committee on Children, Youth and Families reported that they had no place to refer pregnant addicts for treatment.

For low-income mothers, particularly single mothers, there is a major barrier to treatment. Since most residential programs do not allow clients to bring their children into treatment with them, a woman who needs help is often forced to choose between treatment and placing her children in foster care. By admitting her alcohol or drug addiction to the child welfare system, she runs the risk of being judged unfit and not getting her children back. It's a choice with the cards stacked against families. The problem is compounded by the fact that drugs and AIDS have stretched family services to the breaking point.

The numbers are overwhelming. Right now it is estimated that 360,000 children live in foster homes. By 1995, the number of troubled children coming into out-of-home placements is expected to increase to 840,000 children. The children entering the child welfare system today are not only more numerous, they are more troubled and more seriously abused than even 5 years ago. The experts tell us that these increases are due in large part to an increase in substance abuse by pregnant women and parents of young children. Officials in New York, for example, estimate that 57 percent of foster care children come from families that allegedly are abusing drugs. And this comes at a time when there is a severe shortage of people willing and able to provide foster care in the United States. The General Accounting Office is reporting that an average of 60 percent of the people who serve as foster parents quit providing care within 1 year. The conclusion is clear. Our society is producing more abused kids than it can possibly handle.

Our bill is asking for $10 million to fund these projects for the first year. There are those who will say we're strapped for money. We can't afford it. It's just not possible. To these people, I would cite the old adage, "Penny-wise and pound-foolish." What we pay for treatment is nothing compared to what we pay in emotional and social costs for not taking care of these mothers and their children.

I understand from D.C. General Hospital that the cost to maintain a boarder baby ranges from $800 to $1,000 a day. The care for one cocaine exposed baby is twice that amount—$2,000 a day. Sixty days of medical care for just one cocaine exposed baby costs up to $120,000. The inspector general of

Health and Human Services now estimates that it will cost $5 billion to provide hospital and foster care until age 5 for all the crack-exposed babies born each year. And these figures don't include the cost for child abuse and neglect, welfare, and incarceration—all problems associated with drug and alcohol addiction.

Currently, there are only a handful of residential centers in the country that permit women to take their children with them into treatment. Pomeroy House, a residential treatment center for women alcoholics in San Francisco, is one. Part of Pomeroy's treatment focuses on teaching mothers basic facts about child development. Counselors often find they must also "re-parent" the mothers, some of whom became pregnant when they were only 13.

Many of the mothers at Pomeroy were physically abused as children by alcoholic parents. They continued the cycle of behavior and in turn became abusive parents themselves—with little or no skills for raising kids. One mother, age 36, was the abused child of alcoholic parents. She had abused her own children exactly as her mother had abused her. In an act of self-defense, she had stabbed her child's father to death when he started to beat her. Her one chance of keeping her daughter depended on how well she did at Pomeroy House.

Pomeroy gave her new skills as a way out of a destructive pattern of behavior. She was forbidden to hit her child and encouraged to use verbal methods instead. It never occurred to her until she entered Pomeroy, she said, that there might be a more effective way of dealing with her own children.

Pomeroy empowers people to achieve a better quality of life. It's a treatment plan that has a high rate of success. Sixty percent of women who graduate are sober and drug free 12 months after they leave, according to officials at the center.

We have hard data which indicate that mothers whose children reside with them during treatment for substance abuse consistently stay in treatment longer than women separated from their children, thereby increasing their chances of recovery. Amity, Inc., is a long-term residential treatment facility in my hometown of Tucson, AZ. According to officials there, it is common for women enrolled in the Amity therapeutic community to have left their children in drug houses as collateral for drug trades, or even to have sold them for drugs.

Prior to August 1981 the Amity program had been traditionally male dominated. Changes were instigated that August, and a specialized women's program was put in place. As space allowed, women were allowed to bring their children into treatment with them. Mr. President, the results are impressive. Women whose children resided with them during drug treatment at Amity stayed in treatment longer than women separated from their children—525 days versus 197 days, on average.

We see similar results at Mabond Family Center/Odyssey House in New York City. Seventy percent of the adult population there are parents. Sixty-eight percent are second or third generation substance abusers. Mothers who are allowed to bring their children into treatment with them stay at Odyssey House twice as long as those without children. Twice as long. Odyssey has the capacity to treat 25 adults and 25 children for a 12-to-18-month period. The program provides training in parenting skills, preschool programs, and developmental assessments for the children. In order to graduate, a participant in the program must obtain a high school diploma or equivalent, be employed or enrolled in vocational school, and have arranged satisfactory housing. In addition, the parent must make arrangements to continue therapy after she leaves the program.

Operation PAR is a comprehensive substance abuse treatment organization in the Tampa Bay area of Florida. It networks its program with available community services—the local health department, State protective services, and local drug treatment systems. Operation PAR is innovative—and it takes a family approach to treating addiction.

Operation PAR has data which support the notion of a high early drop out rate among women in residential treatment facilities which do not address women's issues. In these facilities, 23 percent of the men left treatment within the first 60 days. In contrast, 63 percent of the women left within this same time frame. And the reason most women gave for leaving treatment? They needed to go home to take care of their children.

So Operation PAR constructed Par Village, a therapeutic community where mothers in treatment can reside with their children. The 14 homes—originally two- and three-bedroom houses located on a thoroughfare—were donated and moved by the county, which had originally planned to raze them at a cost of $375,000. It has been said, "There's always one moment in childhood, when the door opens and lets the future in." In the case of Operation PAR, the door is the door to drug-free communities and drug-free lives.

The mission of the legislation we are introducing today is critical: break the cycle of addiction and destructive behavior, and rebuild families and shattered lives. Mr. President, let us seize the opportunity. After all, there is always one moment in childhood when the door opens and lets the future in.

That is precisely the purpose of our bill—to let the future in for those whose lives have been shattered by drugs. Mr. President, I ask unanimous consent that the text of our legislation be printed in the RECORD immediately following my remarks.

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

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) research studies strongly suggest that the incidence of drug abuse among women in general and women of childbearing age in the United States is increasing;

(2) drug-abusing women who have children traditionally experience significant barriers to drug abuse treatment because most residential drug abuse treatment programs do not accommodate the children of such women;

(3) mothers are deterred from entering residential treatment programs because—

(A) such programs do not offer services for the children of such mothers;

(B) there are few long-term child care resources available; and

(C) custody of such children may be lost if mothers enter residential treatment without adequate plans for such children;

(4) the availability of family foster home placements has substantially decreased so that it has become increasingly difficult to meet the special and often complex needs of drug exposed children who enter the foster care system;

(5) mounting evidence demonstrates that women whose children reside with them during treatment for drug abuse consistently stay in treatment longer than women separated from their children, thereby increasing the chances of recovery for women whose children reside with them during drug abuse treatment; and

(6) residential drug treatment programs that offer comprehensive services to both mothers and their children can avert crises leading to child abuse and neglect and can facilitate family preservation by supporting and strengthening the family.

SEC. 2. PURPOSE.

It is the purpose of this Act to attempt to rebuild economically disadvantaged drug-affected families by—

(1) reducing the barriers to successful drug abuse treatment for economically disadvantaged high-risk mothers by allowing such mothers to bring their children into residential drug abuse treatment programs with them; and

(2) teaching such mothers new behavior and employment skills which can help to break the cycle of drug addiction in the next generation.

SEC. 3. PROJECT ESTABLISHED.

Part A of the title V of the Public Health Service Act (42 U.S.C. 290aa) is amended by inserting at the end thereof the following new section:

"SEC. 509H. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

"(a) PROJECT AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office, shall make grants to establish not less than 6

projects in which addicted mothers in residential drug abuse treatment facilities are permitted to have their children reside with them during the course of such treatment. Such residential drug abuse treatment and prevention projects shall target economically disadvantaged addicted women and their children (age 10 years and younger) and shall offer—

"(A) primary health care, including prenatal and postpartum care for pregnant women and pediatric health care, either onsite or through cooperative arrangements;

"(B) child care;

"(C) parenting and jobs skills;

"(D) nutrition; and

"(E) other health, social, education, and employment services as necessary;

with follow-up services after discharge to facilitate the access of the family to needed services. Such services shall be provided by qualified personnel.

"(2) TERM OF PROJECTS.—The Secretary, acting through the Director of the Office, shall only award grants under this section for projects which will be operated for a period of at least 3 years.

"(b) APPLICATION.—Each entity desiring to receive a grant under this section shall submit an application to the Director of the Office at such time, in such manner and accompanied by such information as the Director of the Office may reasonably require. Each such application shall include assurances that the mothers selected for participation in such project have been evaluated to ensure that such mothers are committed to remaining in drug abuse treatment and prevention projects assisted under this section.

"(c) EVALUATION.—The Director of the Office shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each fiscal year thereafter to carry out this section.".•

• Mr. GRAHAM. Mr. President, I rise today to speak in support of Senator DECONCINI'S residential treatment program for drug-addicted mothers.

According to the House of Representatives Ways and Means Committee, as many as 375,000 drug-exposed infants are born each year. This clearly is a problem we must not ignore. This legislation authorizes $10 million for no less than six model programs to allow drug-addicted mothers to receive treatment and still live with their children.

Treatment programs with child care work. In fact, women whose children reside with them during treatment are less likely to leave treatment prematurely than those who are separated from their children. One of the first residential programs in the Nation is located in St. Petersburg, FL. Operation PAR, which stands for parental awareness and responsibility, opened PAR Village in April 1990. PAR Village consists of seven homes for two to three women and their children. This 18 to 24 month program provides case management, parenting classes, life skills, and vocational training.

PAR Village also concentrates on the next generation. Many children who are exposed to drugs either in the womb or in their home environment develop learning deficiencies leading to underachievement, excessive school dropout rates, adult illiteracy, and unemployment. PAR Village offers emotional conseling, educational tutoring, and substance abuse prevention classes to keep children on the right track.

This legislation will allow addicted mothers to enter treatment without abandoning their children. Programs like PAR Village not only allow mothers and their children to remain together, but also offer these families a chance to truly prosper.

I urge my colleagues to join Senator DECONCINI and myself as sponsors of this crucial legislation.•

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 875. A bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION ACT 1992 AND 1993

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 875

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 "Military Construction Authorization Act, 1992 and 1993".

SUBDIVISION 1—FISCAL YEAR 1992

TITLE I—ARMY

SEC. 1101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $105,800,000.
Fort Rucker, $17,700,000.
Redstone Arsenal, $74,700,000.

ALASKA

Fort Greely, $7,600,000.
Fort Wainwright, $7,950,000.

ARIZONA

Fort Huachuca, $18,000,000.

CALIFORNIA

Fort Hunter Liggett, $4,700,000.
Fort Irwin, $10,320,000.
Sierra Army Depot, $1,950,000.

COLORADO

Fort Carson, $10,500,000.
Pueblo Army Depot, $6,300,000.

GEORGIA

Fort Benning, $2,150,000.
Fort Gordon, $1,200,000.
Fort Stewart, $950,000.

HAWAII

Fort Shafter, $5,650,000.
Schofield Barracks, $3,650,000.

INDIANA

Fort Benjamin Harrison, $125,000,000.

KANSAS

Fort Riley, $1,800,000.

KENTUCKY

Fort Campbell, $17,050,000.
Fort Knox, $23,450,000.

LOUISIANA

Fort Polk, $22,730,000.

MARYLAND

Aberdeen Proving Ground, $7,250,000.
Fort Ritchie, $2,400,000.

MASSACHUSETTS

Natick Research Center, $4,250,000.

MISSOURI

Fort Leonard Wood, $12,200,000.

NEW HAMPSHIRE

Cold Regions Laboratory, $3,700,000.

NEW JERSEY

Fort Dix, $20,000,000.

NEW MEXICO

White Sands Missile Range, $4,250,000.

NEW YORK

Seneca Army Depot, $1,150,000.
United States Military Academy, West Point, $14,300,000.

NORTH CAROLINA

Fort Bragg, $13,400,000.

OKLAHOMA

Fort Sill, $3,350,000.

OREGON

Umatilla Army Depot, $11,100,000.

PENNSYLVANIA

Letterkenny Army Depot, $3,150,000.
Tobyhanna Army Depot, $8,200,000.

TEXAS

Corpus Christi Army Depot, $3,400,000.
Fort Hood, $31,500,000.
Fort Sam Houston, $4,350,000.
Red River Army Depot, $2,020,000.

UTAH

Dugway Proving Ground, $4,000,000.
Tooele Army Depot, $14,700,000.

VIRGINIA

Fort A.P. Hill, $6,100,000.
Fort Belvoir, $5,950,000.
Fort Eustis, $8,500,000.
Fort Lee, $6,700,000.
Fort Myer, $5,550,000.
Fort Pickett, $2,800,000.
Fort Story, $900,000.
Vint Hill Farms Station, $3,550,000.

WASHINGTON

Fort Lewis, $42,100,000.

WISCONSIN

Fort McCoy, $18,500,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Feucht, $590,000.
Grafenwoehr, $960,000.

KOREA

Camp Carroll, $5,300,000.
Camp Hovey, $9,100,000.
Camp Walker, $2,250,000.

KWAJALEIN ATOLL

Kwajalein, $77,400,000.

SEC. 1102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 1104(a)(6)(A), at the following installations, in the number of units shown, and in the amount shown for each installation:

(1) Fort Hunter Liggett, California, one hundred and fifty-four units, $22,000,000.

(2) Fort Irwin, California, one hundred and seventy-two units, $18,000,000.

(3) Fort Carson, Colorado, one unit, $150,000.

(4) Fort Stewart, Georgia, one unit, $190,000.

(5) Hawaii, Oahu Various, one hundred and forty units, $16,500,000.

(6) Fort Leonard Wood, Missouri, two units, $360,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,220,000.

SEC. 1103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), improve existing military family housing in an amount not to exceed $74,980,000.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,469,725,000 as follows:

(1) For military construction projects inside the United States authorized by section 1101(a), $622,600,000.

(2) For military construction projects outside the United States authorized by section 1101(b), $95,900,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $114,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,200,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $137,400,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $1,397,025,000, of which not more than $360,783,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $84,000,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $18,870,000 for the amount authorized for projects funded by the Defense Business Operations Fund; and

(3) $100,000,000 for the balance of the amount authorized for the construction of the Administration Building at Fort Benjamin Harrison, Indiana.

SEC. 1105. AUTHORIZATION OF FAMILY HOUSING PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2102(a) of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510), is amended by striking out "Kansas, Fort Riley, two hundred and four units, $12,500,000." and inserting in lieu thereof "Kansas, Fort Riley, two hundred and fifty units, $16,500,000."

SEC. 1106. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99–167, 99 Stat. 981), authorizations for the following project authorized in section 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100–180; 101 Stat. 1185), section 2106(b) of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2092), section 2105(b) of the National Defense Authorization Act, 1990 and 1991 (division B of Public Law 101–181; 103 Stat. 1619) and section 2106(a) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1762) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Family housing, new construction, six units, in the amount of $596,000 at Fort Myer, Virginia.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701 of the Military Construction Authorization Act, 1989 (Public Law 100–456, 102 Stat. 2115), authorizations for the following projects authorized in sections 2101 and 2102 of that Act, as extended by Section 2106(c) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1762) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Battalion Headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(2) Family housing, new construction, one hundred and eight units, in the amount of $9,100,000 at Fort Bliss, Texas.

(3) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.—Notwithstanding the provisions of section 2701(b)(1) of the National Defense Authorization Act, 1990 and 1991 (Public Law 101–189, 103 Stat. 1645), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Family housing, new construction, two units, in the amount of $400,000 at Fort Rucker, Alabama.

(2) Military Operations on Urbanized Terrain in the amount of $5,600,000 at Schofield Barracks, Hawaii.

(3) Alter Dormitory in the amount of $3,750,000 at Melvin Price Support Center, Illinois.

(4) Child Development Center in the amount of $1,500,000 at Fort Riley, Kansas.

(5) M1 Tank Driver Training Facility in the amount of $5,900,000 at Fort Knox, Kentucky.

(6) Improve Electrical Distribution in the amount of $8,600,000 at Fort Monmouth, New Jersey.

(7) Armament Technology Laboratory in the amount of $11,800,000 at Picatinny Arsenal, New Jersey.

(8) Vehicle Maintenance Facility in the amount of $1,400,000 at Dugway Proving Ground, Utah.

(9) Enlisted Petroleum Training Facility in the amount of $8,300,000 at Fort Lee, Virginia.

(10) Family housing, new construction, one unit, in the amount of $210,000 at Fort Lee, Virginia.

(11) Sewage Treatment Plant in the amount of $3,250,000 at Kwajalein, Kwajalein Atoll.

(12) War Reserve Storage in the amount of $6,100,000 at Classified Overseas Locations.

TITLE II—NAVY

SEC. 1201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Security Group Activity, $12,700,000.
Amchitka, Fleet Surveillance Support Command, $7,200,000.
Anchorage, Naval Security Group Support Detachment, $2,600,000.
Shemya, Naval Security Group Support Detachment, $3,140,000.

CALIFORNIA

Camp Pendleton, Amphibious Task Force, $17,750,000.
Camp Pendleton, Marine Corps Air Station, $2,010,000.
Camp Pendleton, Marine Corps Base, $1,460,000.
China Lake, Naval Weapons Center, $16,600,000.
Concord, Naval Weapons Station, $1,250,000.
Coronado, Naval Amphibious Base, $1,600,000.
Fallbrook, Naval Weapons Station Annex, $9,700,000.
Miramar, Naval Air Station, $3,250,000.
Monterey, Naval Postgraduate School, $2,900,000.
Port Hueneme, Naval Construction Battalion Center, $17,250,000.
San Diego, Fleet Combat Training Center, Pacific, $640,000.
San Diego, Naval Station, $3,110,000.
San Diego, Naval Submarine Base, $14,130,000.
San Diego, Naval Supply Center, $1,750,000.

San Diego, Navy Public Works Center, $16,800,000.
Seal Beach, Naval Weapons Station, $3,780,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $680,000.
Vallejo, Mare Island, Naval Shipyard, $3,570,000.

CONNECTICUT

New London, Naval Submarine Base, $5,680,000.
New London, Submarine Support Facility, $5,800,000.

DISTRICT OF COLUMBIA

District of Columbia, Commandant Naval District Washington, $5,750,000.

FLORIDA

Jacksonville, Naval Aviation Depot, $3,300,000.
Mayport, Naval Station, $3,140,000.
Orlando, Naval Training Center, $21,430,000.
Panama City, Naval Coastal Systems Center, $11,150,000.
Pensacola, Naval Air Station, $4,000,000.
Pensacola, Naval Supply Center, $5,700,000.

GEORGIA

Kings Bay, Naval Submarine Base, $9,780,000.

HAWAII

Barbers Point, Naval Air Station, $3,300,000.
Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,500,000.
Lualualei, Naval Magazine, $8,700,000.
Pearl Harbor, Naval Inactive Ship Maintenance Facility, $3,200,000.
Pearl Harbor, Naval Shipyard, $800,000.
Pearl Harbor, Naval Submarine Base, $62,000,000.
Pearl Harbor, Naval Public Works Center, $13,440,000.

ILLINOIS

Great Lakes, Naval Training Center, $7,000,000.

INDIANA

Crane, Naval Weapons Support Center, $9,450,000.

MARYLAND

Annapolis, David Taylor Naval Ship Research Development Center, $3,450,000.
Annapolis, Naval Radio Transmitting Facility, $5,220,000.
Bethesda, National Naval Medical Center, $4,470,000.
Indian Head, Naval Ordnance Station, $6,600,000.
Patuxent River, Naval Air Test Center, $5,800,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $8,450,000.

NEVADA

Fallon, Naval Air Station, $2,500,000.

NEW JERSEY

Earle, Naval Weapons Station, $4,900,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $2,500,000.
Cherry Point, Marine Corps Air Station, $18,450,000.
Cherry Point, Naval Aviation Depot, $7,700,000.
New River, Marine Corps Air Station, $7,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $4,700,000.

PENNSYLVANIA

Philadelphia, Naval Inactive Ship Maintenance Activity, $4,000,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $2,250,000.
Charleston, Fleet and Mine Warfare Training Center, $14,620,000.
Charleston, Naval Weapons Station, $3,250,000.
Parris Island, Marine Corps Recruit Depot, $5,100,000.

TEXAS

Kingsville, Naval Air Station, $1,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $13,800,000.
Dahlgren, Naval Surface Warfare Center, $18,280,000.
Little Creek, Naval Amphibious Base, $12,730,000.
Norfolk, Naval Air Station, $9,370,000.
Norfolk, Naval Communication Area Master Station, Atlantic, $6,550,000.
Norfolk, Naval Station, $340,000.
Norfolk, Naval Supply Center, $1,250,000.
Norfolk, Navy Public Works Center, $7,300,000.
Norfolk, Oceanographic System Atlantic, $3,250,000.
Oceana, Naval Air Station, $7,270,000.
Portsmouth, Naval Hospital, $6,600,000.
Portsmouth, Shore Intermediate Maintenance Activity, $14,000,000.
Yorktown, Naval Weapons Station, $4,650,000.

WASHINGTON

Bangor, Commander, Submarine Group 9, $2,050,000.
Bangor, Trident Refit Facility, $2,170,000.
Bremerton, Puget Sound Naval Shipyard, $39,700,000.
Bremerton, Puget Sound Naval Supply Center, $12,550,000.
Everett, Naval Station, $21,790,000.
Whidbey Island, Naval Air Station, $6,800,000.

VARIOUS LOCATIONS

Land Acquisition, $45,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

BAHRAIN ISLAND

Bahrain Island, Administration Support Unit, $1,300,000.

CUBA

Guantanamo Bay, Naval Station, $2,750,000.

GUAM

Naval Communication Area Master Station, Western Pacific, $2,000,000.
Navy Public Works Center, $670,000.

ICELAND

Keflavik, Naval Air Station, $9,300,000.
Keflavik, Naval Communication Station, $10,600,000.

ITALY

Naples, Naval Support Activity, $11,270,000.
Sicily, Naval Communication Station, $2,750,000.
Sigonella, Naval Air Station, $12,150,000.

PUERTO RICO

Roosevelt Roads, Naval Station, $7,660,000.

SCOTLAND

Edzell, Naval Security Group Activity, $1,400,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $2,000,000.
Satellite Terminals, $10,570,000.

SEC. 1202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Camp Pendleton, Marine Corps Base, California, one hundred and fifty units, $16,172,000.

(2) Lemoore, Naval Air Station, California, Community Center, $1,070,000.

(3) Point Mugu, Pacific Missile Test Center, California, one hundred units, $11,160,000.

(4) San Diego, Navy Public Works Center, California, two hundred sixty units, $29,800,000.

(5) Washington Naval District, District of Columbia, Demolition, $9,910,000.

(6) Mayport, Naval Station, Florida, Community Center, $710,000.

(7) Lakehurst, Naval Air Engineering Center, New Jersey, Housing Office, $340,000.

(8) Guantanamo Bay, Naval Station, Cuba, two hundred and seventy-eight units, $38,400,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

SEC. 1203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), improve existing military family housing units in the amount of $55,438,000.

SEC. 1204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,537,700,000, as follows:

(1) For military construction projects inside the United States authorized by section 1201(a), $502,750,000.

(2) For military construction projects outside the United States authorized by section 1201(b), $64,450,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,200,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $169,200,000; and

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $710,700,000, of which not more than $72,900,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853

and title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and,

(2) $185,120,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE III—AIR FORCE

SEC. 1301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $9,200,000.

ALASKA

Eielson Air Force Base, $26,400,000.
Elmendorf Air Force Base, $1,400,000.
Shemya Air Force Base, $38,400,000.

ARIZONA

Luke Air Force Base, $8,800,000.
Williams Air Force Base, $5,700,000.

CALIFORNIA

Beale Air Force Base, $3,050,000.
Castle Air Force Base, $4,300,000.
Edwards Air Force Base, $14,300,000.
March Air Force Base, $7,910,000.
Sierra Army Depot, $2,700,000.
Travis Air Force Base, $8,280,000.
Vandenberg Air Force Base, $80,000,000.

COLORADO

Buckley Air National Guard Base, $42,050,000.
Cheyenne Mountain Air Force Base, $610,000.
Falcon Air Force Station, $1,400,000.
Peterson Air Force Base, $26,300,000.
United States Air Force Academy, $15,000,000.

DELAWARE

Dover Air Force Base, $10,150,000.

DISTRICT OF COLUMBIA

Bolling Air Force Base, $5,400,000.

FLORIDA

Cape Canaveral Air Force Station, $24,000,000.
Eglin Air Force Base, $2,830,000.
Homestead Air Force Base, $4,900,000.
Tyndall Air Force Base, $850,000.

GEORGIA

Robins Air Force Base, $14,100,000.

HAWAII

Camp H. M. Smith, $2,600,000.
Hickam Air Force Base, $7,100,000.

ILLINOIS

Scott Air Force Base, $13,290,000.

KANSAS

McConnell Air Force Base, $7,650,000.

LOUISIANA

Barksdale Air Force Base, $6,300,000.

MARYLAND

Andrews Air Force Base, $5,400,000.

MASSACHUSETTS

Hanscom Air Force Base, $11,200,000.

MICHIGAN

K.I. Sawyer Air Force Base, $1,700,000.

MISSISSIPPI

Columbus Air Force Base, $600,000.
Keesler Air Force Base, $3,400,000.

MISSOURI

Whiteman Air Force Base, $44,450,000.

MONTANA

Conrad Strategic Training Range Site, $700,000.
Havre Strategic Training Range Site, $700,000.

NEBRASKA

Offutt Air Force Base, $26,350,000.

NEVADA

Nellis Air Force Base, $8,400,000.

NEW HAMPSHIRE

New Boston Satellite Tracking Station, $4,210,000.

NEW JERSEY

McGuire Air Force Base, $22,500,000.

NEW MEXICO

Cannon Air Force Base, $1,300,000.
Holloman Air Force Base, $38,700,000.
Kirtland Air Force Base, $5,600,000.

NEW YORK

Griffiss Air Force Base, $2,700,000.
Plattsburgh Air Force Base, $960,000.

NORTH CAROLINA

Pope Air Force Base, $8,200,000.
Seymour Johnson Air Force Base, $11,200,000.

NORTH DAKOTA

Dickinson Strategic Training Range Site, $640,000.
Grand Forks Air Force Base, $4,400,000.
Minot Air Force Base, $3,950,000.

OHIO

Wright-Patterson Air Force Base, $39,300,000.

OKLAHOMA

Altus Air Force Base, $61,340,000.
Tinker Air Force Base, $3,700,000.
Vance Air Force Base, $4,750,000.

SOUTH CAROLINA

Charleston Air Force Base, $21,850,000.

SOUTH DAKOTA

Belle Fourche Strategic Training Range Site, $640,000.
Ellsworth Air Force Base, $2,710,000.

TENNESSEE

Arnold Engineering Development Center, $2,400,000.

TEXAS

Dyess Air Force Base, $620,000.
Kelly Air Force Base, $13,900,000.
Lackland Air Force Base, $5,700,000.
Lackland Air Force Base Training Annex, $1,170,000.
Laughlin Air Force Base, $4,250,000.
Randolph Air Force Base, $410,000.
Reese Air Force Base, $2,000,000.
Sheppard Air Force Base, $16,670,000.

UTAH

Hill Air Force Base, $6,750,000.

VIRGINIA

Langley Air Force Base, $5,800,000.

WASHINGTON

Fairchild Air Force Base, $2,500,000.

WYOMING

F.E. Warren Air Force Base, $5,300,000.
Powell Strategic Training Range Site, $700,000.

VARIOUS AND CLASSIFIED LOCATIONS

Classified Location, $16,400,000.
Various Locations, $5,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION

Ascension Island Auxiliary Airfield, $11,000,000.

CANADA

Various Locations, $20,700,000.

GERMANY

Ramstein Air Base, $3,500,000.

GREENLAND

Thule Air Base, $12,700,000.

GUAM

Andersen Air Force Base, $2,600,000.

ICELAND

Keflavik Air Base, $10,500,000.

PORTUGAL

Lajes Field, $5,000,000.

UNITED KINGDOM

RAF Molesworth, $15,600,000.

VARIOUS LOCATIONS

Classified Location, $3,600,000.
Classified Location, $5,500,000.
Classified Location, $3,500,000.

SEC. 1302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land, acquisition) using amounts appropriated pursuant to section 1304(a)(8)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Castle Air Force Base, California, one hundred fourteen units, $10,517,000.

(2) Edwards Air Force Base, California, housing office, $453,000.

(3) Tyndall Air Force Base, Florida, housing maintenance facility, $410,000.

(4) Scott Air Force Base, Illinois, housing office, $550,000.

(5) Andrews Air Force Base, Maryland, housing office, $571,000.

(6) Seymour Johnson Air Force Base, North Carolina, housing office, $365,000.

(7) Tinker Air Force Base, Oklahoma, housing office, $370,000.

(8) Hill Air Force Base, Utah, one hundred thirty units, $11,628,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 1303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(8)(A), improve existing military family housing units in an amount not to exceed $141,236,000.

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,143,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1301(a), $800,450,000.

(2) For military construction projects outside the United States authorized by section 1301(b), $94,200,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), and as amended by section 2307 of the Military Construction Authorization Act, 1990, (division B of Public Law 101-189; 103 Stat. 1638), $44,000,000.

(4) For the construction of facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico as authorized by Section 2301(a) of the Military Construction Authorization Act, 1991 (division B of Public Law 101-510; 104 Stat. 1771), $39,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $11,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,700,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,050,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $172,100,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $909,400,000 of which not more than $140,900,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $25,640,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in section 2301 and of that Act, as extended by section 2309 of the Military Construction Authorization Act, 1991 (division B of the Public Law 101-510; 104 Stat. 1775), shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Alter Combat Intelligence Operations Center in the amount of $1,000,000 at Ramstein Air Base, Germany (authorized as part of Classified Locations in the amount of $16,473,000).

(2) Post Office in the amount of $550,000 at Incirlik Air Base, Turkey.

(3) F-16 Aircraft Maintenance Unit Facility in the amount of $2,800,000 at Osan Air Base, Korea.

(d) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1990 (division B of Public Law 101-189; 103 Stat. 1645), authorization for the following projects authorized in section 2301 of that Act shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for fiscal year 1993, whichever is later:

(1) Civil Engineer Shop Facility in the amount of $2,700,000 at Eaker Air Force Base, Arkansas.

(2) Convoy Road in the amount of $500,000 at Eaker Air Force Base, Arkansas.

(3) Water Well and Elevated Storage in the amount of $850,000 at Eaker Air Force Base, Arkansas.

(4) Add To and Alter Child Development Center in the amount of $630,000 at McClellan Air Force Base, California.

(5) Child Development Center in the amount of $1,200,000 at McClellan Air Force Base, California.

(6) Upgrade Electrical Distribution in the amount of $9,500,000 at McClellan Air Force Base, California.

(7) Add To and Alter Child Development Center in the amount of $1,100,000 at Robins Air Force Base, Georgia.

(8) C-141 Depot Maintenance Hangar in the amount of $13,700,000 at Robins Air Force Base, Georgia.

(9) Wing Headquarters and Command Post in the amount of $2,150,000 at Grissom Air Force Base, Indiana.

(10) Alter Dormitories in the amount of $3,200,000 at England Air Force Base, Louisiana.

(11) Base Supply Complex in the amount of $4,100,000 at England Air Force Base, Louisiana.

(12) Dormitory in the amount of $8,500,000 at Loring Air Force Base, Maine.

(13) Child Development Center in the amount of $680,000 at Newark Air Force Base, Ohio.

(14) Child Development Center in the amount of $1,950,000 at Wright-Patterson Air Force Base, Ohio.

(15) Child Development Center in the amount of $1,550,000 at Tinker Air Force Base, Oklahoma.

(16) Child Development Center in the amount of $2,400,000 at Bergstrom Air Force Base, Texas.

(17) Noise Suppressor Support Facility in the amount of $650,000 at Carswell Air Force Base, Texas.

(18) Add To and Alter Child Development Center in the amount of $730,000 at Kelly Air Force Base, Texas.

(19) Child Development Center in the amount of $1,300,000 at Hill Air Force Base, Utah.

(20) Procurement Facility Consolidation in the amount of $3,700,000 at Hill Air Force Base, Utah.

(21) LANTIRN Maintenance Facility in the amount of $220,000 at Hahn Air Force Base, Germany.

TITLE IV—DEFENSE AGENCIES

SEC. 1401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Classified Location, $4,500,000.
Reston, Virginia, $600,000.

DEFENSE LOGISTICS AGENCY

Tracy Defense Depot, California, $2,000,000.
Jacksonville Defense Fuel Support Point, Florida, $2,200,000.
Pensacola Defense Fuel Support Point, Florida, $16,000,000.
Columbus Defense Construction Supply Center, Ohio, $89,000,000.
Dayton Defense Electronics Supply Station, Ohio, $2,000,000.
Craney Island Defense Fuel Support Point, Norfolk, Virginia, $19,800,000.
Fort Belvoir, Virginia, $27,000,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,000,000.
St. Louis Aerospace Center, Missouri, $1,000,000.

DEFENSE MEDICAL FACILITIES OFFICE

Little Rock Air Force Base, Arkansas, $690,000.
San Diego Naval Training Center, California, $17,500,000.
Stockton Naval Communications Station, California, $22,000,000.
Travis Air Force Base, California, $2,000,000.
Tyndall Air Force Base, Florida, $800,000.
Hickam Air Force Base, Hawaii, $13,800,000.
Fallon Naval Air Station, Nevada, $6,000,000.
Nellis Air Force Base, Nevada, $1,000,000.
Camp Lejeune, North Carolina, $4,600,000.
Cherry Point Marine Corps Air Station, North Carolina, $34,000,000.
Fort Bragg, North Carolina, $170,000,000.
Fort Sill, Oklahoma, $2,700,000.
Tinker Air Force Base, Oklahoma, $4,100,000.
Carlisle Barracks, Pennsylvania, $510,000.
Dallas Naval Air Station, Texas, $3,500,000.
Langley Air Force Base, Virginia, $1,150,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $20,000,000.
Arnold Engineering Development Center, Tennessee, $7,000,000.

NATIONAL SECURITY AGENCY

Camp Smith, Hickam Air Force Base, Hawaii, $488,000.
Fort George C. Meade, Maryland, $14,722,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $6,000,000.
Uniformed Services University of the Health Sciences, Bethesda, Maryland, $600,000.
Pentagon, Arlington, Virginia, $80,100,000.
Classified Locations, $35,600,000.

SPECIAL OPERATIONS COMMAND

Kodiak Coast Guard Support Center, Alaska, $2,050,000.
Coronado Naval Amphibious Base, California, $2,100,000.
Miramar Naval Air Station, California, $4,900,000.
Eglin Air Force Base, Florida, $14,450,000.
Fort Campbell, Kentucky, $5,800,000.
Kirtland Air Force Base, New Mexico, $2,050,000.
Fort A.P. Hill, Virginia, $2,300,000.
Oceana Naval Air Station, Virginia, $2,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Diego Garcia Defense Fuel Support Point, $16,100,000.

DEFENSE MEDICAL FACILITIES OFFICE

Camp Essayons, Korea, $1,050,000.
Camp Humphreys, Korea, $2,350,000.
K-16 Army Airfield, Korea, $1,450,000.
Classified Location, $10,400,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $5,100,000.

NATIONAL SECURITY AGENCY

Classified Location, $4,490,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $2,100,000.

SEC. 1402. FAMILY HOUSING.

The Secretary of Defense may construct or acquire one family housing unit (including land acquisition), using amounts appropriated pursuant to section 1406(a)(11)(A), at a classified location in the total amount not to exceed $160,000.

SEC. 1403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 1406(a)(11)(A), improve existing military family housing units in an amount not to exceed $40,000.

SEC. 1404. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 1405 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 1404, in the amount of $358,800,000.

SEC. 1406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,331,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1401(a), $326,960,000.

(2) For military construction projects outside the United States authorized by section 1401(b), $26,940,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661, 100 Stat. 4035), as amended, $37,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189, 103 Stat. 1640), $40,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,000,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $15,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $79,700,000.

(8) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $633,600,000.

(9) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990, (Public Law 101-510), $100,000,000.

(10) For an energy conservation program under Section 2865 of title 10, United States Code, $30,000,000.

(11) For military family housing functions:

(A) For construction and acquisition of military family housing facilities, $200,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $26,000,000, of which not more than $21,664,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1992 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 1401(a) in the amount of $17,000,000.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 and authorized by law, the total cost of all projects carried out under section 1401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $147,100,000 for the amount authorized for projects funded by the Defense Business Operations Fund;

(3) $139,000,000 (the amount authorized for military construction under Section 1401(a) for the construction of the Hospital Replacement at Fort Bragg, North Carolina); and,

(4) $10,000,000 (the balance of the amount authorized for the construction of the Defense Logistics Headquarters at Fort Belvior, Virginia).

SEC. 1407. HOSPITAL, FORT BRAGG, NORTH CAROLINA.

The Secretary of Defense, may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401(a) to be constructed at Fort Bragg, North Carolina. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available, at the time the contract is entered into, for obligation under such contract.

SEC. 1408. DEFENSE LOGISTICS AGENCY, HEADQUARTERS BUILDING, FORT BELVOIR, VIRGINIA.

The Secretary of Defense, may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401(a) to be constructed at Fort Belvoir, Virginia. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available at the time the contract is entered into, for obligation under such contract.

SEC. 1409. TRANSFER AUTHORITY.

(a) NATO INFRASTRUCTURE.—If the Secretary of Defense (hereafter referred to in this section as Secretary) determines that funds authorized to be appropriated for contributions to the North Atlantic Treaty Organization Infrastructure program under section 2806 of title 10, United States Code, are in excess of the contributions required for the NATO Infrastructure program, the Secretary may use such excess to fund authorized Defense Agency projects.

(b) DEFENSE AGENCIES.—If the Secretary determines that it is necessary to make contributions in excess of the amount appropriated for the NATO Infrastructure program, under the authority of section 2806 of title 10, United States Code, the Secretary may transfer unobligated funds authorized to be appropriated for the Defense Agency projects into the NATO Infrastructure program.

TITLE V—GUARD AND RESERVE FORCES FACILITIES

SEC. 1501. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1991, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $50,400,000, and

(B) for the Army Reserve, $57,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,900,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $131,800,000, and

(B) for the Air Force Reserve, $20,800,000.

TITLE VI—EXPIRATION OF AUTHORIZATIONS

SEC. 1601. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, and IV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1993, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1994, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1993, or the date of the enactment of the Military Construction Authorizations Act for Fiscal Year 1994, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 1602. EFFECTIVE DATES.

Titles I, II, III, IV and V shall take effect as of October 1, 1991 or the date of enactment of the Military Construction Authorization Act for Fiscal Year 1992, whichever is later.

SUBDIVISION 2—FISCAL YEAR 1993

TITLE I—ARMY

SEC. 2201. AUTHORIZED ARMY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ARKANSAS

Pine Bluff Arsenal, $80,600,000.

CALIFORNIA

Sierra Army Depot, $2,300,000.

HAWAII

Schofield Barracks, $4,700,000.

LOUISIANA

Fort Polk, $17,500,000.

OREGON

Umatilla Army Depot, $117,200,000.

PENNSYLVANIA

Letterkenny Army Depot, $5,400,000.

TEXAS

Red River Army Depot, $3,100,000.

UTAH

Tooele Army Depot, $9,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Grafenwoehr, $12,200,000.

KWAJALEIN ATOLL

Kwajalein, $45,500,000.

TURKEY

Location 276, $3,000,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Army may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $436,000,000.

SEC. 2202. FAMILY HOUSING.

The Secretary of the Army may, using amounts appropriated pursuant to section 2204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,060,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing in an amount not to exceed $58,240,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,521,727,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $220,000,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $60,700,000.

(3) For unspecified minor military construction projects authorized under section 2805 of title 10, United States Code, $160,000,000.

(4) For repair of real property authorized by Section 2201(c), $436,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,100,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $69,300,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,407,627,000, of which not more than $379,881,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $85,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (4) of subsection (a); and

(2) $19,800,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

CALIFORNIA

Camp Pendleton, Marine Corps Base, $23,100,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $4,600,000.

GEORGIA

Albany, Marine Corps Logistics Base, $4,100,000.

HAWAII

Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,400,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $22,000,000.

SOUTH CAROLINA

Charleston, Naval Weapons Station, $600,000.

TENNESSEE

Memphis, Naval Air Station, $9,060,000.

TEXAS

Kingsville, Naval Air Station, $8,500,000.

VIRGINIA

Norfolk, Naval Station, $500,000.

Norfolk, Naval Supply Center, $12,400,000.

Oceana, Naval Air Station, $3,600,000.

Yorktown, Naval Weapons Station, $1,100,000.

WASHINGTON

Bremerton, Puget Sound Naval Shipyard, $1,400,000.

Silverdale, Strategic Weapons Facility Pacific, $25,940,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ICELAND

Keflavik, Naval Air Station, $2,000,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $3,000,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Navy may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $435,400,000.

SEC. 2202. FAMILY HOUSING.

The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to Section 2204(a)(6)(A) improve existing military family housing units in the amount of $2,000,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,538,000,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $82,800,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $5,000,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $142,000,000.

(4) For repair of real property authorized by Section 2201(c), $435,400,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $79,900,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $8,200,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $784,700,000, of which not more than $108,800,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (4) of subsection (a); and

(2) $15,500,000 for the amount authorized for projects funded by the Base Defense Operations Fund.

TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for

each of the installations and locations inside the United States:

ARIZONA

Davis-Monthan Air Force Base, $2,750,000.

CALIFORNIA

Castle Air Force Base, $4,200,000.

FLORIDA

Cape Canaveral Air Force Station, $34,000,000.

MISSOURI

Whiteman Air Force Base, $82,850,000.

NEBRASKA

Offutt Air Force Base, $1,350,000.

NORTH DAKOTA

Grand Forks Air Force Base, $5,100,000.
Minot Air Force Base, $1,400,000.

OHIO

Wright-Patterson Air Force Base, $5,600,000.

OKLAHOMA

Altus Air Force Base, $3,000,000.
Tinker Air Force Base, $900,000.

SOUTH CAROLINA

Charleston Air Force Base, $29,500,000.

TEXAS

Dyess Air Force Base, $7,500,000.
Kelly Air Force Base, $12,250,000.

VARIOUS LOCATIONS

Various Locations, $10,300,000.
Various Locations, $4,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, $20,200,000.

GREENLAND

Thule Air Base, $9,200,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Air Force may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $352,000,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) using amounts appropriated pursuant to section 2304(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Beale Air Force Base, California, housing office, $306,000.

(2) Moody Air Force Base, Georgia, housing maintenance facility, $290,000.

(3) Barksdale Air Force Base, Louisiana, housing maintenance and storage facility, $443,000.

(4) Minot Air Force Base, North Dakota, housing maintenance and storage facility, $237,000.

(5) Cannon Air Force Base, New Mexico, housing office, $480,000.

(6) Shaw Air Force Base, South Carolina, housing office, $351,000.

(7) Lajes Field, Portugal, water wells, $865,000.

(8) Hill Air Force Base, Utah, eighty-two units, $6,553,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,957,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), improve existing military family housing units in an amount not to exceed $168,518,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,947,500,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $191,900,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $29,400,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $153,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,200,000.

(5) For repair of real property authorized by Section 2302(c), $352,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $188,000,000; and

(B) For support of military housing (including functions described in Section 2833 of title 10, United States Code), $979,000,000 of which not more than $169,200,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (5) of subsection (a); and,

(2) $13,150,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for the following installation inside the United States:

DEFENSE NUCLEAR AGENCY

Eglin Air Force Base, $64,000,000.

(b) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of Defense may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $17,400,000.

SEC. 2402. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2403 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2402, in the amount of $266,200,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $803,600,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a) $32,000,000.

(2) For military construction projects at Fort Bragg, North Carolina by section 1401(a) of this Act, $20,000,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal years 1990 and 1991, $50,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $28,000,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $51,700,000.

(8) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $440,700,000.

(9) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2902 of the National Defense Authorization Act for fiscal year 1991 (P.L. 101-510, 104 Stat. 1810), $100,000,000.

(10) For repair of real property authorized by section 2401(b), $17,400,000.

(11) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $26,800,000, of which not more than $22,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (4) of subsection (a); and

(2) $32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida).

SEC. 2405. TRANSFER AUTHORITY.

(a) NATO INFRASTRUCTURE.—If the Secretary of Defense (hereafter referred to in this section as Secretary) determines that funds authorized to be appropriated for contributions to the North Atlantic Treaty Organization Infrastructure program under section 2806 of title 10, United States Code, are in excess of the contributions required for the NATO Infrastructure program, the Secretary may use excess to fund authorized Defense Agency projects.

(b) DEFENSE AGENCIES.—If the Secretary determines that it is necessary to make contributions in excess of the amount appropriated for the NATO Infrastructure program, under the authority of section 2806(c)1 of title 10, United States Code; the Secretary may transfer unobligated funds authorized to be appropriated for the Defense Agency projects into the NATO Infrastructure program.

TITLE V—GUARD AND RESERVE FORCES FACILITIES

SEC. 2501. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $54,100,000, and

(B) for the Army Reserve, $28,200,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $26,400,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $40,600,000, and

(B) for the Air Force Reserve, $36,700,000.

TITLE VI—EXPIRATION OF AUTHORIZATIONS

SEC. 1601. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATION AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, and IV for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1994, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1995, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1994, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1995, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 1602. EFFECTIVE DATES.

Titles I, II, III, IV, and V shall take effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for Fiscal Year 1993, whichever is later.

SUBDIVISION 3

TITLE VII—GENERAL PROVISIONS

SEC. 1701. CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233(a)(2) of title 10, United States Code, is amended by inserting "acquire, construct," immediately following "necessary to".

SEC. 1702. COST LIMITATION OF OPERATION AND MAINTENANCE FUNDED PROJECTS.

Section 2233a(b) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 1703. TEST OF LONG-TERM FACILITIES CONTRACT.

Section 2809(c) of title 10, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1704. LEASING OF MILITARY FAMILY HOUSING.

Section 2828(g)(8) of title 10, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1705. TURN-KEY SELECTION PROCEDURES.

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(1)";

(B) by inserting in the first sentence after "Secretary concerned" the following: "or director of the Defense Agency"; and

(C) by striking out "(2)" and inserting in lieu thereof "(b)"; and

(2) by striking out subsections (b) and (c).

SEC. 1706. ACQUISITION AND CROSS-SERVICING AGREEMENTS.

Section 2343 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Sections 2207 and 2306(b) of this title and section 3741 of the Revised Statutes (41 U.S.C. 22) shall not apply to acquisitions of military or family housing construction acquired through governments of the North Atlantic Treaty Organization for elements of the Armed Forces deployed in Europe and adjacent waters."

SEC. 1707. COST LIMITATION ON OPERATION AND MAINTENANCE AND UNSPECIFIED MINOR CONSTRUCTION FUNDED PROJECTS.

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000"; and

(2) in subsection (c), by striking out "$200,000", and inserting in lieu thereof "$300,000".

SEC. 1708. LIMITATION OF SPACE BY PAY GRADE.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Up to 300 square feet in multi-bedroom family housing units may be excluded for the applicable maximum net floor area prescribed by subsection (a) to provide indoor recreation space within existing space at locations in Alaska."

SEC. 1709. HOMEOWNERS ASSISTANCE PROGRAM.

Section 2832(b)(1)(B) of title 10, United States Code, is amended by striking out ", except that such funds may not be obligated after September 30, 1991." and inserting in lieu thereof a period.

SEC. 1710. EXTENSION OF BENEFITS UNDER HOMEOWNERS ASSISTANCE PROGRAM TO CERTAIN SERVICE MEMBERS OF EMPLOYERS TRANSFERRED OVERSEAS.

Section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) is amended—

(1) in subsection (b)(3) by striking out "unaccompanied by dependents"; and

(2) in subsection (b)(3), by striking out "fifteen months" and inserting in lieu thereof "three years,".

SEC. 1711. HEALTH, SAFETY AND ENVIRONMENTAL QUALITY EMERGENCY CONSTRUCTION.

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter III the following new section:

"§ 2864. Health, safety and environmental quality emergency construction

"(a) Subject to subsections (b) and (c), the Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines (1) that the project is vital to protection of the quality of the environment, health or safety and (2) the requirement for the project is so urgent that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with protection of health, safety and environmental quality. This section does not authorize a project that is otherwise eligible for funding under chapter 160.

"(b) When a decision is made to carry out a military construction project under this section, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, (2) the justification for carrying out the project under this section, and (3) a statement of the source of the funds to be used to carry out the project.

"(c)(1) The maximum amount that the Secretary concerned may obligate in any fiscal year under this section is $30,000,000.

"(2) A project carried out under this section shall be carried out within the total amount of funds appropriated for military construction that have not been obligated.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of such chapter is amended by adding at the end the following new item:

"2864. Health, safety and environmental quality emergency construction.".

SEC. 1712. CONVEYANCE OF JURISDICTION AND CONTROL OVER CERTAIN LANDS AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE.—The Secretary of Energy shall convey to the Secretary of Defense, without consideration, jurisdiction and control of the real property, including any improvements thereon, described in subsection (b) for use by the Department of Defense.

(b) DESCRIPTION OF PROPERTY.—(1) The real property referred to in subsection (a) is a tract of land located in Bernalillo County, New Mexico, in a portion of section 32, Township 10 North, Range 4 East, New Mexico principal meridian and consisting of approximately 60 acres.

(2) The exact acreage and legal description of the property referred to in paragraph (1) shall be determined by a survey satisfactory to the Secretary of Energy.

SEC. 1713. OPTIONS ON REAL PROPERTY.

Section 2677 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof:

"§ 2677. Options on real property";

(2) in subsection (a)—

(A) by inserting "or lease" after "acquisition"; and

(B) by striking out "for a military project of" and inserting in lieu thereof "by"; and

(3) by striking out the period at the end of subsection (b) and inserting in lieu thereof "or, in the case of an option to lease, an amount that is not more than 12 percent of the appraised annual fair market rental value of the property.".

SEC. 1714. MILITARY HOUSING RENTAL GUARANTEE PROGRAM.

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) in subsection (g), by adding the following new paragraph:

"(3) In addition to the contracts authorized by subsection (f) and paragraphs (1) and (2) of this subsection, the Secretary of each military department may enter into one or more agreements under this paragraph for not more than a total of 2,000 family housing units."; and

(2) in subsection (h), by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1715. WAIVER OF SECURITY DEPOSITS FOR MEMBERS RENTING PRIVATE HOUSING AUTHORITY TO INDEMNITY LANDLORD.

Section 1055 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking out ", to the extent funds are provided in advance in appropriation Acts," in the first sentence;

(2) by striking out "(b)(1)" and inserting in lieu thereof "(b)";

(3) by redesignating subparagraphs (A) through (F) of subsection (b)(1) as paragraphs (1) through (6);

(4) by redesignating subsection (b)(2) as subsection (d);

(5) in subsection (c)(1), by striking out "issue a special order under section 1007 of title 37 to authorize the withholding" and inserting in lieu thereof "may withhold";

(6) in subsection (c)(1) by inserting ", in accordance with section 1007 of title 37," after the word "member" and by deleting the immediately following word, "of,";

(7) by striking out subsection (c)(2);

(8) by redesignating subsection (d) as subsection (c); and

(9) by redesignating subsection (d) as subsection (e).●

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, February 14, 1991.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Years 1992/1993, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1992 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This Proposal would authorize appropriations for new construction and family housing support for the Active Forces as follows: $2,469,725,000 for the Department of the Army in Fiscal Year 1992 and $2,521,727,000 in Fiscal Year 1993; $1,537,700,000 for the Department of the Navy in Fiscal Year 1992 and $1,538,000,000 in Fiscal Year 1993; $2,143,400,000 for the Department of the Air Force in Fiscal Year 1992 and $1,947,500,000 in Fiscal Year 1993; and $1,331,400,000 for the Defense Agencies in Fiscal Year 1992 and $803,600,000 in Fiscal Year 1993. The proposal would authorize $358,800,000 for the United States's share of the NATO Infrastructure Program in Fiscal Year 1992 and $266,200,000 in Fiscal Year 1993. Title V, totaling $281,400,000 in Fiscal Year 1992 and $186,000,000 in Fiscal Year 1993, would authorize appropriations for the Guard and Reserve Forces. Title VI establishes the effective dates for the program. Title VII contains the general provisions.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

TERRENCE O'DONNELL.

By Mr. MOYNIHAN:

S. 876. A bill to amend the Head Start Act to fund the Head Start Program as an entitlement program, and for other purposes; to the Committee on Labor and Human Resources.

LEGISLATION TO MAKE HEAD START AN ENTITLEMENT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to make Head Start an entitlement. Last year's Head Start reauthorization provides for steady increases in the authorized level of funding for the program, from just over $2 billion in fiscal year 1991, to some $7.7 billion in fiscal year 1994. But the appropriation for the current fiscal year is still less than the authorized amount, and the President is asking for only $2 billion next year, less than half the authorized level.

Underfunding Head Start means shortchanging our future. That is what happens when we fail to provide educational opportunities to those children most at risk. At current funding levels, less than one-third of eligible children are enrolled in Head Start. New York City was able to reach only 15 percent of its eligible population in 1990. According to the Census Bureau and the Council of Great City Schools, urban children are only half as likely to have access to early childhood education as suburban children.

Our most able and revered mayor of New York, David Dinkins, is perhaps our Nation's greatest champion of Head Start. He knows its consequences for our future. In one of his very first initiatives, the mayor brought together in an urban summit 35 of our Nation's mayors on November 12 and 13, 1990. At the end of the summit they declared their support for making Head Start an entitlement. This is also supported by the National League of Cities.

Certainly more funding will not cure all the ills these children suffer. Among other things, we need the best teachers and the safest school environment for Head Start to meet its stated goals. If we don't provide access to Head Start for all those children in need we are doing less than we ought to provide opportunities for our youngest citizens, and those that will be our next generation.

I urge my colleagues to support this bill, and ask unanimous consent that the text be printed in the RECORD in full.

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

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENTITLEMENT.

(a) IN GENERAL.—Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to carry out this subchapter (other than section 651A), $4,273,000,000 for fiscal year 1992, $5,924,000,000 for fiscal year 1993, and $7,660,000,000 for fiscal year 1994.

"(b) LONGITUDINAL STUDY.—There are authorized to be appropriated and there are appropriated to carry out section 651A $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $2,000,000 for fiscal year 1994.

"(c) EXCLUSION FROM BUDGET.—Notwithstanding any other provision of law, amounts appropriated by this section shall not be counted as new budget authority, outlays, deficit, or surplus, for purposes of—

"(1) the budget of the United States Government as submitted by the President;

"(2) the congressional budget; or

"(3) the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1991.●

By Mr. DODD (for himself, Mr. HATFIELD, Mr. SARBANES, Mr. KERRY, Mr. LUGAR, and Mr. BRADLEY):

S. 878. A bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

● Mr. DODD. Mr. President, I rise today to introduce a singularly important piece of legislation—legislation that is urgent in its appeal, fundamental in its necessity, and heroic in its scope. It would bring the United States into an international coalition to protect and enhance the lives of all children—children overseas who are the victims of war and disease as well as children here in America who suffer from poverty and neglect.

The impetus for this act, as many of my colleagues know, was the World Summit for Children held in 1990. That extraordinary gathering of heads of state was convened because children throughout the world are under assault. Each year, 14 million children—that's 40,000 per day—die from largely preventable causes. Dehydration, for example, claims 8,000 lives daily in the developing world. In the United States, lack of prenatal care is associated with 46,000 deaths every year. Irrespective of

national economy or state of development, poverty, strife, neglect, and disease are needlessly shortening and crippling young lives and thereby threatening the futures of their parent societies.

The consensus of the world summit was to target specific goals to be met by the year 2000. Chief among them: the reduction of child mortality rates by at least one-third, access to basic education and completion of primary education by at least 80 percent of grade school-age children, and a halving of maternal mortality and preschool malnutrition rates. The world summit also charged national governments to adopt plans of action by the end of 1991. The United States was a principal participant of the summit and a signatory of its declaration and plan of action. This act, which I now introduce, fulfills our pledge and implements a U.S. plan of action on behalf of children. Moreover, it serves as a challenge for us—to match the easy, prochild rehtoric that has been a poor substitute for action to improve their lives.

The legislation has two parts. The international sections authorize increased funding for critical programs that benefit children. These include the Child Survival Fund, mainly for low-cost, high-yield measures such as immunizations and oral rehydration therapy, and UNICEF which has led the worldwide campaign to universally immunize children against six killer diseases. Likewise, basic education programs and efforts to distribute vitamin A. The vitamin A program, I might add, epitomizes the so much for so little aspects of this bill. Each dose of vitamin costs 3 cents; yet its deficiency has resulted in widespread blindness and mortality.

Noting that 2 million women of childbearing age are estimated to be infected with the AIDS virus, this legislation permanently authorizes the International AIDS Prevention and Control Fund. The bill also recognizes the plight of the 9 million child refugees worldwide. Refugee assistance is so often too little, too late. Consider the images of suffering from Turkey, Iraq, and Iran. Funding for refugee programs and for other severely disadvantaged children would be modestly increased.

We also, once again, call upon the President to sign the United Nations Convention on the Rights of the Child. This convention gives us the opportunity to make the welfare of our children a point of law—guaranteeing children, quite simply, the right to survival, protection, and safe development. This document has been signed by 135 heads of state. It is time that we parted company with the Governments of Iraq and Iran and those remaining few that have withheld their support.

The domestic sections of this act call for increased funding for Head Start and WIC—the Women, Infant, Child Program. WIC provides food supplements and nutrition education for pregnant women, infants, and small children who are at risk for malnutrition. Head Start is a preschool program for disadvantaged children ages 3 to 5. Both programs have long records of proven success and cost effectiveness. Every dollar invested in WIC reduces Medicaid spending by up to $3, because infant mortality is reduced and fewer babies are born premature or with low birthweight. Every dollar invested in Head Start saves $4.75 in later special education, crime, and welfare costs.

This legislation also authorizes additional funds to help develop and deliver new vaccines for children. We are currently witnessing a regression in preventable childhood diseases in America. Outbreaks of measles in Chicago correlate with startling rates of underimmunization throughout the country. It is clear, a priori, that underfunding immunization programs is a very, very expensive way to economize.

The strength of this legislation is that we know it will work. It supports programs that have repeatedly been shown to be effective and cost saving; there is no issue here of "will versus wallet." The nature of this legislation is urgent. The consequences of childhood disease, malnutrition, neglect, or abuse are unforgiving. Delayed help is too often help too late; the status quo for millions of children is simply not tenable.

To assess our progress, this legislation requires the President to report annually to Congress on the status of efforts to achieve the world summit goals. This simple proviso is important. It will be the yardstick by which we measure our faith and commitment to our heirs. Children have neither power, representation, nor influence. They simply represent our future and our legacy. It is indeed true that our national character can be measured by how we care for our children. This legislation is a test of our character which we must not fail.●

● Mr. HATFIELD. Mr. President, I am privileged today to join my colleague, Senator DODD, in sponsoring the World Summit for Children Implementation Act of 1991. We bring before you a bill that, if enacted, would begin to take steps toward solving many of the problems facing our children.

As we near the end of the 20th century, many more countries are turning to democracy and freedom, and still there are vast portions of our population dying each day from starvation and from diseases that could be prevented with a simple vaccine. Sadly, it is our children who are suffering most.

Last year there was held a summit unlike any other that has ever been held. At the World Summit for Children, the 71 Presidents and Prime Ministers in attendance made a promise to the children of the world. They set goals to eradicate child mortality and malnutrition, and to work toward guaranteeing education for all youth. These promises were not empty, Mr. President.

They were made with every intention of making good on them by the year 2000. Never before has there been a greater commitment to end the tragic and unnecessary misery faced by our children, and never before have organizations who fight for our children joined hands in a united coalition to meet these goals so quickly.

The United States, along with the other 159 nations represented at the World Summit for Children, developed a blueprint to provide the needed aid. Today, Senator DODD and I present the World Summit for Children Implementation Act of 1991, which is a direct result of the goals set at the summit. This legislation builds upon the success of several existing programs, both domestic and international. It is consistent, I believe, with the targets and goals of many of us in Congress and as the ranking Republican on the Senate Appropriations Committee I am committed to doing all that I can to meet these goals within this fiscal year.

For the Women, Infants, and Children Program, the bill calls for an increase in funding. The WIC Program has already demonstrated success in reducing the infant mortality rate, the number of premature births, and the percentage of infants born at low birth weight or with disabilities. Still, worldwide there are 40,000 children dying each day of hunger and infection. Approximately 500,000 women are dying each year—one woman each minute—because something has gone wrong in pregnancy or childbirth.

Passage of this bill would increase funding for education of children. The Head Start Program has also shown great success, but requires additional funding in order to provide needed education to all eligible 3- and 4-year-old children. The World Summit for Children called for basic education for all children, and set goals to improve upon the great number of children who are not attending school. More than 110 million children in the developing world lack access to primary education.

Other programs, such as the children's vaccine initiative, and the international infant and child mortality provisions, are designed to address the worldwide health threats which claim the lives of over 14 million children under 5 each year. We know that many of these deaths are preventable so long as the money and the infrastructure to deliver services are available.

Mr. President, I'd like to mention perhaps the most tragic of circumstances of some children—the plight of the refugee child. As the Iraq exodus continues, we have been acutely sensitized to the displaced and especially aware of the toll that it has taken on the children. But as one who has long been involved as a refugee advocate, I can attest to the numbing effect the sheer numbers of displaced people can cause at times. I have spoken many times about compassion fatigue many times and remain concerned that we not remove refugees from our priority list whenever we discuss our humanitarian programs.

Indeed, the refugee disaster in northern Iraq among the Kurdish people is an atrocity that continues daily, and yet it is only a small percentage of the vast numbers of people displaced around the world. Children are especially vulnerable to disease and deaths which occur among refugee people. An estimated 7 million children are now growing up in refugee camps—for many of them it is the only home they have known—and we have got to offer them some hope for their futures.

The difficulties facing children are seemingly endless, and yet we place our greatest optimism with our young. The World Summit for Children confirmed the value of the life of each and every child. The legislation we are introducing today will join the U.S. Government fully and completely with the other nations of the world and with over 40 interest groups to insure the survival of that which is most precious to us—a child.●

By Mr. HATFIELD (for himself, Mr. KASTEN, Mr. DODD, and Mr. BRADLEY):

S.J. Res. 126. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHIDREN'S DAY

● Mr. HATFIELD. Mr. President, from the first strikes by the elusive stealth fighters to the pinpoint accuracy of our cruise missiles, the men and women who served in the Persian Gulf war were the best equipped, best trained forces this country has ever sent into battle. One of my most vivid memories of the conflict has been and will remain the sights of a Patriot missile streaking into the night sky over Dhahran and Tel Aviv and suddenly finding their target with a brilliant flash of light.

I did not support that war, but it is truly remarkable what a decade has done for our Nation's military when it has enjoyed increasing budgetary and political attention in the name of national security. However, it is not the Persian Gulf war which I want to talk about today. I would like to talk about our children—children who are more important to our Nation's security than any stealth fighter, Patriot missile, or M1-A1 tank.

Mr. President, I rise before you today to introduce a joint resolution designating the second Sunday in October as National Children's Day. I do this in hope of sparking a debate over how we as legislators can help prevent the children of this country from slipping through the cracks. It has been my longstanding belief that our children are this Nation's most valuable resource and we as legislators ought to set aside a day to recognize this simple fact.

As good as the 1980's were for the military, what has happened to the children of this country? Many of the key measures of children's well-being dramatically indicate that the 1980's were a terrible decade. Child poverty, violent deaths among teenagers, and births to unmarried teens all increased substantially. One American child in five now lives in poverty. Another one in five children lives with a single parent. By the year 2000, both numbers will be one in four if current trends continue.

Allow me to give even more startling statistics. Every day 135,000 children take a gun to school. Every 32 seconds, a 15- to 19-year-old woman becomes pregnant. Every 55 seconds, a child is born to a mother who does not even hold a high school diploma. And finally, every 14 hours, a child the age of 5 or younger is murdered.

America's future depends on us to reverse these trends, Mr. President. America's future depends on whether we are willing to help our children today.

Today, children in this, the richest country on earth, are falling asleep in class because their families cannot find adequate shelter for the night, children whose stomachs hurt because they have no food to eat before or during school, and children who cannot concentrate because they are still shaken up from last night's beating. Most of these children are not going to break the cycles of poverty and despair without our help.

Children who are well nourished at school or at home do better on achievement tests. Children who have adequate shelter to get a good night's sleep have better attention spans. And children whose parents get counseling on parenting and support are more likely to reach their intellectual potential. We as legislators are in a position to understand these connections.

Yet the problems still exist. The American taxpayers spend billions of dollars every year on the military, yet we cannot find enough money to help the children of the United States break the cycles of poverty. I agree with the words of Marian Edelman of the Children's Defense Fund that we as a Nation are guilty of economic child neglect.

Congress must now do what makes sense—what is not only fiscally wise but also morally correct. We must commit ourselves to helping provide the underprivileged, unwanted, uneducated, and disabled children of this country with the basic needs to break the grip of poverty. In 1990, we touched the tip of the iceberg. Among other things, we took important steps in child care and early childhood education by passing comprehensive child care legislation. We also reauthorized and expanded Head Start Programs for preschoolers. However, this is only a beginning.

The 1980's was the decade of military buildup with remarkable results. Let us make the 1990's the decade of poverty prevention for our Nation's children and see if we can have the same kind of impact on the children as we did on our military arsenal.●

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 102

At the request of Mr. COHEN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 173

At the requst of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 202

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 202, a bill to amend the Fair Labor Standards Act of 1938 to exempt from such Act certain individuals involved in model garment programs, and for other purposes.

S. 253

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 253, a bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

At the request of Mr. REID, his name was added as a cosponsor of S. 253, supra.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 405

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 405, a bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment.

S. 471

At the request of Mr. MCCAIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 471, a bill to protect consumers by regulating certain providers of 900 telephone services.

S. 489

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 489, a bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Minnesota [Mr. DURENBERGER] 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 such environmental laws and requirements.

S. 602

At the request of Mr. SASSER, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 651

At the request of Mr. GARN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 685

At the request of Mr. GLENN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 715

At the request of Mr. BURNS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 786

At the request of Mr. PELL, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

At the request of Mr. MOYNIHAN, the names of the Senator from Colorado [Mr. WIRTH], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 786, supra.

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 786, supra.

S. 795

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 795, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 809

At the request of Mr. MCCAIN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 809, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 845

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. GARN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. BRYAN], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Washington [Mr. GORTON], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. BROWN], the Senator from California [Mr. CRANSTON], the Senator from Utah [Mr. HATCH], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], and the Senator

from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. INOUYE, the names of the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SHELBY], the Senator from Vermont [Mr. JEFFORDS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Colorado [Mr. BROWN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week" for 1992.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 78

At the request of Mr. HOLLINGS, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Resolution 78, a resolution to disapprove the request of the President for extension of the fast track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974.

SENATE CONCURRENT RESOLUTION 29—ORIGINAL CONCURRENT RESOLUTION REPORTED SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT

Mr. SASSER, from the Committee on the Budget, reported the following original concurrent resolution; which was placed on the calendar:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1992.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social Security.
Sec. 6. Major functional categories.
Sec. 7. Sale of Government assets.
Sec. 8. Accounting treatment of Social Security revenues.
Sec. 9. Reserve fund for family and economic security initiatives.
Sec. 10. Sense of the Congress in support of children and the family.
Sec. 11. High priority domestic discretionary programs.
Sec. 12. Fairness in Federal program benefits.
Sec. 13. Veterans' programs.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $847,100,000,000.
Fiscal year 1993: $913,400,000,000.
Fiscal year 1994: $1,000,500,000,000.
Fiscal year 1995: $1,078,400,000,000.
Fiscal year 1996: $1,147,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,268,000,000,000.
Fiscal year 1993: $1,269,300,000,000.
Fiscal year 1994: $1,295,700,000,000.
Fiscal year 1995: $1,334,900,000,000.
Fiscal year 1996: $1,399,000,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,198,300,000,000.
Fiscal year 1993: $1,200,800,000,000.
Fiscal year 1994: $1,159,100,000,000.
Fiscal year 1995: $1,196,200,000,000.
Fiscal year 1996: $1,255,600,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $351,200,000,000.
Fiscal year 1993: $287,400,000,000.
Fiscal year 1994: $158,600,000,000.
Fiscal year 1995: $117,800,000,000.
Fiscal year 1996: $107,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,989,200,000,000.
Fiscal year 1993: $4,353,100,000,000.
Fiscal year 1994: $4,593,100,000,000.
Fiscal year 1995: $4,793,700,000,000.
Fiscal year 1996: $4,981,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.
Fiscal year 1993: $15,600,000,000.
Fiscal year 1994: $15,500,000,000.
Fiscal year 1995: $15,600,000,000.
Fiscal year 1996: $15,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $113,700,000,000.
Fiscal year 1993: $117,500,000,000.
Fiscal year 1994: $120,900,000,000.
Fiscal year 1995: $125,100,000,000.
Fiscal year 1996: $129,300,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.
Fiscal year 1993: $87,200,000,000.
Fiscal year 1994: $90,700,000,000.
Fiscal year 1995: $94,400,000,000.
Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $422,000,000,000.
Fiscal year 1993: $363,900,000,000.
Fiscal year 1994: $240,000,000,000.
Fiscal year 1995: $200,600,000,000.
Fiscal year 1996: $187,600,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $875,500,000,000.
Fiscal year 1993: $1,013,800,000,000.
Fiscal year 1994: $1,167,500,000,000.
Fiscal year 1995: $1,335,900,000,000.
Fiscal year 1996: $1,517,700,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The appropriate levels of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $315,300,000,000.
Fiscal year 1993: $338,700,000,000.
Fiscal year 1994: $365,500,000,000.
Fiscal year 1995: $389,800,000,000.
Fiscal year 1996: $417,200,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The appropriate levels of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $250,200,000,000.
Fiscal year 1993: $262,600,000,000.
Fiscal year 1994: $273,400,000,000.
Fiscal year 1995: $283,300,000,000.
Fiscal year 1996: $292,800,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.
(B) Outlays, $295,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $290,900,000,000.
(B) Outlays, $292,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $289,100,000,000.
(B) Outlays, $291,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $292,000,000,000.
(B) Outlays, $292,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $300,600,000,000.
(B) Outlays, $297,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1992:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1993:
(A) New budget authority, $22,100,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.
Fiscal year 1994:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $19,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $7,500,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.
Fiscal year 1995:
(A) New budget authority, $21,600,000,000.
(B) Outlays, $19,800,000,000
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.
Fiscal year 1996:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $20,100,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.
(E) New secondary loan guarantee commitments, $500,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1992:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $16,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $16,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $16,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1992:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $4,500,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $5,200,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $5,300,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $4,500,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $4,500,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1992:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $19,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $19,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $21,200,000,000.
(B) Outlays, $21,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1992:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $7,500,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $19,200,000,000.
(B) Outlays, $15,700,000,000.
(C) New direct loan obligations, $7,300,000,000.
(D) New primary loan guarantee commitments, $7,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $14,300,000,000.
(C) New direct loan obligations, $7,100,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $6,800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $6,800,000,000

(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1992:
(A) New budget authority, $105,900,000,000.
(B) Outlays, $105,100,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $66,600,000,000.
(E) New secondary loan guarantee commitments, $83,400,000,000.
Fiscal year 1993:
(A) New budget authority, $57,700,000,000.
(B) Outlays, $53,900,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $69,200,000,000.
(E) New secondary loan guarantee commitments, $86,800,000,000.
Fiscal year 1994:
(A) New budget authority, $38,700,000,000.
(B) Outlays, $30,200,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $71,800,000,000.
(E) New secondary loan guarantee commitments, $90,200,000,000.
Fiscal year 1995:
(A) New budget authority, $21,100,000,000.
(B) Outlays, $42,000,000,000.
(C) New direct loan obligations, $2,900,000,000
(D) New primary loan guarantee commitments, $74,500,000,000.
(E) New secondary loan guarantee commitments, $9,900,000,000.
Fiscal year 1996:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $38,300,000,000.
(C) New direct loan obligations, $3,000,000,000
(D) New primary loan guarantee commitments, $77,300,000,000.
(E) New secondary loan guarantee commitments, $97,600,000,000.
(8) Transportation (400):
Fiscal year 1992:
(A) New budget authority, $32,200,000,000.
(B) Outlays, $33,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $33,500,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $34,100,000,000.
(B) Outlays, $33,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $35,000,000,000.
(B) Outlays, $34,300,000,000.
(C) New direct loan obligations, $100,000,000
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $36,400,000,000.
(B) Outlays, $36,700,000,000.
(C) New direct loan obligations, $100,000,000
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1992:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $1,500,000,000
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1992:
(A) New budget authority, $54,200,000,000.
(B) Outlays, $48,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $12,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $53,700,000,000.
(B) Outlays, $51,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $12,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $52,900,000.
(B) Outlays, $51,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $53,200,000,000.
(B) Outlays, $51,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $54,800,000,000.
(B) Outlays, $49,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $13,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1992:
(A) New budget authority, $82,900,000,000.
(B) Outlays, $83,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $92,900,000,000.
(B) Outlays, $92,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $102,200,000,000.
(B) Outlays, $101,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $112,300,000,000.
(B) Outlays, $111,100,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $124,500,000,000.
(B) Outlays, $123,800,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1992:
(A) New budget authority, $120,000,000,000.
(B) Outlays, $116,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $131,300,000,000.
(B) Outlays, $128,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $145,300,000,000.
(B) Outlays, $141,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $161,700,000,000.
(B) Outlays, $157,200,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $180,800,000,000.
(B) Outlays, $176,200,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1992:
(A) New budget authority, $221,300,000,000.
(B) Outlays, $180,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $229,200,000,000.
(B) Outlays, $188,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $240,600,000,000.
(B) Outlays, $198,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $253,400,000,000.
(B) Outlays, $207,900,000,000.
(C) New direct loan obligations, $100,000,000
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $266,100,000,000.
(B) Outlays, $217,100,000,000.
(C) New direct loan obligations, $100,000,000
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1992:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $8,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $9,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $10,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $8,400,000,000.
(B) Outlays, $11,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1992:
(A) New budget authority, $33,400,000,000.
(B) Outlays, $33,500,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $18,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $34,900,000,000.
(B) Outlays, $34,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $19,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $35,000,000,000.
(B) Outlays, $36,300,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $19,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $35,700,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $20,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $36,300,000,000.
(B) Outlays, $35,100,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $21,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1992:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,700,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $14,500,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1992:
(A) New budget authority, $13,300,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $14,200,000,000.
(B) Outlays, $14,100,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1992:
(A) New budget authority, $235,400,000,000.
(B) Outlays, $235,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $253,000,000,000.
(B) Outlays, $253,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $268,800,000,000.
(B) Outlays, $268,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $280,400,000,000.
(B) Outlays, $280,400,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $292,500,000,000.
(B) Outlays, $292,500,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) The corresponding levels of gross interest on the public debt are as follows:
Fiscal year 1992: $312,800,000,000.
Fiscal year 1993: $337,900,000,000.
Fiscal year 1994: $357,000,000,000.
Fiscal year 1995: $369,900,000,000.
Fiscal year 1996: $380,700,000,000.
(20) Allowances (920):
Fiscal year 1992:
(A) New budget authority, $0.
(B) Outlays, −$16,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $0.
(B) Outlays, −$12,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $0.
(B) Outlays, −$76,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $0.
(B) Outlays, −$14,600,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $0.
(B) Outlays, −$22,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
(A) Fiscal year 1992:
(A) New budget authority, −$32,600,000,000.
(B) Outlays, −$32,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $−33,300,000,000.
(B) Outlays, −$33,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$33,900,000,000.
(B) Outlays, −$33,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$34,500,000,000.
(B) Outlays, −$34,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of allocations and points of order under sections 302, 601, and 602 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302, 601, or 602 of that Act.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Congress should not enact—

(A) major spending changes to the Social Security system; or

(B) major revenue changes to the Social Security system,

without a fair and open debate of the budgetary consequences of those changes in the context of the concurrent resolution on the budget; and

(2) the Congress should not enact major reductions in Social Security revenues unless the current actuarial estimates of the Social Security Trust Funds over the next 75 years indicate the Trust Funds are actuarially sound.

(b) ACCOUNTING TREATMENT.—For purposes of allocations and points of order under sections 302 and 311 of the Congressional Budget and Impoundment Control Act of 1974 with respect to this concurrent resolution on the budget, the amounts by which estimated Social Security revenues (excluding Social Security revenues provided for in the bill, resolution, amendment, or conference report with respect to which this paragraph is applied) exceed the appropriate level of Social Security revenues specified in this concurrent resolution on the budget shall not be—

(1) deemed to reduce Social Security outlays;

(2) allocated to a committee as outlays; or

(3) scored as outlays with respect to the level of Social Security outlays,

under a committee's allocation under section 302 of that Act or the appropriate level of Social Security outlays specified in this concurrent resolution on the budget.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and

(2) no provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to improve the health and nutrition of children and to provide for services to protect children and strengthen families.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) ECONOMIC RECOVERY INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for economic recovery initiatives for unemployment compensation or other, related programs.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and

602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL AMERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to make continuing improvements in ongoing health care programs or to begin phasing in health insurance coverage for all Americans.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(d) EXPAND ACCESS TO EARLY CHILDHOOD DEVELOPMENT SERVICES FOR LOW-INCOME PRE-SCHOOLERS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for low-income pre-schoolers when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to expand access to early childhood development services for low-income pre-schoolers.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(e) TO FUND SURFACE TRANSPORTATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for surface transportation when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for legislation that increases funding for surface transportation.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SEC. 10. SENSE OF THE CONGRESS IN SUPPORT OF CHILDREN AND THE FAMILY.

It is the sense of the Congress that if a surtax on the income of millionaires is enacted, then the revenue generated by such a surtax will be used to offset a commensurate increase in direct tax assistance to families, which will include increasing dependent exemptions and tax credits for children.

SEC. 11. HIGH PRIORITY DISCRETIONARY PROGRAMS.

(a) FINDING.—The Congress finds that, within the current inventory of Federal programs and projects (both domestic and defense), there are inefficient, parochial, and outdated programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, within the discretionary allocations included in this concurrent resolution on the budget, the Committees on Appropriations should—

(1) consider proposals to terminate substandard and inefficient projects and programs in 1992;

(2) reduce the Federal investment in outdated projects and programs; and

(3) reallocate those resources to higher-priority discretionary programs and projects.

SEC. 12. FAIRNESS IN FEDERAL PROGRAM BENEFITS.

(a) FINDINGS.—The Congress finds that—

(1) Federal spending for all segments of the population has grown significantly over the last 2 decades, and that Federal benefits increasingly have been provided not necessarily to those with low pre-Federal transfer incomes, but to those who have pre-transfer incomes above their poverty thresholds;

(2) substantial amounts of Federal Government spending, nearly $26.5 billion in calendar year 1989, went to households with incomes that put them in the top 20 percent of all households; and

(3) Government assistance in the form of—

(A) school lunch subsidies which are provided to all participating students regardless of family income;

(B) direct income support payments to farmers with incomes over $125,000 per annum;

(C) low-cost loans to students from higher income families, and at times, awarded without regard to family income;

(D) nonstandardized benefit structures for payments to survivors of service persons whose death occurred while on active duty or as a result of service-connected illness; and

(E) large subsidies for the wealthiest medicare beneficiaries,

continues to grow unabated.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that legislation should be enacted to provide a wiser, more fair and more equitable distribution of Federal benefits. Subsidies that are provided to the wealthiest segments of our society should be either redirected to provide more assistance to the poor and the underprivileged, or applied to further deficit reduction.

SEC. 13. VETERANS' PROGRAMS.

It is the sense of the Congress that—

(1) veterans' programs are a top National priority and that there are critical needs, particularly in the area of veterans medical care which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veterans' benefit programs; and

(2) the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1990 placing limits on the estate size of incompetent veterans without dependents may be inconsistent with the Americans with Disabilities Act (Public Law 101-336) and therefore discriminatory; the committees of jurisdiction should consider modifying these provisions on a deficit-neutral basis to provide alternate methods for achieving the budget savings assumed within that Act.

SENATE EXECUTIVE RESOLUTION 104—RELATIVE TO THE RETURN OF CERTAIN TREATY AMENDMENTS

Mr. PELL, from the Committee on Foreign Relations, reported the following original executive resolution; which was placed on the Executive Calendar:

S. EXEC. RES. 104

Resolved, That the Secretary of the Senate is directed to return to the President of the United States, as requested in his message to the Senate under date of March 19, 1991, the following treaties:

1. A 1979 Amendment to Regulation 49(4)(b) of Annex II of the International Convention on Load Lines, 1966, adopted at London November 15, 1979 (Treaty Document 97-14, 97th Congress, 1st Session).

2. The 1983 Amendments to Regulations 47 and 48 of Annex II of the International Convention on Load Lines, 1966, adopted at London November 17, 1983 (Treaty Document 100-12, 100th Congress, 2nd Session).

SENATE RESOLUTION 105—RECOGNIZING THE CONTRIBUTIONS OF THE HUGOTON GAS FIELD TO THE NATION

Mr. DOLE (for himself and Mrs. KASSEBAUM) submitted the following

resolution; which was considered and agreed to:

S. RES. 105

Whereas the Hugoton Gas Field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton Gas Field has been a major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean Conflict, and the Vietnam War;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton Gas Field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton Gas Field is recognized for its important contributions to the Nation.

SENATE RESOLUTION 106—RELATIVE TO DEMOCRACY AND HUMAN RIGHTS IN YUGOSLAVIA

Mr. DOLE (for himself, Mr. SYMMS, Mr. PELL, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas in 1990 four of the six republics in Yugoslavia elected non-communist democratic governments;

Whereas in 1990 two republics in Yugoslavia elected communist governments;

Whereas in 1990 the provinces of Kosova and Vojvodina were stripped of their autonomous status by the government of the Republic of Serbia;

Whereas the U.S. Department of State's 1990 annual report on human rights states that, "in the province of Kosova, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians."

Whereas the Yugoslav Army has threatened the use of military force to undermine the democratic republics of Yugoslavia and to suppress human rights in the province of Kosova and elsewhere;

Whereas despite continuous and good-faith efforts by the democratic republics to come to a negotiated agreement on the future structure of Yugoslavia, there remains a threat of a military crackdown;

Whereas the political situation in Yugoslavia is highly uncertain: Now, therefore, be it

Resolved, That:

SECTION 1: United States policy toward Yugoslavia should be based on support for democracy and human rights for all of the people of Yugoslavia.

SEC. 2: The Senate calls on Serbian President Slobodan Milosevic to cease all repressive policies against the Albanian population of Kosova.

SEC. 3: The Senate calls on Yugoslav President Jovic and the Yugoslav Army to refrain from the use of coercive tactics and force against the democratically elected governments of the republics of Bosnia-Hercegovina, Croatia, Macedonia and Slovenia.

SEC. 4: The Senate notes that the criteria established in Section 599A of P.L. 101-513 have not been met by the Yugoslav and Serbian governments.

SEC. 5: In the event of a military crackdown by the Yugoslav Army or the imposition of martial law in Yugoslavia, the President should immediately suspend all economic and technical benefits provided by the United States to Yugoslavia.

SENATE RESOLUTION 107—CONCERNING FREEDOM AND HUMAN RIGHTS FOR TIBET

Mr. MOYNIHAN (for Mr. PELL, for himself, Mr. HELMS, Mr. MITCHELL, Mr. DOLE, Mr. MOYNIHAN, Mr. CRANSTON, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas during the past four decades, repressive actions by the Chinese Government have resulted in the deaths of as many as one million Tibetans, the destruction of a large part of Tibet's unique cultural heritage, the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland;

Whereas the United States Department of State, human rights organizations including Amnesty International and Asia Watch, and the international press continue to report human rights violations in Tibet, including the use of excessive force on peaceful demonstrations, arbitrary arrest and detention, unfair trials, torture and death from torture, the restriction of religious practices, and systematic pattern of discrimination, among other violations;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for the peaceful expression of their political, cultural and religious views, including Tamdin Sithar, Yulo Dawa Tsering, Turing Chungdak, Ngawang Puchung, Tseten Norgye, Lhakpa Tsering, Dawa Dolma, Tenzin Phuntsog, Ayal Tsering, and Ngawang Youdon;

Whereas in 1960 the International Commission of Jurists' report on Tibet stated that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law": Now, therefore, be it

Resolved by the Senate that, the Senate commends the President for his historic meeting with His Holiness the Dalai Lama of Tibet;

It is the sense of the Senate that the Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them; and

It is the sense of the Senate that all Americans are united on the goals of freedom and human rights for Tibet.

SENATE RESOLUTION 108—RELATIVE TO THE ILLNESS OF THE HONORABLE DAVID PRYOR, A SENATOR FROM THE STATE OF ARKANSAS

By Mr. BUMPERS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WIRTH) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas our esteemed colleague, David Pryor, is in George Washington University Hospital recovering from an illness; and

Whereas his exemplary service in state and national public offices merits the respect and admiration of his colleagues; and

Whereas his recent illness requires him to be absent from the United States Senate: Now, therefore, be it

Resolved, That the Senate express its regret that Senator Pryor's illness will require his absence from the Senate chamber; and be it further

Resolved, That the Senate express its heartfelt wishes to Senator Pryor for a speedy and complete recovery, and that he return to this duties, serving the people of Arkansas, in the very near future.

AMENDMENTS SUBMITTED

FUTURES TRADING PRACTICES ACT

WIRTH (AND OTHERS) AMENDMENTS NO. 71

Mr. WIRTH (for himself, Mr. BOND, Mr. RIEGLE, Mr. DODD, and Mr. GARN) proposed an amendment, which was subsequently modified, to the bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the U.S. financial markets by providing for Federal oversight of

margins on stock index futures, clarifying jurisdiction over innovative financing products and providing mechanisms for addressing intermarket issues, and for other purposes, as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermaket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 72

Mr. MCCONNELL (for Mr. MCCAIN, for himself, Mr. SIMON, and Mr. MCCONNELL) proposed an amendment to the bill (S. 253) to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions, as follows:

On page 7, line 3 insert the following additional language before the word "there":

"Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland, on May 8, 1977, which provides in Article 1 that: Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and,"

PELL AMENDMENT NO. 73

Mr. GORE (for Mr. PELL) proposed an amendment to the bill S. 253, supra, as follows:

On page 11, line 19, strike all beginning with (3) through State on line 20 and insert the following:

(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. April 18, 1991, to consider S. 341.

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

COMMITTEE ON FOREIGN RELATIONS.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 10 a.m. to hold a business meeting to consider and vote on pending business.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 18, 1991, at 10 a.m., to hold a hearing on "Crime Control—The Administration's View."

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 9:30 a.m., for a hearing on the subject: "Alcohol Dependency: Are Veterans Getting the Health Care They Need?"

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence, of the Committee on Armed Services be authorized to meet in closed session on Thursday, April 18, 1991 at 2 p.m. to receive testimony on recent developments in Soviet strategic forces in review of the fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate Thursday, April 18, 1991, at 2 p.m. to conduct a hearing on the reauthorization of the urban mass transportation act.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 18, 1991, at 9 a.m., to receive testimony on Department of Energy National Security Programs in the fiscal years 1992-93 national defense authorization request.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 18, 1991, at 9:15 a.m. to hold a hearing on the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade [GATT].

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

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday,

April 18, beginning at 9:30 a.m., to conduct a hearing on the Civilian Radioactive Waste Program of the Department of Energy.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 2 p.m. to hold a hearing to review the fiscal year 1992 foreign assistance request for the Western Hemisphere.

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

ADDITIONAL STATEMENTS

THE RETIREMENT OF MAJ. GEN. KEITHE E. NELSON, THE JUDGE ADVOCATE GENERAL, U.S. AIR FORCE

• Mr. CONRAD. Mr. President, I rise today to pay tribute to a fellow North Dakotan, Maj. Gen. Keithe E. Nelson, the Judge Advocate General of the U.S. Air Force. General Nelson is retiring from the Air Force having completed over 31 years of distinguished service. We owe him a debt of gratitude for his many contributions to his Nation and the legal profession.

General Nelson was born in Grand Forks, ND, and is an alumnus of the University of North Dakota, where he received an undergraduate degree in philosophy in 1958 and a bachelor of laws degree in 1959. He was commissioned an officer in the Air Force through the Reserve Officer Training Corps at the university in June 1958 and entered active duty in August 1959.

General Nelson has held many challenging positions in assignments throughout the world and excelled in every one. In 1985, he was appointed the Deputy Judge Advocate General of the Air Force, and was elevated to his present duties in 1988.

I know General Nelson will be truly missed. His colleagues know him as a gentleman, a superior officer, and a lawyer's lawyer. One of General Nelson's primary concerns has been the morale and welfare of Air Force personnel and their families. He translated his concerns into direct action by revitalizing and improving the outstanding legal assistance programs which serve all Air Force personnel, their dependents, and retirees. He also spearheaded the implementation of the total force concept in the Judge Advocate General's department and is largely responsible for the extremely effective combination of active, reserve, and air national guard legal support enjoyed by today's Air Force and demonstrated so impressively in Operations Desert Shield and Storm. Finally, I must emphasize the principles of professionalism, integrity, vision, and dedication he has lived by and instilled in his subordinates throughout his career. The Air Force and the Judge Advocate General's department have benefited immeasurably from his leadership.

The Air Force has recognized General Nelson's accomplishments with numerous decorations and awards, including the Air Force Commendation Medal, the Meritorious Service Medal, the Legion of Merit, and upon his retirement, the Distinguished Service Medal. General Nelson will return to North Dakota and continue his service to the public and the legal profession as the director of Judicial Planning and Research for the North Dakota Supreme Court.

I know I speak for my colleagues in the Congress and for our Nation in thanking General Nelson for his dedication to duty and wishing him success in his future endeavors.•

A SALUTE TO THE CHINESE AMERICAN SERVICE LEAGUE

• Mr. DIXON. Mr. President, I would like to take this opportunity to honor the Chinese American Service League [CASL], an organization dedicated to solving the problems faced by Chinese-American residents and immigrants in Chicago, as the league members receive the prestigious Sara Lee Foundation 1991 Chicago Spirit Award.

CASL was founded in 1978 by a group of Chinese-American professionals concerned about the assimilation of Chicago's 35,000 Chinese immigrants into their new American home at a time when there was a severe lack of social services catering to their special needs. With one eye on making the transition from the old country a little easier and the other on helping new arrivees retain their wondrous Chinese culture, the CASL established free English translation services, individual and family counseling, and support for elderly immigrants.

From these humble origins, the CASL has developed into the largest and most viable social service agency for Chinese-Americans in Chicago. Their services have helped more than 14,000 Chinese-Americans make the transition to their new land. CASL now also provides employment counseling, immigration services, day care vocational training, health screening, and energy assistance as means of further aiding new arrivals.

CASL's success can be traced to the committed volunteers who selflessly give of their time and energies to make the organization an integral part of Chicago's burgeoning Asian community. I would like to especially commend Mark Chan, president of the board of directors of the CASL, and Bernarda Wong, executive director of CASL, for their exemplary service, not only to Chinese-Americans, but to the entire city of Chicago and the State of Illinois.

Mr. President, I salute the CASL and congratulate its members on their wonderful achievements. They truly are a magnificent point of light for the city of Chicago and the State of Illinois.•

THE RAIL LABOR AGREEMENT

• Mr. WELLSTONE. Mr. President, I rise to outline for the record my position on the emergency resolution passed by the Senate late last night. As a member of the Labor and Human Resources Committee, I have in recent weeks been in close touch with all parties to these negotiations, and worked with my colleagues on the committee trying to craft a fair and reasonable compromise agreement. I am grateful to Chairman KENNEDY, ranking minority member HATCH, and Senator METZENBAUM, chairman of the Labor Subcommittee, who worked so long and hard to develop this final agreement.

In the last 30 years, we have had only a relatively few occasions where Congress has acted regarding a strike in the rail industry. None of those disputes has involved such deep disagreements on such complex and contentious issues as these negotiations, including working conditions, wages, health care, seniority districts, and a host of other issues. There are 98 carriers, 11 national unions, and over 230,000 rail industry employees covered by the procedures outlined in this resolution.

House Joint Resolution 222 embodies two important principles. First, it respects the principle of collective bargaining by establishing a 65-day process for further negotiations between the parties refereed by a new advisory board composed of a former member of Presidential Emergency Board 219 and two new members who will hopefully offer a fresh perspective on the issues. It is my hope that this process will result in voluntary, mutual agreements by the parties on items on which they continue to disagree.

Second, the agreement fulfills our obligation to the American public by requiring the parties to return to work immediately, avoiding the dramatic economic effects of a nationwide railroad work stoppage.

I must say candidly, Mr. President, I was disappointed in some of the terms of the final agreement. I am concerned that one of the major pillars of the social compact between labor and management in this country, the right to strike, could in the long term be vitiated for rail labor by the agreement made under threat of outright imposition of the Presidential Emergency

Board recommendations. I had hoped the threat of a strike would prompt the parties to negotiate in good faith toward a final and prompt resolution of those issues which continue to divide them. I am concerned that the delicate balance between railroad labor and management has shifted dramatically during the 1980's decade of deregulation.

The collective bargaining process is the best way to ensure a just settlement of longstanding labor disputes. I am grateful to see this important principle reaffirmed, and hopeful that the new Board will consider on its merits all of the information provided by the parties, as provided for in the resolution. I urge the new Board members to consider that their findings will profoundly affect the lives and livelihoods of 230,000 railroad employees and their families. Those workers have worked for the last 3 years without a pay increase. They have agreed to extend voluntarily the most recent cooling-off period for 60 days to prevent a strike from inhibiting our efforts in the Persian Gulf. Their families have often suffered from their difficult work schedules and falling real incomes.

If these realities are considered by members of the new Board, I am hopeful that the negotiation mechanism and timetable established for further clarification and board reports on outstanding issues will lead to a just and reasonable settlement of the remaining disputes by all parties.

Railroad workers and their families deserve decent wages, working conditions, and health care benefits. And they deserve the second chance this bill would provide—a second chance many thought they would not get if Congress had imposed outright the PEB recommendations—to continue to negotiate in good faith toward a just settlement.●

RAIL STRIKE SETTLEMENT

● Mr. DURENBERGER. Mr. President, yesterday morning our country woke up to a nationwide rail strike. Ten of our railroad unions struck the major class I freight rail carriers over a dispute concerning wages, health benefits, and work rules. This strike occurred after the parties negotiated to impasse over their respective issues, and failed to reach agreement based on the recommendations of a Presidential Emergency Board [PEB].

This strike occurred during a period when our Nation could ill afford a major disruption to commerce. In my home State of Minnesota, many of our manufacturing industries have implemented 1-day, just-in-time inventory systems, where they maintain only 1 day of inventory before exhausting their supply of raw materials. Similarly, many lumber, paper, and grain companies have vastly reduced their inventories, as well as their ability to store finished products. Moreover, our economy is emerging from a recession that has left thousands of good, hard-working Americans unemployed and displaced. This rail strike can only harm our Nation's industries and their employees as they attempt to survive during an economic downturn. Indeed, there can be no doubt that even a relatively short, 1- or 2-day strike could have a major impact on the economy in Minnesota and in the country as a whole.

That is why, Mr. President, I am pleased that the Congress and the administration have reached an agreement that will end this dispute. The congressonal delegation, composed of Senate and House Republicans and Democrats, negotiated with the administration long into the small hours of Wednesday morning on a compromise package that will avoid a major disruption of our economy.

In brief, the compromise provides for a second Board to be appointed by the President to study and provide recommendations that will serve as a basis for a negotiated solution to this impasse. Significantly, the compromise provides that upon enactment of this implementing legislation, the unions will return to work and the railroads will not change working conditions until the parties have presented their rearguments before the new Board. The result is that the country will be spared a national crisis, and the parties will be granted further opportunity to work out their difficulties through a dispute resolution procedure.

The compromise package addresses several other issues that I believe are vitally important. The new Board will have jurisdiction to modify only those areas on which the first Board issued substantive recommendations. Significantly, however, the new Board must assume that the PEB's initial recommendations were presumptively valid; a party challenging the PEB's recommendation has the burden of persuasion that the initial PEB's guidance was the result of a mistake, an error, or was demonstrably inequitable. The result is that the 9 months that the first Board spent carefully examining issues such as wages, health benefits, and work rules, will not be wasted.

Mr. President, I applaud this compromise legislation. It provides substantive review for the parties in areas where they either disagree as to the PEB's recommendation or where they require clarification of the first PEB report. On the other hand, it requires the second panel to give due respect to the PEB's extensive efforts to reach compromise.

I would like to add one further comment. I am a strong supporter of the collective bargaining process, and I do not take lightly Federal intervention in a labor dispute that disrupts labor and management's right to settle their dispute on their own. Nevertheless, I feel that after the parties have spent over 3 years attempting to resolve their differences, after the parties have exhausted all of the dispute resolution mechanisms codified under the Railway Labor Act, and after the parties spent 9 months presenting extensive evidence before the Presidential Emergency Board, I honestly believe that quick resolution of this dispute was not likely to occur.

Mr. President, I believe that the Federal Government has a legitimate role to play in facilitating a settlement between the parties when a labor dispute poses a substantial threat to interstate commerce. I have great confidence that Government has played a constructive role in creating a mechanism for the parties to work out their differences before this second Board. Accordingly, I strongly endorse this legislation that seeks to avert a national economic crisis caused by the current rail strike.●

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

● Mr. GORE. Mr. President, as outgoing chairman of the Environmental and Energy Study Conference, I want to congratulate our colleagues, Senators JOHN MCCAIN and CHRIS DODD, who this morning have been elected the study conference's chairman and vice chairman for this Congress.

For the House, Representatives BOB WISE and JAN MEYERS have been reelected chairman and vice chair.

The officers were elected by the study conference's executive committee, which itself was elected earlier this week.

Senate members of the executive committee for the 102d Congress are Senators JOHN H. CHAFEE, CHRISTOPHER J. DODD, PATRICK LEAHY, JOHN MCCAIN, BOB PACKWOOD, CLAIBORNE PELL, and myself.

Those serving on the Executive Committee from the House are Representatives ANTHONY C. BEILENSON, BILL BREWSTER, GEORGE E. BROWN, JR., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, DEAN A. GALLO, BILL GREEN, STEVE GUNDERSON, SCOTT L. KLUG, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, JAN MEYERS, FRANK PALLONE, JR., GERRY E. STUDDS, MIKE SYNAR, CRAIG THOMAS, BOB WISE, and RON WYDEN.

The study conference is the largest legislative service organization, or caucus, in Congress, with a membership of more than 380 Senators and House Members. It provides objective analysis of the environmental, energy, and natural resources issues before us and organizes forums and briefings for Senators and House Members to discuss the issues with administration officials and outside experts. The conference does not take political positions.

The contributions of the conference to our policymaking have never been more important than they are now. The headlines are filled with environmental and energy problems we must address, from disturbing new reports on the seriousness of ozone layer depletion to the ramifications of our dependence on Persian Gulf oil.

I look forward to working with the conference's new officers and the other members of the Executive Committee in guiding this fine organization.●

ONEOK INC. ENERGY STRATEGY

● Mr. BOREN. Mr. President, Congress is currently struggling with comprehensive energy legislation. I believe this effort may have a greater impact on the future of the State of Oklahoma and the entire Nation than any other legislation we address this year.

Many energy proposals have been put forth. The President has compiled his national energy strategy. I have recently joined with my colleague, Senator NICKLES, in outlining a plan that we believe will greatly improve the Nation's energy situation by removing regulatory barriers to oil and gas production and marketing and would provide new tax incentives for domestic production. Our colleagues, Senators JOHNSTON and WALLOP, have introduced their energy package which is currently being considered by the Senate Energy Committee.

Mr. President, as we deliberate on these different legislative proposals, I hope my colleagues will consider the views of a company that has become a leader in the energy industry in my State. ONEOK, Inc., is a diversified energy company headquartered in Tulsa. ONEOK's various divisions provide natural gas utility services, compresses and transports natural gas, and explore and drill for new oil and gas production. ONEOK is a leader in the compressed natural gas [CNG] industry and is paving the way in research on the use of CNG vehicles.

The board of ONEOK has complied a seven-point energy plan designed to strengthen America's energy industry and reduce our dependence on imported oil. Their position paper puts forth their views on several issues, but it stresses the need for petroleum price stability. ONEOK suggests several specific policy options that would lead us toward that goal.

Mr. President, I have strongly endorsed particular items of ONEOK's strategy and I am currently studying the effects of others. However, I feel that my colleagues could benefit from hearing the views of such an experienced and diverse energy company and I ask that the ONEOK plan be printed at this point in the RECORD.

ONEOK INC. ENERGY STRATEGY

1. We support increased federal funding for research, development, and demonstration of natural gas utilization technologies.

2. We support efforts that promote energy efficiency rather than conservation mandates.

3. We support an aggressive national energy policy initiative to substitute natural gas for oil products in order to reduce the United States' dependence on unstable oil supplies.

4. We support a national energy policy that recognizes the positive impact which the use of clean-burning natural gas can make on the environment.

5. We support a practical environmental approach to exploration based on fact rather than emotion. We support development of oil and gas resources on federal lands, with appropriate environmental measures.

6. We support stable crude oil prices at a level that will permit the domestic industry to attract capital and sustain activity at a level sufficient to replace production.

Courses of action that could support stable crude oil prices:

a. We support the use of tax credits as an incentive to provide new capital for the development of energy supply.

b. We support an oil import fee on crude oil and petroleum products. This fee would be imposed on crude oil and oil-derived products priced below $25 per barrel (in current $'s).

c. We support a requirement that crude oil importers contribute a percentage of their imports to fill the Strategic Petroleum Reserve.

7. We support amendments of the Public Utility Holding Company Act (PUHCA) that will tend to increase the use of natural gas for the generation of electrical power.●

THE NATIONAL GUARD GETS THE APACHE

● Mr. DECONCINI. Mr. President, throughout the Persian Gulf war, the Army's Apache helicopters performed with exceptional skill. As you know, the Apache is made in Mesa, AZ, by McDonnell Douglas Helicopter Co. The Army plans to purchase 807 Apaches—enough to outfit 40 Apache battalions. Of these battalions, 12 National Guard and Reserve units—including Arizona—are to be equipped with the world's finest attack helicopter.

I recently read an article which detailed the experiences of one Guard unit—the South Carolina Army National Guard's 151st—with their newest addition, the apache. I found the story to be both entertaining and enlightening. So that my colleagues can enjoy it, I ask that this article from the April 1991 edition of Rotor & Wing International magazine entitled "On an Exercise With the 151st" be printed in the RECORD at this point.

The article follows:

ON AN EXERCISE WITH THE 151ST

(By David S. Harvey)

Jan. 12, 1991, was a tense day in the minds of people worldwide. The prospect of war had materialized as the last-ditch peace effort—by United Nations' Secretary General Perez de Cuellar—to persuade Saddam Hussein to withdraw from Kuwait failed.

It was also a tense day for a group of people from around Columbia, S.C. They suddenly faced the prospect of taking their "citizen Apaches" to the Mideast for war. The men and women of the 151st Aviation Battalion, South Carolina Army National Guard (SCARNG), also happened to be at a drill at their McEntire ARNG facility.

The 151st is only the second National Guard unit in the nation to be qualified on the McDonnell Douglas AH-64A Apache. (The other unit is the 1/130th Battalion with the North Carolina Army National Guard, based in Morrisville. The U.S. Army's overall plan is to eventually equip 12 Guard and Reserves units with the antitank helicopter.)

The steps to convert the battalion—a former UH-1 Huey unit—to operating the complex Apaches were numerous. In fact, only since April 1990 has the 151st been declared fully mission ready in the Army's eyes. Reaching that point was an immensely satisfying, if stressful, undertaking for the unit.

"We started with this back in April 1987 when we were first told we'd be getting the Apache," says Lt. Col. Mark Rhett, 151st battalion commander. Before joining the Guard fulltime, Rhett flew OH-6s in Vietnam with the active Army, and it was he who shepherded the unit's Apache acquisition from start to finish. "To put it mildly," he grins, "it was not an easy assignment. Maybe the hardest thing I've had to do in the Army.

"It's essentially an intricate process of timing: you have to get everyone trained individually, then get them welded together as a team," Rhett explains. "After that you have to get the aircraft into your system—all the logistics, maintenance, and training aspects. And, finally, you have to take that team, work it up, present it to the Army, and win your spurs with them by being declared ready. Remember, too, these [guardsmen] are people with civilian jobs and family lives to consider."

Like other Guard units, the 151st has a number of fulltime personnel. They keep things running on a "Monday-to-Friday" basis, joining with the parttime personnel who come in weekends and evenings.

"We're a very cohesive unit: the same people have been around for a long time. You get to know them," Rhett says. "We're also highly focused, [with] no 'painting rocks' or other soldier-type duties to distract us. Our job is to keep the unit up to the highest readiness levels we can. Not flying Monday through Friday gives us opportunities the regular folks don't have. We can concentrate on maintenance, for instance."

SOLVING PROBLEMS

In 1990, the 151st pilots logged a lot of hours, more than 3,500. That was before the Army imposed 60% cuts in flight hours on U.S.-based Army aviation forces early this year. The cuts were to conserve spare parts fleetwide during Desert Shield and, subsequently, Desert Storm. During R&WI's mid-January visit, much time was spent figuring out how to compensate for fewer FTPs (flight training periods).

The visit to the 151st presented an opportunity to ask whether the Apache's highly publicized problems had spilled over to the 151st since deliveries began in September 1989.

"Yes, they've had problems, sure they have, but now we've got them licked," says Rhett. "And the way I see it, it's been a question of maintenance as much as anything.

"If you provide enough maintenance support to the aircraft, there's no reason why it

should give trouble," he adds. "In many ways, it's actually a simpler aircraft to keep flying than the Huey."

"We don't have a maintenance question about our fully mission capable rate," injects Maj. Les. Eisner, the 151st executive officer, "because it's been in the 80% to 85% range so long that we've stopped worrying about it."

Rhett believes people misunderstand the Apaches in one important respect.

"It's a system designed to fly and fight at night. That—in its complexity—was something most entirely new, and in my view, the Army was its own worst enemy by failing to anticipate the kind of maintenance workload that would cause.

"The mechanical problems have been the kind you would expect. But when you didn't have the maintainers there—because they're off 'painting rocks,' which they have to do in the regular Army—you couldn't control the situation. In our case, we took some time to get on top of the aircraft.

"The chance we have between the weekends to work on the system has been a big help. So is having the same folks in the hanger all the time. In most cases, we can fix trouble within 30 minutes of it happening, and we put about 220 maintenance man hours a month into each of the 18 Apaches.

"The maintenance guys here can tell you more or less what to expect from individual aircraft. To them, the aircraft kind of have personalities."

Of the 18 AH–64s in the battalion, 16 were capable of going into battle that afternoon. And because the 151st has FAD–1 (Force Activity Designator-1) status, total mobilization was possible at any time.

Throughout the SCARNG Armory that day, support personnel with the unit were going through pre-Gulf War practice drills. Soldiers paraded in chemical warfare suits, quizzed each other on military procedures, stripped M–16s, practiced first aid, and boned up on special aircraft recognition charts, all with an air of noticeable purpose.

Should an order to mobilize come, says Rhett, it would be possible in just a few days to move the entire battalion to a departure point—most likely Fort Bragg, N.C.—before heading to the Middle East. All equipment to be transported would be packed neatly into 24 railcars and 22 Army Milvans.

"We've already done it," he states, "to Fort Hood last year."

THE BRIEFING

Though the Persian Gulf is thousands of miles from South Carolina, an operation with that part of the world in mind was outlined in the pilot's briefing, held that morning at 0900. Later that night, three helicopter companies would be flying, with two of tem—B and C—made up of a mix of the 151st's Apaches and Bell OH–58 "A plus" (has a upgraded transmission) scouts. These would participate in what attack aviators call a "movement to contact" exercise. The third company—a headquarters element—would provide battlefield command and control using a Sikorsky UH–60 Black Hawk, with an OH–58 standing as backup.

The maneuver area around the McEntire base is woodsy terrain, but briefers went out of their way to provide a desert flavor. To be "attacked" were mechanized infantry units equipped with hardware straight out of the Iraqi OB (order of battle inventory). Enemy air would include Iraqi aircraft.

Phase lines (which divide the tactical map into sectors) had names like Ishmael, Hussein, and Abdul across the FLOT (forward line of troops), but "all-American" ones (Bod, Earl, and Dan) behind it. A lot of attention was paid to the dreaded ZSU–23–4 "quad" gun, a four-barrel, fast-firing anti-aircraft weapon. (This weapon did shoot down a number of allied aircraft after the Persian Gulf war began on Jan. 17.)

R&WI was asked to leave the room temporarily while a classified briefing on electronic warfare tactics was given. You can safely surmise it concerned Iraq, too.

Rhett pointed out that there is no hard-and-fast tactical doctrine for how to fly Apaches into the attack. Within certain limits, individual commanders are allowed to develop their own tactics. For this exercise, the 151st would move into the kill via a series of coordinated maneuvers involving the OH–58s and AH–64s.

The night exercise would have company scouts making the first moves into the battlefield. They were to cross the imaginary phase lines that, like grill marks on a steak, divide up the terrain below. The scouts would go in low, while the Apaches (called guns) would keep watch on them from above and behind. This tactic is called a "bounding overwatch."

The scouts would then move out to the flanks of each section in a sector, checking as they proceeded. Once the scouts radioed "set" to the team of Apaches, the antiarmor ships would move up behind the scouts.

Each company would perform these maneuvers until it could be visually confirmed that the first two teams were lined up—scouts on the flanks, guns slightly behind and toward the middle of the sector. A third company team (in tonight's exercise, one scout and two guns) would then move in behind them.

Once this maneuver is completed, the aerial ballet would be repeated as the helicopters, usually two companies working abreast, move forward to the point where the battle begins.

B Company commander Capt. Chris Eaker, a civil engineer in civilian life, later explained the intricacies of the maneuvers. "People don't realize how complex this type of operation is. It's a systemized attack, not an individual kind of thing at all. There's no white-scarf element to antiarmor helicopters anymore—if there ever was. It's because of the coordination that it works."

For the flight that night, the Apaches were not armed. In the briefing, however, their mission load was given as eight Rockwell International Hellfires, 382.75 folding-fin aerial rockets, and 1,000 rounds of 30mm ammunition for the McDonnell Douglas M230 Chain Gun.

NIGHT MOVES

With precision timing and dusk drawing in, the 151st took to the air. Ten Apaches, six OH–58s, and the UH–60 droned out across territory that is strictly South Carolinian in nature, but was no doubt Kuwaiti in most of the pilot's minds. R&WI observed the exercise from the vantage point of the UH–60.

The operation was timed so the aircraft would arrive at the passage point as darkness fell. One by one the scout/gun teams broke out of the loose formations they had been flying.

The Apache pilots turned on their Martin Marietta TADS/PNVS (target acquisition/designation system/pilot-night vision system) and dropped low into the hilly terrain, seeking cover in the topography. The OH–58 scouts moved to the flanks, their pilot/observers pulling down their ITT Electro-Optical Products AN/AVS–6 night-vision goggles.

The in-transit time from takeoff from the McEntire ramp to the first company's passage point was about 20 minutes. B and C companies then "fought" for about 1.6 hours, a typical time for this kind of exercise.

Unlike regular units—which have access to ranges like at Fort Hood, Texas, or the Fort Irwin, Calif., National Training Center—National Guard units have to make do with what's on hand locally. As a result, they often find it difficult getting satisfactory realism in practice sessions.

"Obviously you can't have people firing lasers out here where there are farms and houses," explains Maj. Eisner, a fulltime guardsman, "although clearly we have to have some kind of target system out there."

ENVELOPE, PLEASE

The scheme the 151st came up with involves having the crews open envelopes in their cockpits and then "attack" the target described in the envelope. There are a number of envelopes aboard, and during this mission, orders to open particular envelopes were issued from the Black Hawk as the aircraft reached certain positions.

"X-Ray 43, go ahead and open up envelope five," the order came over a headset in the Black Hawk. "Roger . . . [pause] . . . X-Ray 43 has three BTRs [Soviet armored personnel carrier] at five clicks [kilometers]. Attacking."

Out in front of the Black Hawk, in the rapidly gathering gloom, X-Ray 43 drops to NOE (nap-of-the-earth) height and flies a series of attack routines until the imaginary dispatch of Hellfires and rockets accomplishes target destruction.

Although the envelope's contents determine the battle situation, the pilots have plenty of options available to carry out the attack, and are expected to choose the best one.

If, for instance, a call for artillery fire at the target would be better than flying a 'hasty attack' (flying the helicopter into the kill), then the crews are expected to demonstrate that kind of judgment. Their responses were noted in the Black Hawk for debriefing later.

"It sounds sort of hokey, doesn't it?" says Rhett later. "But it's actually an effective way to inject some realism here. The guys came up with the idea themselves."

Asked if there were better ways to do it, Rhett emphasizes that training on the Link Combat Mission Simulators (CMS) the Apache community uses, plus occasional live-fire maneuvers when working with the regular Army, should also be taken into account.

"These guys know what they're doing. All we're asking them to do is go through some of the routines, but in a kind of random way. They set weapons-control switches, call ranges and distances, set up the attack [and] the equipment just the same [as in a real battle]. There's just nobody firing back."

Upon completing the night mission, a debriefing revealed that all the Apaches could have gone right out again, if needed. There were a few glitches, but nothing that couldn't be fixed on the flightline.

BACK HOME

By midnight the 151st facility was a ghost town again. The helicopters on the flightline were merely odd-shaped forms on an otherwise deserted apron.

The wind whistled through high trees as a cold front prepared to pass to the northeast. At the time, one wondered where these aircraft—with their cheerful crews—would be in a couple of months. Would palm trees make the same reassuring down-home sound?

Would the winds of war tear through the infectious cameraderie of the 151st? One fervently hoped they wouldn't . . . but it was on our minds, nevertheless.

THE GUARD AND DESERT STORM

On the day after allied forces swept into Kuwait City, Lt. Col. Mark Rhett, commander of South Carolina Army National Guard's 151st Aviation Battalion, was stoic—though evidently disappointed—about the 151st not being tasked to join Operation Desert Storm.

"It's like not being asked to a party you didn't want to go to in the first place. It hurts not to be asked," he said ruefully.

"We have guys here who have written to their politicians actually pleading for the unit to go—the spirit was that good. But the final call to mobilize never came. We may yet go to the region—to do postwar reconstruction-type duties—but that's not been decided."

Rhett was not alone in his disappointment.

For example, the North Carolina Army National Guard's 1/130th Battalion, the nation's only other combat-ready Guard unit with AH–64 Apaches, was sent to Fort Hood, Texas, for preparation for mobilization to the Mideast. At presstime (early March), the unit was still at Fort Hood.

The same situation happened to Company B, 2nd Battalion, 224 Aviation from the Virginia ARNG. Its soldiers and Black Hawks were activated, but only got as far as Fort Rucker, Ala. On the other hand, Virginia's 986th Medical Detachment (Air Ambulance) and its UH–1 Hueys were activated in September to Fort Bragg, N.C., and left for Saudi Arabia Feb. 4.

Meanwhile, in West Virginia, the ARNG aeromedical unit there saw its helicopters (UH–1s) shipped to the Mideast, but the Guardsmen were told, "Sorry, you're not needed." The regular Army took over the helicopters instead.

Another ARNG company that did see action in the short war was Company G, 149th Aviation Battalion, based at Grand Prairie, Texas. Capt. John Stanford reported the unit was alerted Dec. 1 for active duty and 180 soldiers and their CH–47D Chinooks were sent to Fort Hood and then deployed to the Mideast for mission-support tactical operations.

Numerous other ARNG aviation units were activated; that much is obvious from the many civil pilots who were forced to leave jobs and families to prepare for war (see page 14). These units mentioned above are among the very few that saw desert sands. Now that the war is apparently over, emotions are mixed among those who stayed stateside. Some believe that the Army decided not to include them in the action, a move counter to the philosophy of a "ready" contingency force and the whole scheme of active/Guard coordination. Others feel more ARNG units weren't called in because the helicopters in the Gulf performed well and the war was short.●

MINORITIES IN ENGINEERING

● Mr. SIMON. Mr. President, I would like to take a moment to note the good work of the National Action Council for Minorities in Education, and to comment on the damage done by the Education Department's December press release on minority scholarships.

NACME is the largest private organization committed to bringing more minorities into science and engineering careers. In the State of Illinois, the organization has helped 800 students at 7 universities, at a cost of $1.6 million. In a recent NACME publication, the group's president, Dr. George Campbell, Jr., makes a very strong case not only for increased financial aid in general, but for minority scholarships in particular. I would ask that it be included in the RECORD at the conclusion of my remarks.

A few weeks ago, the new Secretary of Education asked us to ignore the press releases on minority scholarships that the Department issued in December, and for schools and organizations like NACME to go back to what they were doing before. I wish we could do that. But the Department has raised questions, and now will keep everyone in suspense for the next several months. This is having an effect on minority youth who are deciding right now whether they will feel welcome in college. And it is having a very real effect on organizations like NACME. Dr. Campbell tells me that some of the corporations that fund NACME's scholarships are now afraid to be involved because of the controversy unnecessarily created by the Education Department. I hope that Secretary Alexander can help to get this unfortunate, damaging episode behind us, soon.

The article follows:

ASSAULT ON MINORITY SCHOLARSHIPS—A STEP BACKWARD FOR ACCESS TO HIGHER EDUCATION

(By George Campbell, Jr., Ph.D.)

INTRODUCTION

The Department of Education ruled in December 1990 that scholarship programs based on ethnicity violate Title VI of the 1964 Civil Rights Act.[1] The policy statement was issued in response to the Fiesta Bowl's announcement of a new Martin Luther King Jr. Scholarship. Astonished by the department's choice of this particular initiative to repudiate, the education community reacted immediately. Their public outcry helped persuade Bush administration officials that such a crude interpretation of Title VI was both untenable and impractical.

After all, hundreds of endowed scholarships in America are effectively, if not explicitly, based on ethnicity. Scholarship programs have been established for descendants of the Declaration of Independence signatories and for lineal descendants of confederate soldiers. Females of Greek descent are eligible for The Daughters of Penelope scholarships. The Italian Catholic Federation provides aid to Catholics of Italian descent. There are Sons of Norway, Sons of Poland and Sons of Italy scholarships. The United Negro College Fund offers scholarships primarily to African Americans, and B'nai B'rith awards scholarships to members of the Jewish faith.[2]

The Education Department's hastily revised position retreated somewhat from its initial proclamation by exempting federally funded programs and private sources of scholarships which provide support directly to students. Yet it continues to prohibit universities, i.e., those that receive federal support, from setting aside their own operating funds for scholarships directed at specified ethnic groups.

Moreover, the new ruling remains cloudy in several areas. It is not clear whether state-funded programs are exempt and, if so, whether state universities are permitted to set aside minority scholarships from their operating funds, leaving private universities at a recruiting disadvantage. What will be the status of endowed, ethnic-based scholarships now in the hands of the university? That is, are such endowments to be considered internal operating funds? Technically, the ruling could preclude the use of university resources in administering private scholarship funds, for example in identifying students, nominating them or distributing the funds. Denying the involvement and expertise of universities, on which funders now rely, will reduce economies of scale and lead to higher administrative costs. Thus the government's softened position still threatens to deprive students of already scarce resources, further strained by the weight of the current recession.

The explicit attack on minority scholarships represents a significant step backward in federal support of equitable access to higher education for African Americans, Hispanics and American Indians. The four-year grace period allowing colleges to adjust their policies to comply with the new ruling offers little solace, since the Department of Education will be obliged to demand compliance when existing programs are challenged. It is encouraging that Secretary-designate Lamar Alexander has announced his intention to completely rescind the ruling. Until that happens, however, there will be challenges.

The Education Department's stricture must be considered in the context of recent changes in national financial aid policies, the impact of those trends on minorities, and the potential consequences for specific efforts, including NACME's scholarship programs.

A DECADE OF REDISTRIBUTION

Over the past ten years, the amount of financial aid available per student from all sources remained virtually constant in current dollars, while the cost of a college education at both public and private institutions more than doubled (Figure 1).

[Charts not reproducible for the RECORD]

Moreover, the composition of financial aid has changed dramatically. In the mid-1970s, 80% of the student aid funds available were outright grants of scholarships. Slightly less than 5% were in the form of work-study support, and the remaining 15% were offered as loans. Today loans exceed scholarships. This means that, in inflation-adjusted dollars, *scholarship* funds per student have declined by 75% since the 1970s (Figure 2).[4]

Clearly these trends negatively impact the poor, and thus minorities disproportionately. Minority families are considerably more reluctant than their counterparts to take on the substantial debt burden required to finance a college education, particularly since the payoff—the promise of upward mobility—is perceived to be uncertain at best. The effect can be seen, for example, in the 10% reduction in college participation rates for African American, Hispanic and American Indian males between 1976 and 1988 (Figure 3). For minority women, the 3% decline was less dramatic, but still discouraging (Figure 4). Participation rates increased 5% for all other ethnic groups combined during the same time period.[5]

In addition, the gap between the college participation rates of the top and bottom quartiles in income level for all ethnic

[1] Footnotes at end of article.

groups has grown by a third since 1979, when the gap was at a minimum.[6]

A recent NACME survey of 1,200 minority engineering students revealed that, in spite of the need, less than half of the respondents took advantage of loan opportunities.[7,8] In the same survey, 56% indicated that they had a serious financial problem, jeopardizing their continuing education. At the Engineering School of the City College of New York, which has one of the largest minority engineering enrollments in the country, the 1990 median family income was $12,000, and 70% of the full-time students had jobs.[9] Students worked an average of 20 hours per week while carrying a rigorous full-time engineering course load. The NACME survey identified some full-time students who worked full-time, 40 hour per week jobs. These circumstances severely impinge upon academic performance.

Recent decisions and trends in federal, state and university policies amplified the changes in composition of financial aid. Together they generated a reallocation of resources from poor to more affluent students and further exacerbated the financial situation for minority students.[10] Pell Grant eligibility limits have been extended to include higher income levels, leaving fewer dollars available for students with the greatest need. Social Security benefits that previously provided support for higher education to qualifying children have been eliminated. College savings plans and prepaid tuition programs benefit only those with discretionary income. Admissions policies and enrollment decisions have resulted in more students from higher income families attending tax-supported state universities, where tuition covers only 15%–20% of the cost. Ironically, because minority college participation rates have been declining, a disproportionate amount of taxes from lower income groups support college educations for young people from higher income groups.

The source of financial aid has been changing in recent years with institutional grants gaining relative to other funds. According to the American College Testing Program study, this trend has also contributed to the redistribution of financial aid resources from low to higher income groups. While a significant fraction of institutional support is need-based, the average family income of recipients is higher than that for recipients of funds from other sources, such as Pell Grants, and many schools have dropped the policy of admitting students without regard to their ability to pay.

The fact is, universities use financial aid to achieve a variety of other institutional objectives, e.g., to attract more outstanding students or to achieve a particular geographic mix, as well as to provide more equitable representation of qualified minorities. Now that a greater portion of the financial aid responsibility is in the hands of the universities, a prohibition on university-provided minority scholarships further jeopardizes the goal of equal access.

IMPACT ON NACME SCHOLARSHIPS

NACME scholarships provide a good example of the effectiveness of university-private sector collaborations. With a well-defined objective—to increase the number of African American, Hispanic and American Indian graduates in engineering—NACME's uniquely structured programs engage the established strengths of universities and private industry. Colleges nominate students, process their financial aid data and administer the funds. Industry, in addition to supplying financial support, provides mentors, internships and career development information.

Designed to serve a dual purpose, NACME's Incentive Grants Program (IGP) supports students with high potential for success in engineering and, at the same time, rewards colleges and universities that attract and graduate significant numbers of African Americans, Hispanics and American Indians. Over the last twelve years, NACME has invested almost $35 million in IGP, the largest private scholarship fund for minority students in engineering, typically providing from $3,000 to $18,000 depending on need—to individual students during the course of their academic careers. Block grants go to those universities that demonstrate the ability and commitment to provide a nurturing environment for minority students. "Incentive" in IGP, then, refers to both the students and the universities.

NACME works with university staff, faculty and administrators to develop and promote education strategies leading to higher academic performance, as well as improved retention of students. This collaborative approach, inherent in IGP, has produced support programs for minority engineering students, precollege education initiatives and new outreach and recruitment efforts.

The IGP strategy has been a successful one. More than 10% of the minority graduates since 1979—4,258 students—were NACME scholars. For the 1990–91 academic year, 65 universities were selected to receive IGP awards for new students. Those schools, representing just over one-fifth of the nation's accredited engineering programs, yielded two-thirds of the nation's minority engineering graduates in 1990. The average retention rate for IGP scholars is twice the national average for minority students.

NACME's latest scholarship initiative, the Corporate Scholars Program (CSP), was inaugurated in 1990. CSP provides scholarships of $12,000 to $20,000, to students with demonstrated engineering leadership potential. Recognizing that effective scholarship programs offer much more than just financial aid, NACME and a sponsoring corporation provide each CSP student an academic and a career mentor, as well as summer internships. And since one goal is to respond to the technical needs of the American workforce, CSP targets those engineering disciplines facing critical shortages. Professional development seminars on campus involving faculty and corporate R&D staff, an integral component of the program, provide exposure to developing technologies and future opportunities, as well as leadership training.

If the Education Department's ruling is not rescinded, NACME would, of course, be able to continue to identify qualified students and provide appropriate funding. However, the close collaboration with colleges and universities would certainly be weakened. A more arm's-length relationship would require private scholarship programs, like NACME's, to duplicate some financial aid administrative processes that universities already have in place. Ultimately, federal sanctions against minority scholarships could lead to a dismantling of successful partnerships that have developed over the past fifteen years. And the policy could interrupt an effort that has unequivocal strategic significance to the American scientific enterprise.

CONCLUSION

Under pressure from the Civil Rights Movement of the 1960s, the federal government assumed a leadership role in expanding opportunities for minorities through enactment of legislation and promulgation of executive orders. Following the government's lead, universities and the private sector joined the effort to increase access to higher education for America's diverse population groups.

Scholarships directed at minorities became an important vehicle in carrying out this mission. Rather than providing preferential treatment or undeserved support for academically deficient students, effective scholarship programs were used as leverage, allowing the higher education community to focus attention on the underrepresentation of talented, well-trained, eminently qualified minority students. NACME scholars, for example, have SAT scores and grade point averages comparable to their Asian and white classmates. Administering minority scholarships permitted universities to devote necessary human and intellectual resources to solving institutionalized problems created by centuries of discriminatory practices.

In engineering, collective public-private sector efforts have generated measurable results. In 1971, only 500 minorities received B.S. degrees in the field. That number has now increased almost tenfold.

In sharp contrast, recent statistics for other disciplines show declining college participation rates and increasing attrition rates among minorities. The data offers compelling evidence of a steady erosion of the progress achieved in the 1970s, fueled in part by shifting financial aid policies, culminating in the latest Education Department pronouncement.

Even with set-asides, minorities have never received a share of available financial aid funds in proportion to their population distribution. In response to the Education Department's ruling, it is tempting to argue that the vast resources the nation chooses to spend on science and engineering scholarships and fellowships is inherently discriminatory, given the small fraction of minorities selecting these fields. Only 6.5% of the engineering graduates in 1990 were African American, Hispanic or American Indian. Of the Ph.D. degrees awarded in 1989, only 1.7% in electrical engineering, 1.0% in mechanical engineering and 1.9% in both physics and mathematics went to these groups that together comprise 27% of the college-age population. Minorities would have to increase their numbers in science and engineering Ph.D. programs by a factor of fifteen to twenty to get a proportional share of the fellowships.

Perhaps the most insidious aspect of the federal government's decision is its significance as an aggressive assault on the upward mobility of minorities. Even if it is changed, the ruling has introduced an element of uncertainty that will lead to restraint and caution on the part of donors, higher education administrators and students whose financial needs hang in the balance. It is yet another force bifurcating the nation into haves and have-nots. Any policy that limits the capability of America's collective work force, that limits its potential to add value to the global economy, is a subversion of the nation's future competitiveness.[12] In short, the Education Department's interpretation of the Civil Rights Act is a formula for disaster.

FOOTNOTES

[1]Letter from Michael L. Williams, Assistant Secretary for Civil Rights, United States Department of Education, to John Junker, Executive Director, Fiesta Bowl, 4 December 1990.

[2]D.J. Cassidy, *The Scholarship Book*, 3rd ed. (Englewood Cliffs: Prentice Hall, 1990).

[3]Karen DeWitt, "U.S. Eases College Aid Stand, But Not All The Way," *New York Times*, 19 December 1990, Section A, p. 1, col. 1.

[4]1989 Annual Report, NACME, Inc., p. 16.

[5]United States Department of Commerce, Bureau of the Census, *Current Population Reports* (Washington, D.C.: GPO, 1976 through 1988).

[6]T.G. Mortenson, "The Reallocation of Financial Aid to Middle Income and Affluent Students, 1978 to 1990," *ACT Student Financial Aid Research Report Series* (American College Testing Program), May 1990, 90-2.

[7]D.L. Friedman, "Minorities in Engineering School: A Data Base for Retention Efforts," *NACME Research Letter, April 1990.*

[8]D.L. Friedman and N.W. Kay, "Keeping What We've Got: A Study of Minority Student Retention in Engineering," *Engineering Education*, April 1990, 407-412.

[9]A.R. Brown unpublished report, "Program for the Retention of Engineering Students," School of Engineering, City College of New York, October 1990.

[10]Mortenson, op. cit.

[11]Mortenson, op. cit.

[12]R.B. Reich, "Does Corporate Nationality Matter?," *Issues in Science and Technology*, Winter 1990-91, pp. 40-44.●

TRIBUTE TO STANLEY FLEISHMAN, LONG BEACH, LONG ISLAND

● Mr. D'AMATO. Mr. President, I want to share with you the honor that is being bestowed upon a distinguished resident of Long Beach, Long Island, Stanley Fleishman.

"Rockets" Fleishman has seen the whole transition of Long Island from a series of coastal villages and vast farmlands to a merchandising and manufacturing powerhouse where millions of New Yorkers have found their fortunes.

The program for the Long Beach Lions Club dinner contains a humorous rendition of "Rockets'" life in Long Beach. But only his friends and neighbors can really appreciate the feeling for community that he has expressed on hundreds of occasions sharing the joys and sadnesses of life in a small town. I ask that the text of this program be printed at the conclusion of my remarks.

Mr. President, I take pleasure in saluting Stanley Fleishman as an individual and as a representative of the kind of Americans who add civility and compassion to the daily lives of their neighbors. Such people are the real heroes in our society and we rightly honor them.

The text follows:

OUR GUEST OF HONOR: STANLEY "ROCKETS" FLEISHMAN

Truly a favorite son of Long Beach, Stanley Fleishman is one of a few people of his generation who can boost of being born in Long Beach Hospital. A fine example of the adage about "Long Beach sand in one's shoes." Stanley has spent his whole life here, and the rumor is he's never even been over the Long Beach Bridge. (Actually, no one is quite sure how he's going to get to this April 20th celebration at Temple Avodah in Oceanside.)

For many years, Stanley, along with his father, Morris, and his brother, Norman, was part of a local fixture and landmark, the Fleishman automobile agencies. Today, Stanley and Norman operate Fleishman Federal Leasing at the same location.

A product of the Long Beach City Schools, Sampson College and New York State Technical Institute at Farmingdale, Stanley spent two years in the Army as a Sergeant defending Italy during the Korean War. Upon his return, "Rockets" set out to make his mark on the Long Beach scene. Although the Long Beach Lion's Club has chosen this occasion to honor Stanley for his outstanding 're-run' as Lions President in 1989-1990, this is only one of many local organizations Stanley has served over the years.

Always active in town, "Rockets" was previously Lions President in 1970-1972. For the last ten years, he has served as Chairman of the Board of the Long Beach Chamber of Commerce. Over the last thirty years, he has alternatively served as both Chairman and member of the Long Beach Recreation Commission. He has been a past Associate Director of the Long Beach Memorial Hospital as well as a Trustee of the Nassau County Reference Library. Stanley is a past Chairman of the Board of the Long Beach Democratic Club, as well as the Chairman for the Committee to Bring Casino Gambling to Long Beach. "Rockets" has been an active member of many other local fraternal organizations including Temple Emanu-el.

Recently re-married, Stanley and his "best wife" Fran, a teacher in the Long Beach School District, enjoy a warm family life. Included in the fun are Stanley's daughter Randl, an Assistant District Attorney in Queens, and Fran's children, Sari, an editor of a jewelry trade magazine, her husband, Ben Lido, and Fran's younger daughter, Amy, a student at Nassau Community College.●

ORDER FOR PRINT AND REFERRAL OF TREATY DOCUMENT NO. 102-3 TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that a message from the President urging Senate action on the Convention (No. 105) Concerning the Abolition of Forced Labor with accompanying papers be printed in the treaty document series as Treaty Document No. 102-3 and referred to the Committee on Foreign Relations.

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

REFERRAL OF NOMINATION TO BE ASSISTANT SECRETARY AND FISH AND WILDLIFE

Mr. MITCHELL. As in executive session, I ask unanimous consent that the nomination of Mike Hayden, of Kansas, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, transmitted today by the President, be referred jointly to the Committees on Energy and Natural Resources and Environment and Public Works.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 71, 72, 73, 74, 75, 76, and 77.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Eunice N. Sato, of California, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1991.

The following-named persons to be Members of the National Advisory Council on Educational Research and Improvement for the terms indicated:

Dale P. Gold, of Virginia, for a term expiring September 30, 1992.

Jack Raymond Reed, of Mississippi, for a term expiring September 30, 1993.

Sandra Mills, of Wisconsin, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1991.

Pedro Roig, of Florida, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1992.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Hans M. Mark, of Texas, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 1996. (Reappointment.)

The following-named persons to be members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the terms indicated:

For the remainder of the term expiring August 11, 1992:

Timothy W. Tong, of Arizona, vice Sam E. Keith, Jr.

For a term expiring August 11, 1996:

Donald J. Sutherland, of New York, vice R. James Woolsey, term expired.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Peter deCourcy Hero, of California, to be a member of the National Council on the Arts for the remainder of the term expiring September 3, 1994.

LEGISLATIVE SESSION

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

HUGOTON GAS FIELD

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 105 submitted earlier today by myself and my colleague, Senator KASSEBAUM, regarding the Hugoton Gas Field.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) recognizing the contributions of the Hugoton Gas Field to the Nation.

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

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

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 105

Whereas the Hugoton Gas Field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton Gas Field has been a major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean Conflict, and the Vietnam War;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton Gas Field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton Gas Field is recognized for its important contribution to the Nation.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Friday, April 19, from 12 noon to 3 p.m., Senate committees may file reported Legislative and Executive Calendar business.

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

AUTHORITY FOR BUDGET COMMITTEE TO FILE COMMITTEE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Budget Committee may have until 8 p.m. this evening to file its report to accompany the concurrent budget resolution for fiscal years 1992, 1993, 1994, 1995, and 1996.

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

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 101-650, appoints the following individuals to the National Commission on Judicial Discipline and Removal;

The Senator from Alabama [Mr. HEFLIN];

The Senator from Pennsylvania [Mr. SPECTER]; and

Mr. Frank M. Tuerkheimer, of Wisconsin.

APPOINTMENT BY THE SECRETARY OF THE SENATE

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101-509, his appointment of Dr. Ann Russell, of Massachusetts, to the Advisory Committee on the Records of Congress.

MEASURE PLACED ON CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that House Concurrent Resolution 121, the House budget resolution, now at the desk be placed on the calendar.

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

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 218 designating National Organ Donor Awareness Week just received from the House; that the joint resolution be deemed read a third time and passed; and that the motion to reconsider passage of the joint resolution be laid upon the table.

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

So the joint resolution (H.J. Res. 218) was deemed passed.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 86, the Senate companion; that the Senate proceed to its immediate consideration; that the resolution be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

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

So the joint resolution (S.J. Res. 86) was deemed passed, as follows:

S.J. RES. 86

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, and April 19 through April 25, 1992, are designated as "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation acknowledging such.

ORDERS FOR FRIDAY, APRIL 19, AND TUESDAY APRIL 23, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, April 19; that on Friday, April 19, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m. Tuesday, April 23; that on Tuesday, April 23, following the prayer, the Journal of proceedings be deemed approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m., the Senate begin consideration of the Concurrent Budget Resolution reported by the Budget Committee on Thursday, April 18, and that on Tuesday, when the Senate begins consideration of the resolution, there be 40 hours remaining on the resolution.

I further ask unanimous consent that the Senate stand in recess on Tuesday, April 23, from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. 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 10 a.m. on Friday, April 19.

There being no objection, the Senate, at 6:18 p.m., recessed until Friday, April 19, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 1991:

DEPARTMENT OF STATE

MARY ANN CASEY, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD L. CROMER, xxx-xx-x... U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD P. BARRY, JR., xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN J. RYAN, JR. xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. LAWRENCE E. BOESE, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. PHILLIP E. BRACHER, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. ROBERT A. BUETHE, JR., xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. HIRRAM H. BURR, JR., xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. MICHAEL J. BUTCHKO, JR., xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. LEWIS E. CURTIS, III, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. BRETT M. DULA, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. MARVIN S. ERVIN, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES A. FAIN, JR., xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. LAWRENCE P. FARRELL, JR., xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. BRUCE L. FISTER, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. CHARLES E. FRANKLIN, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. BUSTER C. GLOSSON, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. THOMAS R. GRIFFITH, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. KENNETH L. HAGEMANN, SR., xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. LARRY L. HENRY, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES F. HINKEL, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES M. HURLEY, xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN P. JUMPER, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN G. LORBER, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES E. MCCARTHY, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN F. PHILLIPS, xxx-xx-xxxx FR, REGULAR AIR FORCE.
BRIG. GEN. JOSEPH J. REDDEN, xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. ERVIN J. ROKKE, xxx-xx-x... FR, REGULAR AIR FORCE.
BRIG. GEN. DONALD B. SMITH, xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. EDWIN E. TENOSO, xxx-xx-xx... FR, REGULAR AIR FORCE.
BRIG. GEN. THAD A. WOLFE, xxx-xx-x... FR, REGULAR AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY NURSE CORPS

To be colonel

BARBARA G. COVINGTON, xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

DENNIS M. KOWAL, xxx-xx-x...
PETER D. TREMBLAY, xxx-xx-x...

ARMY

To be lieutenant colonel

CHARLES E. FARDELMANN, xxx-xx-x...
THOMAS J. MULYCA, xxx-xx-x...

DEPARTMENT OF THE INTERIOR

MIKE HAYDEN, OF KANSAS, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE CONSTANCE BASTINE HARRIMAN.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1991:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

EUNICE N. SATO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1991.

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR THE TERMS INDICATED:

DALE P. GOLD, OF VIRGINIA, FOR A TERM EXPIRING SEPTEMBER 30, 1992.

JACK RAYMOND REED, OF MISSISSIPPI, FOR A TERM EXPIRING SEPTEMBER 30, 1993.

SANDRA MILLS, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1993.

PEDRO ROIG, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

HANS M. MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 1996.

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 11, 1992:

TIMOTHY W. TONG, OF ARIZONA.

FOR A TERM EXPIRING AUGUST 11, 1996:

DONALD J. SUTHERLAND, OF NEW YORK.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

PETER DECOURCY HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

A TRUE KENTUCKY GENTLEMAN

HON. WM. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROOMFIELD. Mr. Speaker, those of us who have been serving in this body for some time have come to love and respect BILL NATCHER, a man who has represented for us much of what this institution should stand for.

BILL has often said that if you take care of the health of your people and the education of their children that you will continue to live in the strongest nation in the world.

BILL has served for 37 years in the House, many of them on the Subcommittee on Labor, Health and Human Services, and Education. He has used his chairmanship of this subcommittee wisely, and I'd like to think that's one reason why America does indeed continue to be No. 1 in the estimation of its own people and throughout much of the world.

An article in yesterday's Washington Post discusses BILL's integrity, his hard work, and his devotion to the House of Representatives.

I am sure that much will be written in future years about BILL's service to his constituents and to the American people. This article is but one chapter in the first, rough draft of BILL's life, a biography that I hope will do full justice to one of the most honest and dedicated members of Congress in America's history.

Mr. Speaker, I ask that the Washington Post article be reprinted in the CONGRESSIONAL RECORD:

CONGRESSMAN NATCHER, PRESENT ON ALL COUNTS

THE KENTUCKY OCTOGENARIAN'S VOTING VIGOR

(By Lois Romano)

In a world of excesses, he is a man of unheralded self-restraint. In a congressional atmosphere of frenetic fund-raising, surplus staff and hap-hazard attention to substance, he is a paradigm of order and control.

There is no one left on the Hill like him: "When I first got here 37 years ago, I was number 435 out of 435," says Congressman William Natcher. "I looked around the House floor and thought, 'None of you are ever going to die and none of you are ever going to retire.' Now, here I sit."

Where the gentleman from Kentucky sits is fourth from the top in the House of Representatives—in terms of both age and seniority. At 81, he is one of the most powerful members of Congress as evidenced by the $200 billion purse he controls as chairman of the labor, health and human services and education subcommittee of the House Appropriations Committee.

He is a throwback to a time when seniority meant something, when a campaign could be paid for with a Texaco credit card, and roll calls weren't parliamentary weapons used to keep members in Washington.

That this Democratic representative has, for nearly four decades, made a total of 16,883 votes and quorum calls, paid for every campaign out of his own pocket and rarely uses more than a third of the congressional allowance provided to hire staff, is no small feat. He is the lone member of Congress who can boast as much.

"When I talk to new members I say to them maybe it's better in the beginning to miss one vote that isn't so important," says the member who has missed not a one. "I say to them I don't advise you to do this. When you've been here as long as I have and never missed a day or a vote, it's right around your neck."

He is a sweet and courtly man, who although revered by his congressional colleagues commands little attention off the Hill. "He fits the part of the congressman from the tip of his polished black shoes to the top of his white hair," says Vic Fazio (D-Calif.), a member of the Appropriations Committee.

"The ultimate Southern politician," adds Dennis Eckart (D-Ohio). "I assure you he knows every member's name."

"He's so identified with the institution and all that's good about it," says Mary Rose Oakar (D-Ohio), who became the first woman to sit on the gym committee that Natcher chairs.

The worst that is said about the man amounts to this: He is stubbornly practical about getting his massive appropriations bill—a prime target for wild-card funding amendments—through the Congress and past the White House. No horse trader, he. This singlemindedness, it is said, makes him rather inflexible when it comes to earmarking new or controversial monies, such as abortion funding. And predictably, he manifests his time-earned eccentricities.

Hearings start at 10 a.m. sharp, adjourn at noon and restart at 2 p.m. No exceptions. "And when you're interested in a particular project," advises one staffer, "you better not leave to go to the bathroom—he stops for no one. That old man will sit there during a mark-up in 100-degree weather in his three-piece navy suit till 8 o'clock at night without moving. And you better stay real close to him or you'll lose whatever it is you want."

He has saved about 16,000 pieces of mail sent to him over the years, and refuses to relinquish them to House storage rooms. They are packaged in brown paper and piled in a closet in his office, which he proudly shows off. "I have 200 letters from presidents," he says, as well as letters from "Tony Randall, Lynda Carter and Bob Hope. . . . I keep the originals." He also collects gavels, porcelain bells and replicas of White House china. His office looks like the Mount Vernon gift shop.

He has never cared to deal with the media, not during campaigns, or his years as the controversial chairman of the District of Columbia appropriations subcommittee when he intermittently held up Metro funding, or through recent time when he has been sought out for friendly stories. He agreed to chat for this piece, but when the interview was abruptly interrupted by—what else—a roll call, Natcher refused to speak to the reporter again. "I believe we're finished," he said crisply when approached after a hearing.

Nonetheless, for an enlightening 15 minutes he shared his philosophy and thoughts about the job he loves. There is something so poignant, even sad, about how this man defines his life, his loves, his losses, his universe, through his perfect voting record.

He says he had not realized he was voting at 100 percent until 1958, five years into his tenure, when a clerk phoned him to inform him. "Ever since then, I made up my mind I'd see where I could take it," he says.

He takes no chances with his vote. He enters the electronic voting card he carries in his wallet not once, as required, but five or six times at different stations on the House floor. "Then I ask the floor clerk to check to make sure it took," he says. "I sat there one day and watched one of my colleagues vote—and we sat and waited for the light to go on [next to his name on the board] and it never did."

He says he has had "a thousand narrow escapes" but will only speak of one.

When his wife of 53 years passed away in January, he says, he simply accepted the fact that he would miss his first roll call vote. "I just said to myself, 'Well, this is it,'" he says with resignation. "I just made up my mind to the fact. . . ."

There was the Monday he needed to fly his "beloved Virginia" to her final resting place in Kentucky. There was the day of viewing at the funeral parlor. And finally, there was the burial itself, scheduled for a Thursday that the House was in session. "I would have missed five votes that day," he recalls with precision.

But, he says, the days seemed to break his way and the services were delayed because the six grandchildren could not make it to Kentucky in time. "But I had some help," he says, pointing skyward. "I guess it was just meant for me not to miss a vote."

"People just don't realize how extraordinarily easy it is to miss a vote," says Rep. Tom McMillen (D-Md.), who has himself made the effort to maintain a perfect voting record since his 1986 election. "You can't undervalue his accomplishment. . . . It will never be duplicated. I've already told myself I am not going to go crazy when I miss my first vote."

There are other disciplines too. Natcher still swims aggressively in the House gym several times a week. Every day the House is in session, he keeps a journal, which he has locked away somewhere. Once a year he pulls the bound books out of their sanctuary and invites a photographer to memorialize the occasion. There are 52 volumes now. "I dictate and then have it typed on the finest bond I can find," he explains. "I put it down just like it happens every day. It takes some doing. You have to be right well organized."

And he writes religiously to each of his grandchildren weekly. While all receive identical letters, he is quick to note that no one receives a copy. "I started it when they were born—wrote to welcome them," he says. "And kept on going. Every week."

A staff of "five ladies"—his words—helps him with his obsessions. "I don't have any need for an administrative assistant, a press

secretary or a legislative aide," he says flatly. "We get it all done. I don't need to pay any 18 people."

What he does get done with such a low overhead is impressive. As financial puppeteer for some of the most popular and sensitive social programs around—Job Corps, student aid, Social Security administration, biomedical research—he is on the minds of many special interests. Labor groups and universities parade before him, abortion advocates wince at his name, members beg him for pennies.

He listens to all, changes his mind for virtually none.

The job has enormous potential for power brokering. That he doesn't take a dime of campaign money, of course, greatly diminishes the input of lobbying groups who would so like to sway him. "They all come to see me and I hear them out nice," he says. "But this is the best system. My wife—she didn't like the way they did things up here, but she believed you could be in politics and do it right."

To a certain extent, Natcher has tried to preserve the purity of 1953, the year he came to Washington by virtue of a special election. To the amazement—and at times frustration—of his peers, he has never been influenced by the times. He believes he is reelected not because he is so powerful or so smart, but because he effectively does his "duty." He still runs his own reelection campaign, driving himself from event to event. He says his last campaign cost him a little more than $6,000.

The Washington Post files on him overflow with stories about his tightfisted control of the D.C. appropriations subcommittee in the '60s and early '70s. He is legendary for his refusal to release millions in Metro funding—despite public pleas by President Nixon. To Natcher, it was cut and dried: If the local government was not upholding its end of the bargain to improve the highways, it didn't get the money. "It took the combined effort of the White House and the House leadership to get that money finally released," recalls Rep. Dave Obey (D-Wis.), then a junior member of the subcommittee. "If you decide to fight him, you'd better be prepared to pull out all the stops. He believes you can only have one quarterback at a time—and he's it on his committee."

In recent years, liberal House Democrats have been stymied by Natcher's refusal to loosen restrictions for federally funded abortions. (The bill's language for the past decade permits federal funding of abortions only if the mother's life is in jeopardy.) Over his reservations, the House slapped an amendment onto his bill two years ago that would have allowed abortion funding in times of rape or incest. President Bush vetoed the bill, and the House failed to override the veto.

Sources say Natcher remains adamant against introducing such funding into his bill again. But the abortion-rights Democrats still hope to persuade Natcher to give his blessing to an extended floor debate on the matter. "We want an up-or-down vote on this issue," says one such Democrat who did not want to be identified. "But to his practical mind, it's counterproductive to getting his bill passed. Those of his generation simply fail to acknowledge there might be some value in simply making a point."

On other issues of a contemporary nature, however, members say Natcher tries. "I've been badgering him on [funding for] breast cancer research," says Oakar, "and he's really evidenced a desire to learn about the issue."

Says one member of the Appropriations Committee: "You're not going to see him poring over the newest studies on this or that, but he does listen. I mean, he wasn't the last member of the Congress to realize the importance of AIDS research funding."

During the brief interview, Natcher alludes to the time when he might quit the good fight. He says the bells and china in his office would then go his lone granddaughter. And the gavels and other masculine mementos would be given to the grandsons. He says that upon his retirement, he would also release his prized journals.

And the question is posed: Is he planning to cast his last vote any time soon?

"Oh no, no," he says, quite astonished by the question. "No plans. No plans at all."

And then, the bell tolls once again for Bill Natcher.

PENNSYLVANIA GRANGE WEEK, APRIL 21-27, 1991

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GEKAS. Mr. Speaker, I rise today to announce the designation of April 21–27, 1991 as Pennsylvania Grange Week. In accordance with the rich history of the Grange in the agricultural and rural progress of our Nation, the Commonwealth of Pennsylvania will honor the 40,000 members of the Pennsylvania Grange.

The Pennsylvania State Grange was founded on September 18, 1873 in Reading, PA. As an affiliate of the National Grange, established by Oliver Hudson Kelly in 1867, the Pennsylvania State Grange rapidly became a voice for the needs of Pennsylvania farmers. During this period in the Commonwealth's history, farming was a part of most Pennsylvanians' lives.

Advancing the causes of farming in a society that was becoming increasingly dominated by big business and big railroads was one of the early challenges which the grange successfully met. Many of the laws which ensure fair and equitable interstate commerce today can be traced to the grange movement of the late 19th century. Though farmers presently comprise less than 1 percent of Pennsylvania's population, the Pennsylvania State Grange is still an important force in the advancement of rural interests. The Pennsylvania Grange has provided me and many members of the Pennsylvania congressional delegation invaluable consultation on the 1990 farm bill and a host of other legislative measures essential to rural America.

I call upon my colleagues to join me during the week of April 21 in recognizing accomplishments and contributions of the Pennsylvania State Grange.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GREEN of New York. Mr. Speaker, as former House chairman of the Environmental and Energy Study Conference, I should like to announce the reelection this morning of our colleagues, BOB WISE and JAN MEYERS, as House chairman and vice chair of the study conference for the 102d Congress.

Senators JOHN MCCAIN and CHRIS DODD have been elected Senate chairman and vice chairman.

The officers were elected by the study conference's executive committee. The committee was elected earlier this week by the full study conference membership.

Those elected to serve on the executive committee for the House are Representatives ANTHONY C. BEILENSON, BILL K. BREWSTER, GEORGE E. BROWN, JR., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, DEAN A. GALLO, STEVE GUNDERSON, SCOTT L. KLUG, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, JAN MEYERS, FRANK PALLONE, JR., GERRY E. STUDDS, MIKE SYNAR, CRAIG THOMAS, BOB WISE, RON WYDEN, and myself.

Those who will serve on the executive committee for the Senate are Senators JOHN H. CHAFEE, CHRISTOPHER J. DODD, AL GORE, PATRICK LEAHY, JOHN MCCAIN, BOB PACKWOOD, and CLAIBORNE PELL.

The study conference is the largest legislative service organization in Congress, with a membership of more than 290 House Members and 90 Senators. The conference provides us with objective analysis of environmental, energy and natural resources issues and provides forums and briefings for Senators and House Members to discuss these issues with representatives of the administration, the science community and interest groups. The conference does not take political positions. It was founded in 1975.

The conference has become an even more vital resource to Congress than its founders could have imagined, as the issues have become increasingly complex and technical, and concerns have grown that human activities may be overwhelming some of the Earth's natural resources.

I congratulate the new study conference officers and, as an executive committee member and House chairman of the conference's Climate Study Group, look forward to assisting them in their efforts.

THE NATIONAL TRAINING CENTER FOR AFRO-AMERICAN MUSEUM PROFESSIONALS ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. STOKES. Mr. Speaker, I rise today to introduce the National Training Center for Afro-American Museum Professionals Act, a

measure to help train professionals in Afro-American history and culture for our Nation's museums.

Mr. Speaker, in legislation enacted in 1976, Congress first recognized that there is a gross underrepresentation of Afro-American museum professionals. In 1978, Congress passed legislation which established a national commission to develop plans for construction and operation of a museum.

The National Afro-American Museum and Cultural Center at Wilberforce, OH, opened to the public in April 1988. The museum has exceeded all expectations in the quality of exhibits and number of visitors. Moreover, this museum has one of the largest collections of Afro-American historical and cultural material in our Nation.

It was the intent of Congress to establish a training center and educational program at the museum. A paucity of Afro-American museum professionals in our Nation has resulted in the failure to preserve important Afro-American historical and cultural artifacts. While there are efforts underway to establish Afro-American museums in several other States, no institution in our Nation has a curriculum leading to a degree in Afro-American museum studies. By means of a contract with a consortium of institutions of higher education, a program of study leading to a graduate degree in Afro-American museum studies will be implemented at the training center.

The museum now seeks support from Congress for establishment of the training center. Congress intended that there be a Federal-State partnership to fund the museum, yet thus far the State of Ohio has assumed almost exclusive financial responsibility. The State of Ohio assumed this responsibility with the understanding, based on the original legislation, that Congress would provide financial support.

If the charge of the original legislation is to be met, the training center must be constructed. However, the State has gone as far as it can without Federal financial support. Completion of the second phase of construction is a prerequisite for implementation of the Museum Studies Program.

Mr. Speaker, I ask my colleagues to keep in mind the original intent of Congress not only to build a museum, but also to establish a training center with an Afro-American Professional Museum Studies Program. The museum at Wilberforce is already a national treasure. With the establishment of the Museum Studies Program, a solid foundation will exist for the preservation of African-American heritage. I urge my colleagues to support this critical legislation.

PRESERVE FAIR TREATMENT FOR PUBLIC EMPLOYEE DEFERRED COMPENSATION PLANS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROWN of California. Mr. Speaker, I rise today to address an issue of great concern to employees of State and local governments across the United States, including more than 11,000 employees of San Bernardino County.

Deposit insurance reform legislation is now moving in the House and the Senate. Legitimate concerns have been raised about the scope of Federal deposit insurance, and I agree that this issue should be examined carefully. But in our headlong rush to avert a crisis in the banking industry, and to distance ourselves from the taint of the savings and loan debacle, we must not damage those deserving small depositors who rely on Federal insurance.

Unless we act, employees of State and local governments throughout the United States will lose the protection of Federal deposit insurance on their employee savings plan, known as the section 457 plan. A 457 plan is a long-term, tax deferred savings plan like an IRA or a 401(k), but it is available only to employees of State and local governments. The plan allows employees to direct their investments to either mutual funds or to federally insured certificates of deposit and to shift those investments around as often as once a month. Ninety percent of the employees of San Bernardino County, CA, who use the 457 plan choose to invest in the federally insured certificates of deposit, instead of the higherpaying but riskier mutual funds.

When we passed FIRREA, the FDIC was charged with the responsibility of harmonizing its deposit insurance policies with those of the FSLIC. FSLIC permitted passthrough insurance of section 457 funds, FDIC did not. After review, FDIC concluded that it lacked legal authority to insure such accounts, and advised Congress that passthrough deposit insurance of section 457 plans would be terminated on January 29, 1992. At that time, FDIC stated that:

> While there are no economic or policy reasons why the deposits of 457 plans should not be afforded the same passthrough insurance coverage that is provided for the deposits of most other trusted employees benefit plans, the FDIC has declined to insure such deposits on a passthrough basis because of a staff opinion . . . that the plain language of section 457 does not provide the participants in such plans with any ownership interests in the plan's deposits upon which passthrough insurance coverage could be based. If Congress were to amend the Internal Revenue Code, or enact some other statutory provision, to provide that 457 plan participants have ownership interests in the funds of such plans, a basis would exist for extending insurance coverage to plan participants.

The statement reflects the fact that, while legal ownership of 457 plans technically resides in the State or local government, in practice the State or local government holds a fiduciary relationship to the plan participant, as in other trusted employee benefit plans. FDIC's opinion was that Congress could act to protect passthrough insurance for the plans, merely by clarifying that fuduciary relationship in statute.

I do not advocate any actions which would increase the risk of the FDIC. The FDIC itself has clearly stated on several occasions that 457 plans deposits do not represent any risk to the deposit insurance fund. But Mr. Speaker, I am very concerned that, unless some attention is devoted to this issue now, it will not be corrected in time. Unless we act to extend the date, or to provide permanent passthrough insurance, we will have broken our promise to State and local government employees across the country to provide deposit insurance for their retirement savings.

Last year my colleague, Mr. HUBBARD from Kentucky, held field hearings on 457 plans. He and the gentleman from Illinois [Mr. HYDE] both introduced bills last year to continue deposit insurance on section 457 plans. Mr. HUBBARD's bill was H.R. 5008, and Mr. HYDE's was H.R. 3721. In this Congress, we are just beginning to grapple with the proposals to reform the entire banking system. Many Members believe that deposit insurance reform could take place this year; others believe that the prospects for passage this year are remote. In either case, the clock is already ticking for 457 plan participants.

I encourage all of you to join me in preserving deposit insurance for employees of State and local governments.

AMERICANS AND TEXANS SALUTE OUR COMMANDER IN CHIEF AND OUR TROOPS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BARTON of Texas. Mr. Speaker, I am always pleased and honored to present to my colleagues in Congress the accomplishments of my many fine constituents. Today, it is my distinct pleasure to tell you about the efforts recently made by several Americans who combined their individual hopes and prayers with those of millions of other Americans all desiring to reassure President Bush of their support for his decision to launch Desert Storm and to assure the men and women serving in the Persian Gulf of their support for their unrelenting efforts to end the tyranny of Saddam Hussein.

Like many great ideas, this one started small and grew quickly beyond all expectations. It started when a constituent of mine, Dr. W.N. "Bud" Walters from Willis, TX, determined there should be a special salute to President Bush recognizing his profound leadership in this time of national crisis. Dr. Walters asked his friend Peter Enns—who has a special way with words—to compose a special message which would fulfill Dr. Walters' goal of encouraging millions of Americans throughout the Nation to reflect on the President's leadership and to offer their prayers on his behalf.

Peter Enns went to work and wrote a Message In a Minute. The Message In a Minute proved to be so popular that ultimately over 1 million copies were printed and disbursed to over 10,000 churches. With the help of these churches, the Message In a Minute brochures eventually found their way into approximately 2.3 million American households. An instant success, the message was also recorded and played on many radio stations throughout the Nation. I would like to share this inspirational Message In a Minute with my colleagues.

President Bush and Commander in Chief,
A man of compassion, you understand grief.

One nation united, in peace and in war,
The world respects us, as never before.
You've been tried as a leader, You were in control
You suffered a hit, and the war took its toll.
A young fighter pilot, God helped you survive.
"Mission accomplished," you came back alive.
You traveled the world, and the world knows your name.
Positions of power have taught you their game.
Years of experience have helped make you wise.
You've seen nations fall, and you've seen nations rise.
President Bush, we're proud of the way,
You made your decision, by stopping to pray,
To seek God's direction in doing what's right.
Before you committed our troops to the fight.
You had our support, as you stood against wrong,
And now we thank God that this war wasn't long.
We yearn for the day that all battles will cease,
And the nations of earth, live together in peace.

Realizing the astounding influence which the message had on millions of Americans, Dr. Walters sought a way to bring the message of love and hope from these many Americans to the American fighting force in the Middle East. With the help of Colonels Meridith Standley and Jim Ammerman of the Armed Forces Chaplain Board and Col. Richard Peterson, chaplain to Gen. Norman Schwarzkopf and his personal staff in Riyadh, Dr. Walters coordinated the efforts of many dedicated Americans to print, package, deliver, and distribute to over 280,000 American troops in Saudi Arabia a small booklet which was prepared to facilitate personal devotional reading, Bible study, and to serve as a reference book. The booklet, "This New Life," was written by Rev. Billy Joe Daugherty, pastor of the Victory Christian Center of Tulsa, OK. Reverend Daugherty is pastor to over 9,000 members of his nondenominational church which also includes a television outreach ministry which serves several States.

I realize Dr. Walter's efforts and those of his friends and associates did not occur in a vacuum and many other Americans also found ways in which they could show their support for the United States of America, President Bush, and the American troops and their families. However, good ideas and initiative always deserve recognition. I know my colleagues join me in congratulating Dr. Walters and his associates on a job well done.

OPPOSITION TO H.R. 5

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROOMFIELD. Mr. Speaker, I wish to voice my strong opposition to a bill which would wreak havoc in the workplace and prove especially disastrous for small businesses.

H.R. 5, the striker replacement legislation, would upset the delicate negotiating balance between unions and management that has existed for more than 50 years under the National Labor Relations Act.

This bill takes the risk out of going on strike. It creates open season for any worker who wants to disrupt the workplace. It would encourage workers to press any demands, no matter how unreasonable, with the absolute certainty that they would be able to return to work at any time they pleased.

Businesses would be faced with three unappealing options. First, they could summarily capitulate to the strikers' demands. Second, businesses could attempt the almost impossible task of finding replacements who would be willing to work even though they knew they would be out on the street in short order. Third, the owners could choose to go out of business.

The striker replacement bill also brings the Federal Government into an area that it has wisely stayed out of up to this point. For 50 years, only recognized unions had the right to strike. This legislation extends the right to strike and the absolute right of return to the workers in any nonunionized business—from a mom-and-pop grocery to a small shoe store.

This legislation could be a death sentence for many small businesses, particularly in this uncertain economy. The bill is inequitable and unwise, and I urge my colleagues to vote against it.

TRIBUTE TO REV. CALVIN COOLIDGE BROWN

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. KOLTER. Mr. Speaker, I rise today before the United States House of Representatives to specifically honor and pay very special tribute to the Reverend Calvin Coolidge Brown of Beaver County, PA, who for 30 solid years has faithfully and steadfastly served God, his church, and our community in Beaver Falls, PA, in my Fourth Congressional District.

The Reverend Brown, who has joined in marriage more than 250 couples in Beaver County, and baptized or received by Christian experience more than 500 persons, has especially worked very hard on a great number of civic duties, responsibilities and local endeavors. But he has become most recently involved with his deep concern about community youth, whereas the Reverend Brown has assumed the important task of rooting out street drugs and corruption.

Born and raised in Mississippi—one of eight children—the Reverend Brown grew up on a 20-acre cotton, corn, and soybean farm, and later served 3 years in the U.S. Air Force before learning the trade of barbering and butchering.

The Reverend Brown later moved to Cleveland, drove a truck for 5 years, joined the Open Door Baptist Church and married the former Eva Johnson. Both Reverend Brown and his wife enrolled into a Baptist Seminary of the Bible in preparation of proclaiming the Gospel.

In November 1960, the Reverend Brown received a call from Tabernacle Baptist Church in Beaver Falls to be the pastor, and currently continues to serve God and the community in that capacity.

Since his calling, he led the congregation in building a new sanctuary, breaking ground in 1971 and completing this house of God in 1973, with many additions added later.

But the Reverend Calvin Coolidge Brown is an exceptional groundbreaker in more ways than one. He was the first chaplain for the city of Beaver Falls and city council, and was the first black employee of the Economy Supermarket—now Foodland—where he helped keep the door open for additional black employees.

In 1966 and 1967, the Reverend Brown was recognized by the Beaver County Clergy Council for help in pastoring mental illness and other counseling. In 1967, 1968, and 1973, he accepted the invitation of the Pennsylvania Senate to serve as temporary chaplain. Reverend Brown, a member of the Kiwanis Club, received a special recognition award from the Civic Improvement League of Beaver County in 1969. In 1973, Reverend Brown was cited by the Pennsylvania House of Representatives for his outstanding community work and, in 1977, Reverend Brown was a guest of Richard Crenna, television star, on behalf of the American Cancer Society. In 1978 he received a special award from the Beaver Valley Service Club, and has worked long and hard with the Red Cross of Beaver County. He was also president of the local American Cancer Society for 8 years, where he was again recognized for special service.

Reverend Brown was a guest of Mrs. Jimmy Carter in Aliquippa, PA, during the Democratic Presidential Campaign in 1980.

In May, 1984, the Reverend Brown, received a call to render God's service to American servicemen in Germany, where he preached the Word. Twice in 1986, the Reverend Brown was favorably cited by local, State and Federal representatives of Beaver County for his overall work achieved in the county and State.

Currently, the Reverend Brown also serves as a commissioner on the Housing Authority of Beaver County and as vice chairman. He is also vice moderator of the Allegheny Union Baptist Association of the Beaver area.

Mr. Speaker, I rise today before the U.S. Congress to honor this man of God, Rev. Calvin Coolidge Brown, not only because of the many souls he has led to Christ to do His will, but also because of his many earthly services conducted on behalf of his community, his church and his fellow man for many, many years.

As Reverend Brown always says, "We can't park here, we must drive until the day is done." On behalf of 30 years of faithful service, I am truly proud to commend Reverend Brown before my colleagues here today.

HONORING ALAN (ACE) GREENBERG

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to bring your attention to the 10th anniversary of the Raoul Wallenberg Committee of the United States. In celebration of that occasion, the committee will honor Alan (Ace) Greenberg, its chairman emeritus and most dedicated volunteer, on May 1, 1991, in New York City.

The Raoul Wallenberg Committee of the United States was created in order to bring recognition to, and discover the fate of, Raoul Wallenberg, a hero who saved the lives of approximately 100,000 Hungarian Jews during the Holocaust. To name a few of its outstanding accomplishments, the committee has funded five human rights fellowships, one Swedish fellowship, and published "A Hero For Our Time" and "Raoul Wallenberg's Children." The two publications have been used as an educational tool in schools and libraries to enlighten the young about Mr. Wallenberg's heroism.

Alan Greenberg began his association with the committee when he took part in a candlelight vigil in New York on January 17, 1983. Since that event, Ace has remained dedicated to its purpose. As chairman and CEO of the Bear Stearns Cos., Ace also is one of Wall Street's most respected leaders.

I should like to join my colleagues in extending all the best to Ace Greenberg and the Raoul Wallenberg Committee of the United States. It is my hope that the committee will continue its efforts to educate the public about one of the world's most extraordinary heroes and to investigate the details of his fate.

THE FEDERAL RESEARCH AGENCIES MINORITY SCHOLARSHIP AND LOAN REPAYMENT PROGRAM ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. STOKES. Mr. Speaker, Congressman HOYER, Congressman TOWNS and I have joined together to introduce a bill which we believe will address the problem of recruitment and retention of senior scientists and administrators faced by our Federal research agencies. The bill is entitled the "Federal Research Agencies Minority Scholarship and Loan Repayment Program Act." The measure is intended to not only address the crisis that these institutions face with regard to senior scientists and administrators, but also to assist them in their efforts to increase minority representation in their work force.

The difficulties that Federal research agencies are experiencing in recruiting and retaining qualified scientists and top-level science administrators has been widely reported. Our distinguished colleague, the late Congressman Silvio Conte had a measure pending, H.R. 3752, the Senior Biomedical Research Service Act, which would have addressed this issue. It is well known that NIH has an especially difficult time recruiting minorities for these positions. For example, at the end of December 1989, NIH had a total of 2,922 full- and part-time employees in positions rated GS–GM 13 and above. Of these, only 331—or 11 percent—were minorities; 155 were black and 37 Hispanic. The Alcohol, Drug Abuse and Mental Health Administration [ADAMHA] and the Centers for Disease Control [CDC] have similarly dismal statistics.

The underrepresentation of minorities is particularly acute in the highest levels. Of the 191 Senior Executive Service positions filled at the end of December 1989, only 5 positions were filled by blacks and none were filled by Hispanics. At the GS–GM 15 level, blacks held 22 of 521 positions; and Hispanics only held 11 of these positions. These dismal statistics have been virtually the same for the past 3 years, even though efforts have been made to attract more minorities into senior level positions.

The area of minority recruitment is an area that has been a major concern of the Labor/Health and Human Services/Education Appropriations Subcommittee, on which Mr. HOYER and I serve. As a result of our efforts, in its fiscal year 1991 appropriations report, the committee directed these research agencies to establish a program to recruit minorities into their various career fields. However, the current statutory authorities would somewhat restrict them in carrying out this mandate.

Therefore, my colleagues and I are introducing this bill to enable NIH, ADAMHA, and CDC to take a more direct role in recruiting and retaining minorities into their work force. In essence, the institutions would be able to select and train minorities for its future work force in much the same way that the military selects and trains its future officers through the ROTC Program. The Federal Research Agencies Minority Scholarship and Loan Repayment Program is modeled after the highly regarded Undergraduate Scholar Program which I initiated at the Central Intelligence Agency and the National Security Agency.

The bill calls for a nationwide competition to be held to select qualified minority candidates to enter into an agreement to work at NIH, ADAMHA, and CDC in exchange for up to $10,000 in undergraduate scholarship aid per year. These students would also receive on-the-job training at the agencies during their off-terms. This would allow the students to gain work experience, learn about the career fields available, and establish mentor relationships with the agency's senior level administrators.

The bill would also enable these agencies to meet its need for minority clinical researchers by forgiving up to $20,000 of their educational debt in exchange for a commitment of employment service to the agency.

These programs do not require substantial new resources. NIH, ADAMHA and CDC can accommodate 25, 10, and 5 students respectively per year at a cost of approximately $1 million. The loan forgiveness program will cost no more than $1 million in fiscal year 1992. The Government will recoup its investment through the contributions these individuals will make during their service to the agencies. Given both the shortage of scientists and science administrators who will make a commitment to Federal service and the changing demographics of our Nation, this is an investment for the future that we cannot afford not to make.

Original cosponsors for the Federal Research Agencies Minority Scholarship and Loan Repayment Program Act are LOUIS STOKES of Ohio, STENY HOYER of Maryland, and EDOLPHUS TOWNS of New York.

RIALTO UNIFIED SCHOOL DISTRICT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROWN of California. Mr. Speaker, the Rialto Unified School District, in my California congressional district, will celebrate its 100th anniversary on April 24, 1991. The school district's motto: "Youth: Our Most Valuable Resource" is reflected in the dedication of the many people in the district involved in the crucial enterprise of educating our community's youth.

On April 9, 1891, the Rialto School District was created from a part of the Brooke School District. Three years earlier, recognizing the growth in the area and the need for a school sited in Rialto, a bond election was held and voters approved $6,000 for the construction of one or more schools in Rialto.

By 1906, the schools in Rialto were already crowded, and voters approved $18,000 for the construction of an eight-room schoolhouse. As early as the turn of the century, voters in Rialto were recognizing the integral role their schools played in the community. Today, the school district continues to encourage the active participation and support of parents and the community, recognizing that cooperative efforts assure high quality education.

The last of the 1940's saw the beginning of growth in Rialto. The first new school buildings in 28 years were completed. From 1951 through 1964, 10 new schools were completed. On July 1, 1964, the school district officially united, and Eisenhower High School and Rialto Junior High became a part of the new district.

Rialto's population currently stands in the 70,000-plus range. The present K through 12 population is approximately 19,990; the projection is for 25,000 by the mid-1990's. Rapid growth in the city presents all the problems associated with growth, and the unified school district is involved in the need for bond issues and continued school construction. And yet, the dedicated men and women of the Rialto Unified School District continue to fulfill its mission: "To maximize student academic, social, and cultural development so that graduates can apply acquired knowledge and skills to live meaningful and productive lives."

I ask my colleagues to join me in recognizing 100 years of significant accomplishments by the Rialto Unified School District.

MODIFIED FINAL JUDGMENT: HAMSTRINGING U.S. COMPETITIVENESS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BARTON of Texas. Mr. Speaker, an article in the April 6, edition of the Dallas Morning News announced Rockwell International Corp.'s plans to sell its Network Transmissions Systems Division, a unit which supplies fiber optic, microwave and other products to, among other customers, local telephone companies. Rockwell officials have apparently decided that this division could perform better if it is aligned with a major telecommunications company.

Unfortunately, the Modification of Final Judgment, enforced by the Federal District Court overseeing the AT&T divestiture, broadly prohibits the Bell companies from manufacturing in the United States. Therefore, the seven Bell companies—who comprise 60 percent of the U.S. telecommunications industry's capital resources—are prohibited from acquiring this manufacturing unit from Rockwell, even though it might make perfect business sense for any one of the seven companies to seek such an affiliation.

In contrast, foreign firms are free to enter U.S. telecommunications equipment manufacturing markets. In fact, almost every major foreign player has entered the U.S. market. In the Morning News article, three of the four major competitors of Rockwell in the United States were identified to be foreign companies.

Mr. Speaker, I have cosponsored H.R. 1523, a bill introduced by my colleague, Mr. OXLEY of Ohio, which would permit the Bell Companies to perform research, develop and manufacture telecommunications equipment, and customer premises equipment, subject to specific safeguards. It would be doubly ironic for U.S. competitiveness if our Nations telecommunications policy prevented each of the seven U.S. based Bell companies from affiliating with the to-be-sold Rockwell unit and the ultimate acquirer turns out to be a foreign company.

Mr. Speaker, I ask that this article from the April 6 edition of the Dallas Morning News appear in the RECORD.

[From the Dallas Morning News, Apr. 6, 1991]

ROCKWELL PLANS TO SELL DIVISION

(By Jim Mitchell)

Rockwell International Corp. plans to sell its Network Transmission Systems Division, a unit that represents a major share of Rockwell's telecommunications business and its Dallas-area operations.

Rockwell's chief operating officer, Kent M. Black, said substantial changes in the commercial telecommunications marketplace prompted the decision to divest the division, which supplies fiber optic, microwave and other products to long distance and local telephone companies.

Across the industry, such equipment sales to domestic long-distance telephone companies has slowed after enjoying a growth surge soon after the breakup of American Telephone & Telegraph Co. in 1984.

About 2,700 of Network Transmission Systems' 3,600 workers are in Richardson. The rest are in Longview; El Paso; San Jose, Calif.; Nogales, Mexico, and Georgetown, Ontario.

Overall, Rockwell employs about 6,000 in the Dallas-Fort Worth area. The proposed sale does not affect Rockwell's defense operation, with about 2,300 workers in the Dallas area.

No employees are to lose their jobs as a result of planned divestiture, Mr. Black said. Rockwell intends to sell the division as a whole.

"This (decision to sell the unit) has no real short-term significance," Mr. Black said. "There will be no layoffs as a result of this action."

The Network Transmission Systems Division recorded about $500 million in annual sales or more than half of the $851 million generated by Rockwell's telecommunications operations in the fiscal year ended Sept. 30, 1990.

Mr. Black said the Network Transmission Systems Division has been profitable. But based on trends within the industry, Rockwell officials decided the division could do better if it aligned with a major telecommunications company "than under our ownership."

Despite its size, Rockwell's Network Transmission Systems operation contributed about 10 percent of the $5 billion in sales from Rockwell's electronics sector and about 4 percent of Rockwell's $12.3 billion in overall sales during the fiscal year ended Sept. 30, 1990. The electronics sector also includes industrial automation, avionics and defense electronics businesses.

"It was a decision we thought through for a considerable length of time," Mr. Black said. "And (we) concluded that. . . . with changes in the marketplace, it was in the best interests of Rockwell, Rockwell shareholders and Rockwell employees to sell this unit at this time."

The company has hired Wall Street adviser Dillon, Read & Co. to market the division and hopes to complete the sale by the end of the year, Mr. Black said. Major competitors of the Network Transmission Systems Division include Northern Telecom Inc., American Telephone & Telegraph Co., Ericsson and Fujitsu.

Rockwell chairman Donald R. Beall said sale of the division will "help us achieve our goals for long-term growth in earnings per share, and return on equity by allowing us to focus further resources on continued strengthening and growth in our business and other actions to enhance shareholder value."

One of the nation's largest defense and commercial electronics companies with about 100,000 employees, Rockwell has posted mixed financial results in recent months.

In the 1990 fiscal year, Rockwell earned $624.3 million or $2.56 a share on revenues of $12.3 billion. Several sectors of the company's business, including defense electronics and automotive electronics, have been under pressure.

Rockwell stock, traded on the New York Stock Exchange, closed down 1, closing at 26⅞ on volume of 305,000 shares.

Mr. Beall said the company, which will report second-quarter earnings in mid-April, likely "somewhat below" the 70 cents a share the company earned during the second quarter of the 1990 fiscal year.

RECOGNITION OF LT. COL. LINWARD APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SKELTON. Mr. Speaker, an outstanding soldier who has led the ROTC unit at Lincoln University, Jefferson City, MO, retires from active duty June 1, 1991. Since Lt. Col. Linward Appling assumed his duties as a professor of military science at Lincoln University in 1985, the ROTC unit has won numerous competitive awards and has become a leading provider within our State of 2d lieutenants for the U.S. Army, both Active and Reserve. Lieutenant Colonel Appling ends a most remarkable career. Lieutenant Colonel Appling was born in Roberta, GA, and is a 1961 graduate of Crawford County High School. He entered the Army in 1961 as a private and spent his first 9 years in the service as a noncommissioned officer. In 1970, he received a BA degree in social science, with emphasis in business, from Coker College, Hartsville, SC, and in 1975, an MA degree in political science, with emphasis in public and health care administration, from Wichita State University, Wichita, KS. His initial assignment as an officer was with the 4th Battalion, 10th Infantry, Fort William D. Davis, Republic of Panama, where he served as platoon leader, company executive officer, assistant operation officer [S–3], and company commander. In 1971, he returned to Vietnam for his second tour of duty and served as a reconnaissance platoon leader and company commander in the T Infantry (Air Mobile), S Airborne Division. Subsequent assignments include company commander at Fort Jackson, SC, the armor officers' advanced course at Fort Knox, KY, assistant professor of military science at Wichita State University, Wichita, KS, organizational effectiveness/organizational development staff officer, battalion operations officer [S–3], and executive officer with the 193d Light Infantry Brigade, Fort Clayton, Republic of Panama, and as the J–1 for the Joint Special Operation Support Element and the Deputy Adjutant General of the U.S. Readiness Command, MacDill Air Force Base, Tampa, FL.

Lieutenant Colonel Appling's military education includes the Infantry Officers' Candidate School, 1969; Airborne School, 1975; armor officers' advanced course, 1978; Command and General Staff College, 1978; the organizational effectiveness/organizational development staff course, 1982, the Armed Forces Staff College, 1982; Military Personnel Officers' School, 1985; and the Armed Forces defense computer science course.

His awards include the Bronze Star Medal, the Defense Meritorious Service Medal, the Air Medal, the Army Commendation Medal—three awards—the Army Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal—two awards—and several theater and service medals. He wears the Combat Infantryman's Badge and the U.S. and Korean Parachutist Badges.

He and his daughter, Linda, reside in Jefferson City, MO, and I am pleased that he will remain a resident of Jefferson City, MO, on

the faculty at Lincoln University. He will head the Participants Training Program there. I know that the other Members join me in wishing Lieutenant Colonel Appling the best in the days ahead. He retires with the satisfaction of having contributed immeasurably not only to the U.S. Army during his years of service, but also with the satisfaction of having been an inspiration to Army leaders of the future.

INTRODUCTION OF WHITE SANDS FAIR COMPENSATION ACT OF 1991

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SKEEN. Mr. Speaker, today I am reintroducing the White Sands Fair Compensation Act, which would authorize $17.5 million to individuals who lost their land or mining claims to the U.S. Government for the establishment of White Sands Missile Range during World War II.

During the last session of Congress we were successful in getting the House Judiciary Subcommittee on Administrative Law and Governmental Relations to conduct a hearing on this legislative matter.

This legislation establishes a seven-member commission which will evaluate the claims submitted by owners related to the taking of their property and make payments to those claimants not fully compensated. In evaluating claims, the Commission would determine the value the property had in 1975 when the U.S. Government permanently took the lands comprising White Sands Missile Range based on established precedents for the value of similar real estate in New Mexico. Priority consideration would be given to the claims of ranchers and miners who owned property continuously between 1941 and 1975.

To gain a broader understanding of the plight these individuals have undergone over nearly half a century, one must go back to the international strife that plagued this country of united Americans during World War II. Most Americans were asked to sacrifice for the great causes this nation fought for.

The ranchers and miners affected by this legislation are just a few of the many patriotic individuals who made great sacrifices for this country. All of these fine people gave up their lands, their livelihood and their homes to the U.S. Government which pledged that these ranchers and miners would be returned their property once World War II ended. The productive land these people gave up was ultimately used to develop and detonate the most destructive weapon known to mankind the atomic bomb. Nearly 45 years after Hiroshima and Nagasaki, and after the rebuilding of Japan and Europe, and after a bill authorizing the compensation of Japanese-Americans interned in American prisons during World War II, these ranchers and miners are still trying to rebuild their lives and salvage what is left of the future. In a real sense, the destruction of World War II has never ended for these individuals and their families and it is ironic that a nation which can establish a Marshall plan to rebuild Europe has failed to adequately compensate its own citizens.

The Aleutian and Pribilof Islands Restitution Act, title II of Public Law 100–383, provides a precedent for compensation of these White Sands ranchers and miners.

When the Japanese attacked the two western most Aleutian Islands during World War II, the U.S. military evacuated about 900 Aleuts from the Pribilof Islands and from many islands in the Aleutian chain. Though this action was militarily justified, the Aleuts were treated poorly during the relocation period. When the Aleuts returned to their villages after the war, they were confronted with wartime destruction, much of which was done by U.S. military personnel.

In Public Law 100–383, Congress stated:

The United States has not compensated the Aleuts adequately for the conversion or destruction of personal property, and the conversion or destruction of community property caused by the United States military occupation of Aleut villages during World War II. There is no remedy for the injustices suffered by the Aleuts during World War II except an act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

If this same standard were used for the White Sands ranchers and miners, it would allow them to be compensated for public domain lands included in the ranch and mining units, as this is an established precedent for ranch valuation in New Mexico.

I have introduced this bill as remedy for the 150 or so ranching families who were displaced by the creation of the White Sands Missile Range. This legislation would be a significant step in the process of bringing an end to this controversy. This bill is the result of an intensive study and consultation with the ranchers and miners, their families, individuals of the New Mexico Cattle Growers Association and the range management specialists at New Mexico State University.

TO PUT TEETH INTO THEIR WORDS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. OXLEY. Mr. Speaker, I commend to the attention of my colleagues a recent article written by columnist and scholar Ben Wattenberg regarding the hypocrisy demonstrated by certain of the critics of the President's Persian Gulf policies.

The sniping we have heard from some Members of Congress is just that—risk-free armchair quarterbacking from politicians who vigorously opposed U.S. military action when the President needed their support the most.

I urge my colleagues' attention to this article.

TO PUT TEETH INTO THEIR WORDS

Some leading Democrats and liberals have said they were shocked, dismayed and distressed that President Bush did not help the Kurds in their moment of military agony. They say we should do something now. Fair enough.

But lest the waves of hypocrisy climb dangerously toward nostril-level, there are some questions that should be asked of Democrats and liberals. Answers may yield a serious and sustainable American policy.

Question: Are Dem/libs in favor of intervening in civil wars?

In Vietnam, they were not. Not intervening in a civil war was offered as the prime reason for opposition. We were told that America should abstain even when the badguy side in a civil war was communist, expansionist and backed by our nuclear-tipped adversary, the Soviet Union.

In Nicaragua, ditto. Moreover, this time the conflict was "in our back yard." But the Dem/lib line was that civil wars were out of bounds for America.

Question: Are liberals prepared to use force?

Liberals made the Democratic Party the Dove Party. They opposed use of force under almost any circumstance. Iraq's invasion of Kuwait was cross-border aggression, a sin of the first magnitude, without ambiguities of "internal affairs" that come with civil wars. Liberals said: Thou Shalt Not Use Force. And so, when the president asked for congressional approval to blast Iraq out of Kuwait, two-thirds of the Democrats voted no.

Question: If Mr. Bush had helped the Kurds militarily, would liberals have said, "Kurdistan is another Vietnam?

If we had grounded Saddam's helicopters, wouldn't he have used artillery and tanks agianst the Kurds? If we then pounded Saddam's artillery and tanks, wouldn't he have likely used ground troops against the Kurds? What then? Escalation, in order to prevail.

How would liberals have responded? Because many of the same players said that (a) Nicaragua, (b) Angola, (c) Kuwait, and (d) El Salvador "was another Vietnam," it is likely that if involvement in Kurdistan had lasted a while, it too would have been Vietnamized by liberals.

Question: Why don't the critical Democrats put their money where their mouths are? If they did, they would help their party, their country and the world. A "sense of the Congress" resolution, if passed with a majority of Democrats, could help rescue the current tragic situation.

The resolution should formalize the logical results of current liberal rhetoric. It could say that America made a mistake in not helping the Kurds earlier. It could say that the United Nations should do the job. (The letter to the president circulated by Rep. Stephen Solarz, New York Democrat, is a wise first step.) In the event the United Nations does not act with sufficient force (alas, likely), the resolution should seek allied support.

It should say America should now help the Kurds, with low-casualty military action if necesssary, in order to halt potential genocide and to achieve Kurdish autonomy within an Iraqi federal democracy. And it should say we will not betray the brave kurds if the going gets tough.

Such a resolution would resonate everywhere. It need not announce in a rub-noses-in-it manner that liberals have recanted. But its implication would be clear. It would mean that in the post-Cold War world, liberals and Democrats are prepared to selectively support the good guys in civil wars.

Upon what principle could such a resolution be based? That America is the only superpower, that superpowers have unique responsibilities and can act unilaterally.

What might Mr. Bush do with such a resolution?

He would have to seriously rethink his policy regarding the Kurdish situation. He says we shouldn't get bogged down in a civil war. That is reasonable; after all, he knows that if it happened, America could be split apart again in hawk-dove discord, as in Vietnam and Nicaragua.

But if liberals were seriously supportive, new possibilities would emerge. In fact, America could move with dispatch toward creating a new world order.

LOSING THE UDALL LEGEND

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. JACOBS. Mr. Speaker, eloquent David Rhon wrote this Indianapolis News editorial. Good for him.

The song says "From this valley they say you are going * * *."

We might well say to MO, "From this hill they say you are going. We shall miss your bright eyes (sic) and sweet smile."

I don't believe it extravagant to suggest that MO UDALL is the closest thing to Lincoln since Lincoln.

How sad it is that America has been denied his Presidency.

[From the Indianapolis News, Apr. 17, 1991]

LOSING THE UDALL LEGEND

In the 1976 Democratic presidential primary, Oklahoma's Sen. Fred Harris, something of a poltiical populist, quipped that he lost his bid for the presidency because his supporters, the little people, were too short to reach the voting lever.

Harris, however, siphoned off enough votes in four primaries—New Hampshire, Massachusetts, Wisconsin and Michigan—to deny Rep. Morris "Mo" Udall, D-Ariz., the nomination. Jimmy Carter was the winner, and the rest, as they say, is history.

It is hard to say what would have happened had Udall been the nominee instead of Carter.

But one can argue that Udall is one of the most capable politicians never to have been president. He is certainly one of the funniest.

He even made fun of his glass eye, describing himself as a "one-eyed Mormon Democrat from conservative Arizona—and you can't have a higher handicap than that."

Campaigning the depressed Farm Belt during the presidential primary, he would rhetorically ask his rural farm audiences if they knew the difference between a pigeon and an Iowa farmer. "The pigeon," he explained, "can still make a deposit on a tractor."

Udall narrowly failed to become the first candidate since James Garfield to go directly from the House of Representatives to the White House. Nevertheless, in three decades on Capitol Hill he accomplished about as much as anyone, authoring the Alaska lands act, the strip mining reclamation act, the nuclear waste act, the federal wilderness act and the campaign reform act of 1974. He also authored a delightful book titled "Too Funny to Be President".

Now comes word that Udall, who has been suffering from Parkinson's disease and who was injured in a fall last January, probably is resigning his House seat.

Rep. George Miller, D-Calif., remarked on hearing the news, "Mo" Udall is one of the legends in Congress. The guy's a hero to all of us who came after him. If he leaves, it will be a major, major loss."

As columnist George Will once observed, "All wit rests on a cheerful awareness of life's incongruities. It is a gentling awareness, and no politician without it should be allowed near power."

By that measure alone, Morris K. Udall should have been in the White House, but has served the nation admirably in Congress.

TRIBUTE TO THE MEDICAL STAFF OF THE SAN DIEGO NAVAL HOSPITAL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the fine medical staff of the Naval Hospital in San Diego, California. As many of my colleagues are aware, I had an accident which required immediate medical attention. I was extremely fortunate to be able to be taken to Naval Hospital San Diego.

My first weeks in Congress were tumultuous. In the midst of the wrenching debate over authorizing the war in the Persian Gulf and setting up my Washington and San Diego offices, I suffered an eye injury which threatened my vision. I was rushed from the San Diego Airport to Naval Hospital and almost immediately into surgery.

Due to the exceptional skill and professionalism of the Ophthalmology Department, my vision was saved in that eye. For that, I am exceedingly grateful to the men and women of San Diego Naval Hospital. In particular, I wish to express my appreciation to the following individuals:

CAPT John Sutphin, MC, USN, Chairman of the Ophthalmology Department.
CDR Larry Sutton, MC, USN, Anesthesiology.
LCDR Steve Morrow, MC, USN, Anesthesiology.
LT Anita Kraft, MC, USN, Anesthesiology.
LCDR Kelly Keefe, MC, USN, Surgeon.
LCDR Katheryn Steuernagel, NC, USN, O.R. Nurse.
HM2 Martin Deleon, Scrub Techs.
HM2 Michael Messer, Scrub Techs.
LTJG Kathleen Vidal, 4E Ward.
ENS Mary Strom, 4E Ward.
ENS Wanda Sadowy, 4E Ward.
ENS Patricia Paulson, 4E Ward.
RN Janet Harrison, 4E Ward.
RN Hazel Burman, 4E Ward.
HM3 Virgelo Buscagan, 4E Ward.
HM3 Cynthia Freston, 4E Ward.
HN Theresa Lamb, 4E Ward.
HN Andrew Barker, 4E Ward.
HN Gen Corpuz, 4E Ward.
HM3 Michael Cain, Eye Clinic.
LT Gary Tanner, Eye Clinic.

Mr. Speaker, at a time when our service men and women are returning from the Persian Gulf, it is comforting to know that our military health care providers are dedicated and professional. I know my colleagues join me in saluting the men and women of San Diego Naval Hospital for their outstanding service and commitment.

A TRIBUTE TO CHRIS SEEGER

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HERGER. Mr. Speaker, I ask that my colleagues join with me in paying tribute to a truly exceptional senior staff member, Christopher C. Seeger. After 20 years of loyal, dedicated service on Capitol Hill, Chris is preparing to return to the private sector.

I personally owe Chris my continued gratitude for the invaluable help he provided to me when I first was elected to the House in 1986. As Chief of Staff to Congressman Norman Shumway, Chris offered wise counsel and invaluable assistance in helping me assemble a staff, organize my office, and acclimate to the ways of Congress and the Nation's Capital. I have continued to depend upon Chris through the years, and want him to know that I consider him a trusted and loyal friend.

Chris enjoys the well-deserved respect and friendship of many members, most especially those in the California delegation. From his earliest days on the Hill, as legislative assistant to Representative Charles Teague, Chris has demonstrated outstanding leadership skills. When newly-elected Representative William M. Ketchum of California was sworn into office in 1973, Chris assumed command of the Ketchum organization, serving as Administrative Assistant and organizing an effective, enthusiastic congressional "team."

Following the untimely death of Bill Ketchum in June 1978, Chris was appointed Administrator of the vacant congressional district by the Clerk of the House. For the remainder of the year, he and a small staff served the interests of California's 18th Congressional District in an exemplary manner.

After the 1978 election, Chris was recruited by my friend and colleague, former Representative Norman D. Shumway, to be his Chief of Staff. Norm was fond of saying that those of us on this side of the aisle would do well to emulate the slogan of that rental car company: "We Try Harder." Chris demonstrated his own grasp of that premise, as well as his exceptional abilities as an administrator and manager. He developed a staff which was highly motivated, professional, capable, and loyal. In fact, Chris' track record with staffing speaks volumes for his success: throughout his tenure, he has experienced very little turnover in senior positions. Equally telling is the fact that staff members who have left to further their educations, advance their careers, or begin families continue to solicit Chris' advice and guidance. Past and present staff consider Chris a mentor as well as a friend, and that sentiment is not limited to those who worked directly with or for him.

One need only spend a short time with Chris to understand the secret of his winning ways with people. From the moment he arrives each day, he treats all those who cross his path with kindness and respect. He takes the time to learn their names and interests and to inquire about their families and friends.

Countless Hill employees, be they housekeeping personnel, garage attendants, Capitol

Hill police, committee or personal staff members, have stories to tell concerning Chris Seeger's personal thoughtfulness, concern and assistance, especially in time of need. On the wall of his office hangs a framed reminder of the philosophy he embodies so well: The most important word in the English language is "we;" the least important word is "I."

While our colleague, Norm Shumway, retired last year, Chris has continued to apply his convictions effectively. For the past 4 months, he has paved the way for Norm's successor, Representative JOHN T. DOOLITTLE. I know that Chris' knowledge and experience have been invaluable to JOHN during the opening days of his congressional career, and that an excellent new organization stands ready to fill the void when Chris departs as a result.

No one even distantly acquainted with Chris will be surprised to learn that, prior to coming to the Hill, Chris served with distinction for 6 years as a U.S. Air Force officer. He was released as a captain in 1971 following a tour in Vietnam which earned him the Distinguished Flying Cross, the Air Medal with six oak leaf clusters, and the Air Force Commendation Medal.

Now, Chris will utilize his military discipline, leadership experience, legislative knowledge and personal charisma to meet a new and exciting challenge. As vice president and legislative liaison for United Services Automobile Association [USAA], Chris will establish the prestigious San Antonio-based company's Washington office. While he will be off the Hill, I am certain he will be neither gone nor forgotten. He has too many friends on the Hill for the former loss to occur, and he has left too strong a mark to permit the latter.

Chris Seeger personifies the very finest human qualities, professionally and personally. He understands that actions speak much more loudly than words, and Chris Seeger's actions are those of a decent man, a dedicated public servant, and a committed citizen. All those who are privileged to know him and work with him, now and in the future, will benefit from the experience. I know that my colleagues will be pleased to join with me in expressing congratulations and commendation on a job well done, and in extending every best wish to Chris and his wife, Kristin, as they pursue new goals.

MATHEWS COUNTY, VA

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BATEMAN. Mr. Speaker, I am proud to represent Mathews County, VA, and to congratulate the county on its bicentennial. The act of the Virginia General Assembly which created the county became effective on May 1, 1791, and the county will conclude its bicentennial celebration on May 1 of this year. Therefore, I am pleased to include in the RECORD today a copy of a statement prepared by the county's unofficial historian, Mr. J. Martin Diggs, which discusses Mathews fine heritage.

MATHEWS COUNTY, VIRGINIA—200 Years Old

(By J. Martin Diggs)

In 1790 some residents of that portion of Gloucester County, Virginia lying between the North River and Chesapeake Bay petitioned the Virginia General Assembly to create a new county by separating this area from Gloucester. The area in question also embraced Kingston Parish. An act was passed by the General Assembly in December 1790. The borders of the newly created county did not exactly follow parish lines but rather natural geographic lines. The act became effective May 1, 1791 and the newly created county was named for Thomas Mathews, Speaker of the Virginia House of Delegates.

Bicentennial celebrations have been going on in Mathews since November 1990, the two hundredth anniversary of the presentation of the petition to the Virginia General Assembly. Celebrations will culminate with a mammoth birthday party being planned for May 1, 1991.

Some of the folk who have left indelible marks on state and national history had roots in Mathews County. Bordering on the Chesapeake Bay and almost surrounded by other tidal waters; Mobjack Bay, North River and Piankatank River it was natural that Mathews men would take to the water for a livelihood. This they have done not alone working the local waters but engaging in shipbuilding locally and in nearby ship yards. Many of the county's men have taken to the sea so that they have won the distinction that: "The sun never sets on Mathews men." In addition such individuals as General Robert E. Lee, President William Henry Harrison, Thomas Nelson, signer of the Declaration of Independence, had roots in Mathews. Over the years there have been many others in various activities who have left their imprint upon the state and the nation.

ALICIA CERVERA: THE QUEEN OF BRICKELL"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Alicia Cervera, who recently was featured in the Miami Herald as a successful broker for condominiums in Downtown Miami's Brickell Avenue area. The article, "Queen of Brickell carves niche among the high-rises", tells her story:

When Alicia Cervera was growing up in Cuba and Peru, she dreamed of following in her mother's footsteps and becoming a builder, but the thought of becoming a queen never crossed her mind.

The exclusive broker for condominiums in the Brickell area, Cervera has been dubbed the "Queen of Brickell" by friends and clients.

The daughter of a Peruvian ambassador to Cuba and a developer, Cervera left Cuba for Miami in 1961 with her husband after he received political asylum from the Mexican government. She began researching the real estate market for friends who also were planning to move to Miami.

"When I arrived, many friends asked about property in Miami," said Cervera. "I got involved in real estate as a favor to my friends. A couple of years later, I got my license.

In 1970, she started a real estate company bearing her name. Cervera Real Estate, which employs her husband and their three children, works exclusively in the high-rent Brickell area of downtown Miami and has become successful beyond her wildest dreams.

"We did much better than I thought we could," said Cervera, president and chief executive. "I didn't want to be this involved. It captured me. I just wanted to help friends and send my kids to school."

She has seen most of her dreams come true. Her daughters are both University of Miami graduates and her son is currently a student there.

One of her biggest coups was securing the sales agent job for the Brickell condominium Villa Regina. When giant developer Trammell Crow took over the property after real estate tycoon Nicholas Morley defaulted, the building was in need of an agent. Cervera was the logical replacement.

"Alicia was well known as the player on Brickell," said Trammell Crow area partner Chris Wheeler. "As the search for a replacement for Morley progressed, her name just kept coming up. We interviewed her and came away pleased."

Today, working with developer Ujo Colombo, Cervera Real Estate is trying to sell 147 units in a 40-story building called the Bristol. The residential building, planned for Brickell Avenue and Southeast 21st Street, will be the first construction project in the neighborhood since 1981.

Though the structure is not yet built, Cervera said she has deposits on 20 percent of the units.

Cervera represents such Brickell landmarks as the Atlantis, the Imperial and Harry Helmsley's 254-unit, $60 million project, the Palace on Brickell. The buildings attract people from all over the world.

"In 1950, I went with my father for three years to New York and acted as his secretary," said Cervera. "I met all kinds of people, and it has helped me to deal with all the different nationalities. Your approach in selling has to be different to each nationality."

She credits her success to working directly with developers. Cervera believes that because she is in touch with the public every day, she has a better feel for customers' needs then developers do.

"I'm more aware if they want Jacuzzis and such," she said. "I'm also involved in advertising and do a lot of research and marketing for the developers."

Real estate is Cervera's hobby. During her free time, occasionally spent bike riding, she is constantly thinking of ways to sell her next project.

Cervera is enamored with Miami's ethnic and cultural mix.

"The other day, someone from Europe said that Miami is like St. Tropez for the Europeans," she said. "If that happens, I want to be there."

I am happy to pay tribute to Ms. Cervera by reprinting this article from the Miami Herald. Ms. Cervera's story is typical of the many successful immigrants who have helped make America what it is today.

TUFTONIA'S DAY, 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to Tufts University in Medford, MA and to commemorate Tuftonia's Day, 1991. The annual holiday was inspired by the Tufts fight song, "Tuftonia's Day," written by Elliot Wright Hayes, class of 1916. Tufts alumni and students all over the world will be celebrating with their alma mater on April 19. Tufts was founded in my district in 1852, and has been turning out the best and brightest ever since.

Our colleagues BILL RICHARDSON of New Mexico, class of 1970, and PETE DEFAZIO of Oregon, class of 1969, are testament to that fact. I am also proud to count three Tufts alumni among my current staff.

I grew up just a few miles away from Tufts, which I have always respected not only for its academic prowess but also for the intense loyalty that the students and alumni show their alma mater. I congratulate Tufts' president, Jean Mayer, the over 65,000 alumni of Tufts, and the 7,900 current students from all 50 States and 99 different countries on Tuftonia's Day, tomorrow.

I urge my colleagues to join with Tufts and all Tuftonians on this festive occasion, singing with vigor the song that inspired the holiday:

Steady and true, rush along Brown and Blue
Raise a mighty score today.
Fearless tear down the field and never yield!
Brown and Blue, Brown and Blue for aye!
Hammer them hard, boys, and break through their guard,
That is the old Tuftonia's way.
And our glorious banner once again will wave o'er Tuftonia's Day.
T-U-F-T-S, T-U-F-T-S, Hurrah! Hurrah! for the dear old Brown and Blue.
Up on the Hill tonight all will be gay.
Victorious in the fight, we'll raise the standard of dear old Tufts to Glory!
Pile up a mighty score.
It's bound to soar.
Now one goal more!
Nothing can stop us; its Tuftonia's Day.
Push it right through, boys, we're rooting for you.
Now then smash their guard once more.
See, they are losing fast, their line can't last!
Brown and Blue, boys, forevermore.
Right through the hole, lads, and make it a goal in the good old fashioned way.
And we'll all turn out with a lusty shout to honor Tuftonia's Day.
T-U-F-T-S, T-U-F-T-S, Hurrah! Hurrah! for the dear old Brown and Blue.
Up on the Hill tonight all will be gay.
Victorious in the fight, we'll raise the standard of dear old Tufts to Glory!
Pile up a mighty score.
It's bound to soar.
Now one goal more!
Nothing can stop us; its Tuftonia's Day.

—E.W. Hayes (Class of 1916).

INTRODUCTION OF TWO BILLS TO PROTECT THE ANTARCTIC ENVIRONMENT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing, along with other Members, two bills concerning environmental protection of Antarctica. One bill, the Antarctic Environmental Protection Act of 1991, addresses the serious problem of waste disposal and waste management at United States facilities in Antarctica. The other bill, the Antarctic Oil Spill Protection Act of 1991, provides needed protection against oilspills in Antarctica from United States vessels and facilities.

This is the second Congress I have introduced legislation to protect the Antarctic environment from man's wasteful practices. In the 101st Congress, I introduced, and the Committee on Merchant Marine and Fisheries reported, H.R. 4210, the Antarctic Environmental Protection Act of 1990. Due to its wide sweep, that bill was referred to four committees in the House and not otherwise reported. This year, I am introducing two separate pieces of Antarctic legislation, divided along committee jurisdictional grounds, for more expedited consideration of these measures.

Both bills complement legislation introduced by our late, esteemed colleague, Silvio Conte, and signed into law by President Bush at the end of the 101st Congress. The Conte law, Public Law 101–594, prohibits United States citizens from engaging in any mineral resource activity in Antarctica, pending the entry into force for the United States of a new international agreement which will prohibit or indefinitely ban mining in Antarctica by all parties to the Antarctic Treaty. Public Law 101–594 also urges the Secretary of State to negotiate a new international agreement for Antarctica which provides the continent with comprehensive and permanent environmental protection from the potential hazards of mining as well as from other human activities on the ice.

The State Department is in the process of negotiating with other treaty parties a new environmental protocol to the Antarctic Treaty. The treaty parties themselves recognize that the existing system of agreements and nonbinding recommendations is inadequate to ensure comprehensive and binding environmental protection. The negotiations, called the XI special consultative meeting, were begun last November in Vina del Mar, Chile, and will continue, and hopefully conclude, in a meeting scheduled for Madrid, Spain, later this month.

On March 5, 1991, the three Merchant Marine and Fisheries Committee subcommittees of jurisdiction conducted a joint oversight hearing on the status of the administration's negotiation of the environmental protocol. Mr. Curtis Bohlen, the Assistant Secretary of State for Oceans, International Environmental, and Scientific Affairs, briefed the subcommittees on the status of these negotiations. It was clear from this briefing that the treaty parties have made considerable progress on a draft protocol, but there is a long way to go on several key issues before consensus can be reached.

One of the remaining critical issues in the new protocol is how to resolve the impasse over mining. On the one hand, Australia, France, and New Zealand, among a large number of other treaty parties, are urging a permanent prohibition on mining in Antarctica. On the other end of the spectrum, the United States, the United Kingdom, and Japan appear to be continuing to support the convention on the regulation of Antarctic mineral resource activities, or CRAMRA. CRAMRA was negotiated in 1988, but has not entered into force due to the second thoughts of a growing number of parties over the prospect of mining in Antarctica.

The United States signed CRAMRA, but the President has wisely not submitted the convention to the Senate for its advice and consent. Both the Conte law and the Gore resolution—also enacted into law last year, Public Law 101–620—make clear Congress' opinion that CRAMRA does not provide adequate environmental protection for Antarctica, and, indeed, could promote the wrong type of commercial activities in Antarctica. I urge the President and the Secretary of State to negotiate a strong provision in the protocol consistent with the Conte law's call for a permanent prohibition or indefinite ban on mining. If the United States would exercise much-needed leadership on this question, I am confident the few remaining parties who support CRAMRA can be persuaded to adopt this more rational point of view.

Once the minerals question is resolved, the parties can turn their attention to the more immediate and critical problems of waste management, marine pollution, environmental impact assessment procedures, and conservation of Antarctic fauna and flora. It is these critical problems that my bills address. I have introduced these bills for two reasons—one, to indicate my views about the types of provisions and standards that should be included in the new protocol, and two, to serve as the basis for domestic implementing legislation. If the protocol negotiations collapse, or the impasse over mining remains, it may be necessary for the United States and other Nations to enact separate legislation regulating the activities of their citizens in Antarctica. The message is clear to the administration—do the right thing for Antarctica now, or we will have to correct the mistakes later.

The Antarctic Environmental Protection Act of 1991 amends the Antarctic Conservation Act of 1978. This law has not been amended and updated since its original passage. But, a lot has transpired since 1978. The world is more conscious of the need to keep Antarctica in its relatively pristine state so that the continent can be used as a platform for valuable scientific research. Once the continent is polluted, important work on detecting and monitoring global climate change will be tainted, too. We also need to develop and implement a new philosophy on bringing materiel to Antarctica so that waste in and from Antarctica can be reduced accordingly. We also have to protect Antarctica from the hazards of oil spills. Recent accidents have shown the need to take more care with the transportation of fuel oil, because once the oil is spilled, it is nearly impossible to remove from the ice.

The United States Antarctic Program [USAP] and the Antarctic Conservation Act are administered primarily by the National Science Foundation [NSF]. I, among other Members of Congress, have been critical in the past of NSF's administration of the USAP. Protection of the environment has taken a back seat to the pursuit of research, establishment of bases, and logistical support for scientific research. The USAP's support of Antarctic research is important, but it cannot succeed if the underlying environment is contaminated with waste, oil, open burning, and landfills.

I am pleased that the NSF is beginning to take seriously the need to have good environmental practices in Antarctica. But, the proof of this new-found interest is not yet in. NSF's efforts are based on 1978 legislation which is outdated and needs, in my opinion, amending to address the current range of environmental issues. NSF's efforts are also largely voluntary and may not be binding on all participants in the USAP, including other Government agencies as well as private citizens and private tour operations. To carry out the provisions of the new protocol and to make sure that the Antarctic Conservation Act is binding on all United States citizens in Antarctica, amendments to the act are needed.

More specifically, the Antarctic Environmental Protection Act would regulate waste disposal practices at United States bases in Antarctica; require the cleanup of past dump sites; prohibit the discharge of plastics, other garbage, and hazardous substances from United States vessels; require the designation of new specially protected areas; confirm the application of the National Environmental Policy Act [NEPA] to Federal activities in Antarctica; and augment the civil penalties in the act and make them available for the protection of Antarctic resources and the conduct of environmental education and training programs. To ensure that NSF takes into account U.S. standards and laws and receives the benefit of other agencies' expertise, my bill requires the Environmental Protection Agency to assist NSF in the development of waste management regulations, the Coast Guard to regulate vessel sources of pollution, and the National Oceanic and Atmospheric Administration to administer an environmental monitoring program. The bill also authorizes needed appropriations for NSF, the Coast Guard, and NOAA for fiscal years 1992 and 1993.

The second bill, the Antarctic Oil Spill Protection Act of 1991, amends the Oil Pollution Act of 1990, Public Law 101–380, to apply its key principles to United States activities in Antarctica. I have adapted the provisions of the Oil Pollution Act to apply to the unique physical and legal circumstances of Antarctica. My bill prohibits the discharge of oil in Antarctica by any United States citizen or vessel and requires persons who do discharge oil to remove the oil, restore the affected environment, and compensate injured third parties. The Coast Guard, which is the U.S. expert on oil spills, is charged with administering the act, and can assess civil penalties for violations of the act's requirements. The civil penalties so collected will be deposited in a trust fund and used to help protect specially protected areas and provide training and environmental education to persons visiting Antarctica.

The Coast Guard is also authorized to require and approve oil spill response plans from United States vessels that pose a threat of discharging oil into the Antarctic environment, and to ensure that these vessels have evidence of financial responsibility in an amount sufficient to undertake their potential liability under this act. Further, the bill directs the Coast Guard to undertake a study of the safety of United States and other vessels subject to the jurisdiction of the United States to make sure the vessels can navigate safely in Antarctic waters and that United States citizens traveling on these vessels are safe. I am concerned that, with an increasing number of United States tourists visiting Antarctica by ship, the vessels that carry them should be safe to operate in this harsh environment.

I urge my colleagues to support these Antarctic environmental protection measures. When the time comes, I will urge their passage.

TRIBUTE TO EDWARD M. SWEENEY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GUARINI. Mr. Speaker, I rise today in order to recognize the accomplishments of a citizen in my district, Mr. Edward M. Sweeney. I believe he represents in many ways the ideal citizen, one who dedicates his life to serving his community.

Ed's home is Bayonne, NJ. He graduated from St. Mary's Grammar School, Bayonne High School, and the New Jersey State Fire College. Ed served in the U.S. Navy during World War II, holding the rank of motor machinist mate 3rd class. He and his wife Lorraine have five children.

As an employee of the Bayonne Fire Department from 1943 until 1975, Ed Sweeney exemplified the highest standards of public service. He started out serving as a fireman, then was promoted to mechanic, captain and finally superintendent of apparatus. Later, he served as director of public works, and in 1979, he was appointed director of the merged departments of public works and parks and recreation, where he worked until his retirement in June 1990.

As director of public works and parks and recreation, Ed accomplished a great deal for the citizens and the city of Bayonne. He operated a successful recycling division, setup a cost effective and efficient method for snow and ice removal, and instituted ferry service from Brady's Dock in Bayonne to the South Street sea port in New York. Ed also upgraded all the parks and playground areas, installing new play structures in Bayonne's Di Domenico Park. Ed Sweeney's renovations provided facilities that could also be used by disabled children. The citizens of Bayonne are still benefiting from the programs and projects established by Ed Sweeney.

Ed has been an active participant in countless community organizations, including the Salvation Army, New Frontier Democratic Club, St. Andrews Holy Name Society, Emerald Society State of New Jersey Law Enforcement Officers and Firemen, Irish American League, Mackenzie Post 165, Ireland "32," Firemen's Mutual Benevolent Association, County Donegalmen's Association, and Bayonne St. Patrick's Day Parade Committee. In 1976, Ed was chosen to be grand marshal of the St. Patrick's Day Parade.

Through commitment and dedication to their communities, citizens like Ed Sweeney have contributed to the strength and development of the United States. Ed's hard work has helped make the town of Bayonne a safe place to live, a good place to raise a family, and a friendly place in which all citizens feel a sense of belonging. Men and women, like Ed, who protect and improve the quality of life for the members of the communities, are an invaluable asset to America as we face the challenges of the future.

On Friday, April 26, 1991, Ed will be presented with the Distinguished Citizen Award by the Boy Scouts of America. He will also be honored by the city of Bayonne with a commemorative resolution. I ask my distinguished colleagues to join me and these groups in congratulating Mr. Edward M. Sweeney for his lifelong dedication to the city of Bayonne.

NUTRITIONAL HEALTH FOR OLDER AMERICANS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. OAKAR. Mr. Speaker, there are few images more haunting than older Americans suffering from malnutrition. Yet as many as 50 percent of our hospitalized elderly population have been said to suffer from this condition. Malnutrition which in many cases is preventable and treatable. Malnutrition which if prevented and treated early, would significantly reduce hospital stays and surgery recovery times. Malnutrition which can drain the vitality out of thousands of seniors.

As a senior member of the House Aging Committee and as someone with a keen interest in our older citizens, I want us to work to keep seniors free-living and vital as long as possible. To do so reduces the demand on our over-burdened health care system and saves precious health care dollars. Of all the "high-technology" methods we can employ to preserve and promote life while saving money, feeding people is one of the most effective.

In March we celebrated National Nutrition Month. I would like to join in supporting the work of the 35 member organizations who form the Nutrition Screening Initiative. I enthusiastically support their call to make screening for nutritional status an integral part of Americ's health care system. We must work together to make nutrition assessment or screening as commonplace as the checking of blood pressure or pulse in the care of older adults.

Increased efforts to improve the nutrition of all Americans were among my recommendations to the Pepper Commission which were incorporated into the Pepper Commission Report. Last year, this recommendation—to promote 21 national health objectives for healthy

lifestyle—was signed into law. This language is also an integral component of my legislation H.R. 8, the Universal Health Care For All Americans Act. The Nutrition Screening Initiative is consistent with this specific recommendation.

Fellow colleagues, I call your attention to the recently released "Healthy People 2000", Department of Health and Human Services' health objectives for the Nation. In it, Secretary Louis Sullivan calls for an increase to at least 75 percent the number of health professionals providing nutritional assessment for older Americans. In 1988, the Surgeon General's Workshop on Health Promotion and Aging recommended that "a nutrition assessment be done at admission to all institutional or community based health care settings."

Mr. Speaker, we must not delay in taking this simple yet effective step toward providing better preventive care for our Nation's older citizens. Together we can work to institutionalize nutrition screening because nutritional status is a vital sign of America's health. Through the leadership of this Congress and the public and private sector organizations involved with the Nutrition Screening Initiative, we can significantly improve the quality of nutritional health for all of older Americans.

MEDICARE TO CONSIDER COVERAGE OF PREVENTIVE HEALTH SERVICES TO THE ELDERLY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RINALDO. Mr. Speaker, I am pleased to join with my colleagues ED ROYBAL and RALPH REGULA in introducing legislation to require Medicare to consider coverage of preventive health services to the elderly. This bill would allow payment under Medicare for colon and cancer screening examinations, annual physical examinations—including various tests such as serum cholesterol, blood pressure, and basic screening exams for vision/hearing loss—and basic mental health screening tests. Under this measure, each benefit would be reviewed as part of a trial program, available in a number of States and communities, before the benefit would be expanded to a nationwide basis. Where the trial program finds a service to be effective, the benefit would become a permanent part of the Medicare Program.

As vice chairman of the Select Committee on Aging, I consider health care a top priority in Congress, and it is my firm belief that this Nation's elderly and disabled should not be unfairly burdened by health care needs. Many insurance policies, such as Blue Cross/Blue Shield, do not cover preventive care. The lack of insurance coverage is a disincentive for people to get the kind of screening that would show a serious illness soon enough for it to be effectively treated. I have always made efforts to improve Medicare and broaden it so that it does not just cover acute care. The purpose of our bill is to prevent serious illnesses from developing to the point where they are expensive to treat. The services that this bill would provide may not be covered by a senior citizen's private health insurance any more than they are currently covered by Medicare.

I will continue to oppose cuts in Medicare benefits. I know the struggle many older Americans face simply to keep pace with inflation and the skyrocketing cost of health insurance, and I am committed to improving their fragile economic status.

TRIBUTE TO VIETNAM VETERANS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. PERKINS. Mr. Speaker, I stand before you today to honor and recognize our country's Vietnam veterans.

My district in eastern Kentucky is well known for its commitment to our Nation's armed services and for always responding to our country in times of war. The people of eastern Kentucky are a fiercely proud folk who put loyalty to our Nation above virtually everything else.

That goes a long way toward explaining why eastern Kentucky has consistently sent proportionately more of its kind to fight in wars than essentially any other part of the country.

Mr. Speaker, I'm proud of our loyalty and I'm proud of our commitment to fight when called upon.

And once again, when war broke out in the Persian Gulf, eastern Kentucky was there. We performed our jobs with dignity and with marvelous speed. I am proud of our performance.

I'm also proud of all those towns and communities back home—no matter how big or small—that are preparing parades and special ceremonies to honor our returning troops.

I can't begin to tell you how good it makes me feel to have seen whole towns rally together in support of our soldiers in the war against Iraq. And now, Mr. Speaker, I am overjoyed to see these same communities come together to pay tribute to these men and women as they come home.

And when these hometown rallies take place, they should be to honor all veterans of past wars.

Just recently, I met with a gentleman from Lewis County in my district who is a Vietnam veteran. He told me that he felt he had not received the recognition that he deserved for picking up and fighting for our country over in Vietnam. He wasn't sure whether people saw him as a hero like those returning soldiers from the Middle East.

Well, Mr. Speaker, I think many Vietnam veterans share those same feelings. And as I told that gentleman, that disturbs me greatly and is the reason I stand before you today.

Mr. Speaker, all veterans are heroes. And they all deserve to be recognized equally for their heroism in combat and for defending the freedoms that we as Americans enjoy.

And so, today I would like to humbly recognize all our veterans who fought in Vietnam. I would like to see that all these joyous festivities being planned for our troops coming home include the due recognition of all our other veternas who fought in past wars.

Mr. Speaker, all veterans are heroes. Our Vietnam veterans are heroes. Today, I'd like to see our country renew its devotion and gratitude for those men and women who fought in Vietnam.

God bless them and God bless America.

CYPRUS—A NATION CAUGHT BETWEEN U.N. RESOLUTIONS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. FEIGHAN. Mr. Speaker, during the Gulf crisis, the United States stood firmly behind full implementation of the U.N. resolutions upholding the rule of law and opposing illegal occupation of a sovereign nation—first employing sanctions and ultimately resorting to use of force to enforce them. In the wake of these actions, heightened attention is now directed at world situations which parallel that of occupied Kuwait. One such situation exists in Cyprus—a nation caught between U.N. resolutions against illegal occupation and a world community unsure of how to enforce them.

Much like the Kuwaiti situation the United States initially imposed an embargo on the aggressor nation, Turkey. In the case of Turkey, it was an arms embargo instead of an economic embargo as was applied to Iraq. In both cases, Iraq and Turkey, the embargo was kept in place for a short period of time and was replaced with an alternative policy approach. In the case of Iraq, it was military action. In the case of Turkey, it was diplomatic efforts without the pressure of an arms embargo, which was thought by the State Department to be impeding Turkey's willingness to withdraw its troops.

The conventional wisdom resulting from both cases, Turkey and Iraq, is that embargoes don't bring about the desired result. In the case of the Turkish arms embargo, it is generally felt that during the 3 years which the arms embargo was in place, Turkish troops did not return to Turkey.

New information, which had not been previously compiled and which has recently come to my attention, suggests that the congressionally imposed arms embargo on Turkey may have had some positive influence on the withdrawal of Turkish troops from Cyprus. This data is contained in a senior thesis of a Princeton University student and is based on troop withdrawal numbers taken from the United States official UNFICYP reports and from interviews with numerous officials from the United Nations, the United States, Turkey, Greece, Turkish-Cypriots and Greek-Cypriots.

The Turkish troop withdrawal numbers show that during the 3½ years that the arms embargo was in place and in 1984 when the Congress seriously threatened its reimposition, Turkish troops were withdrawn from Cyprus at an average rate of 2,900 troops per year. If that rate had continued, the last Turkish troops would have been withdrawn from Cyprus and the bulk of the U.N. resolutions regarding Cyprus would have been implemented by 1986.

Those who were in the House and Senate in 1978 remember that they were strongly encouraged to vote to lift the embargo because they were told that it would facilitate Turkey's ability to remove troops from Cyprus. The embargo was described to be a political impediment to the removal of the troops.

During the 13 years since the arms embargo was lifted, no Turkish troops have been withdrawn from Cyprus. The one brief exception involves a small troop withdrawal in 1984, when numerous votes on Capitol Hill reduced American aid to Turkey and suggested a return to the embargo.

This new data regarding the effectiveness of the imposition of the arms embargo on Cyprus and the ineffectiveness of its removal with respect to the removal of Turkish troops should give pause to those who would discount as ineffective non-force options. It should alter the conventional wisdom which concluded that the congressionally imposed arms embargo on Turkey had no positive impact whatsoever on the military occupation of Cyprus.

By presenting this new data I am not suggesting that we today reimpose the arms embargo on Turkey. I am, however, suggesting that our foreign policymakers should first attempt to fully understand, through the benefits of perspective, past efforts to solve the Cyprus problem before they ponder ways to bring about compliance with U.N. resolutions regarding Cyprus.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. WAXMAN. Mr. Speaker, 43 years ago, the remnants of European Jewry fulfilled an ancient dream by establishing a haven for homeless Jews from around the globe in the land of Israel. I rise to ask you and my colleagues to join me in wishing the State of Israel well on the occasion of her 43d birthday.

Every Member of this body is well aware of the fact that this has been a particularly difficult year for the State of Israel. Besides the usual Arab hostility toward the only Middle Eastern democracy, the pernicious violence of the intifada continues to rage, striking unsuspecting citizens deep within Israeli territory. Unfortunately, what will be remembered as the most significant event of Israel's 43d year is the infamous Scud. While these crude weapons of terror took only a few lives, their impact extended far beyond the severe property damage they inflicted.

For the first time in history, Israel did not respond to a direct attack. Instead, ceding to the urgent requests of the United States, Israel restrained herself. Mr. Speaker, I can think of very few nations on Earth that possess the self-confidence and the strength to restrain from responding to a direct hit upon a civilian center. Israel's restraint is not only a testament to Israeli verve, but also exemplifies the unique nature of the United States-Israel relationship.

As difficult as it is to believe, through the violence, the bloodshed, the embargo, and the constant state of war, things are looking better for the State of Israel. Changes in the Soviet Union are now yielding what Israel values more than anything else—Jews in search of a home. Thousands upon thousands of Soviet Jews are escaping a crumbling Soviet Union to be welcomed into this tiny bastion of democracy in a hostile neighborhood. Despite the serious economic and social dislocation these new immigrants will cause and are already causing the State of Israel, they are greeted with open arms and instant citizenship. As Israelis, these new citizens will experience democracy and the freedom to live as Jews. In turn, these new immigrants provide Israel with the exiles to fulfill the hopes and dreams of Zionism and the population to protect the security and future of the State of Israel.

We have just been through a very difficult year during which Israel displayed the quality of her character and friendship. I only hope that as our Nation attempts to bring the parties in the Middle East together in peace, we do not forget who was with us during the war.

Mr. Speaker, as I join my colleagues in wishing Israel well today, I want to express my profound hope that Israel's 44th year be more peaceful than the last.

WILLIAM WHITE WILL BE MISSED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MATSUI. Mr. Speaker, I rise today to advise you that an outstanding member of the Sacramento community, Mr. William White, has recently passed away. A native of Sacramento, Mr. White has made numerous contributions to our community and we will all miss his presence.

As a superior court judge for over 29 years, Mr. White dealt with a tremendous range of issues and personalities, consistently acting judiciously and fairly in his case determinations. He combined a comprehensive understanding of the law, an appreciation of the importance and role of laws and a legal system, and a sensitivity to the concerns of those who entered his court. Mr. White's courtroom presence and fairness made him a favorite of Sacramento lawyers. In fact, a Sacramento County Bar Association's judicial poll rated Mr. White the top Sacramento Superior Court judge from 1976 to 1981.

Mr. White attended law school at McGeorge School of Law and for many years taught courses there on probate law. Before opening a law practice in the early 1930's, Mr. White was a member of the National Guard, sustaining an injury in 1927 when his unit was called up to quell the Folsom Prison Thanksgiving Day riot. In addition to his many years of service as a superior court judge, Mr. White was a member of the Sacramento, CA, and American Bar Associatons, the American Judicare Society, and the National College of Probate Judges.

William White is survived by his wife Dorothy White; four children; Mary Ravizza, Denis White, Wendy Virga, and Janet McIntyre; as well as 15 grandchildren and 12 great-grandchildren. William White has made a tremendous contribution to all our lives and he will be missed greatly. We all mourn the loss of such an exceptional man.

CALL TO CONSCIENCE ON PLIGHT OF SOVIET JEWS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MAZZOLI. Mr. Speaker, many Jews who wish to leave the Soviet Union are repeatedly denied the right to leave. This is particularly poignant in the case of Venlamin Zakharin.

Venlamin Zakharin has been repeatedly denied a visa on the grounds that he holds State secrets. Mr. Zakharin is an engineer, and he and his wife have been trying to bring their two children to the United States for several years. Even though the whole family has been granted permission from the U.S. Government to enter our country for permanent residence, Mr. Zakharin continues to be denied an exit visa.

In February 1990, the Soviet Government demanded that Zakharin's wife, Irina, divorce her husband if she and her two children wanted to leave the country. When the couple appealed to the international community, the Soviet Government reconsidered and Irina and the two children were allowed to leave.

This case is even more urgent for the Zakharins because one of their sons has a health problem that cannot be treated in the U.S.S.R., and the wife and two children must leave immediately for treatment in the United States.

Despite hunger strike protests by both Irina and Venlamin Zakharin, the Sovet Government continues to refuse Venlamin's request for an exit visa, and the family must, out of necessity for the child's health, be separated.

This heartbreaking story is only one of many existing cases of Soviet refusniks who have been denied the right to leave the U.S.S.R.

TRIBUTE TO FOURTH, FIFTH, AND SIXTH GRADE STUDENTS OF BEAVERTON MIDDLE SCHOOL, BEAVERTON, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CAMP. Mr. Speaker, I rise today to recognize the achievements of the fourth, fifth, and sixth graders at Beaverton Middle School in Beaverton, MI. These students, as participants in National Reading Month, read 1,306 books during the month of March.

"Reading opens us up to the world," says First Lady Barbara Bush. The young men and women who played a role in this special month had the opportunity to open the world a little bit more for themselves. Reading is an activity we don't pay enough attention to, especially in this day and age of television,

where we are being bombarded with incredible amounts of information through the various electronic mediums.

Through projects like National Reading Month and the First Lady's Read-A-Book Program we can continue to keep our Nation's young people on the positive path of reading. At a time when the illiteracy rate in the United States is at an all time high, this should be a very important priority for our educational system.

Mr. Speaker, I commend the students at Beaverton Middle School for their diligence and commitment in taking part in National Reading Month. Their efforts are an example for all of us to follow.

SALUTE TO ALEX FIORE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor one of the leading citizens of my district and an outstanding American, Alex T. Fiore.

Alex Fiore was one of the leaders of the drive that made the community of Thousand Oaks a city back in 1964, and he's been on the city council since incorporation. His leadership and his vision have been instrumental in making Thousand Oaks one of the best places to live in the entire United States.

Alex has served as the city's mayor five times, and has been on more boards and commissions than my time allows me to relate. Suffice it to say that he's played a key role in virtually every civic event in the Conejo Valley since the Eisenhower administration.

Despite his involvement in city affairs, Alex has found time to participate in a wide variety of community groups as well, including Little League, Cub Scouts, Conejo Youth Employment and the Thousand Oaks High School Scholarship Foundation. For his efforts, he has received numerous honors and awards, including being named Don Triunfo in 1977 and the Chamber of Commerce Man of the Year in 1978.

In addition, Alex served his Nation proudly in the U.S. Navy during World War II, and later served as an administrator for Rockwell International, retiring as vice president for finance and administration and controller of the company's Rocketdyne division.

For his service to his country, Alex will be named Patriotic Citizen of the Year by the Conejo Valley Chapter of the Military Order of the World Wars, and also receive the group's Silver Patrick Henry Medallion. As the honorary chairman of the chapter's Red, White and Blue Ball this year, it will be my privilege to help present Alex with these honors.

Mr. Speaker, I ask my colleagues to join me in saluting a fine man and an outstanding American, Alex Fiore, for his service to his country and his community.

THE SUPREME COURT RULING IN COTTAGE SAVINGS VERSUS COMMISSIONER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to express outrage at the Supreme Court's decision yesterday in Cottage Savings Association versus Commissioner.

In 1980, the Federal Home Loan Bank Board permitted thrift institutions to enter into reciprocal sales of substantially identical mortgage loans without having to reduce their net worth by the difference between the transferred loans' book value and market value. Many thrift institutions entered into such reciprocal sales simply because they did not have to report losses on these transactions for regulatory purposes but generated tax losses.

The Internal Revenue Service, I believe correctly, challenged these losses. These transactions were nothing more than a regulatory device to infuse cash into the savings and loans using the tax code. However, the Supreme Court ruled yesterday in Cottage Savings Association versus Commissioner that the tax losses were justified because the pools of loans were materially different because the loans were made to different individuals and were secured by different homes.

The Court's ruling is off base. The Court simply ignored the fact that these transactions were designed to specifically generate losses. In addition to the billions the government has already been forced to spend on the savings and loan debacle, this ruling will result in the Internal Revenue Service having to refund at least several billion dollars. Further, under the tortured logic Justice Marshall utilized to justify the realization of the losses, no exchange of any pool of debt would ever not qualify for a tax loss.

I have introduced legislation, H.R. 1141, which would disallow losses on transactions of this nature. As a result of this decision and evidence that other financial institutions may be considering these types of swaps, I intend to work with the Ways and Means Committee and the Joint Committee on Taxation on much needed reform in this area.

COMMUNITY DEVELOPMENT BLOCK PROGRAM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the best programs that the Federal Government carries out is the Community Development Block Program. People don't hear as much about this as they hear about other programs precisely because it is so well run that it provides no basis for those seeking to write about scandal. As a member of the subcommittee which, under the leadership of our colleague from California [Mr. LANTOS], thoroughly investigated the work of the Department of Housing and Urban Development, I can tell you that virtually nothing of a negative sort came out about the CDBG Program. To the credit of the gentleman from Texas [Mr. GONZALEZ] the Banking Committee has protected and improved this program and those on the Appropriations and Budget Committees have also been supportive.

This program works especially well in many of the cities which I represent and one of those cities where CDBG has played a particularly important role is Fall River. Under the leadership first of Mayor Viveiros and now of Mayor Bogan, Fall River has made excellent use of these Federal dollars. And Community Development Director Paul Poulos has become a national leader in the movement based in part on his very successful record in Fall River.

It was therefore particularly appropriate that the Fall River program was selected as the one to be depicted in the current poster being used to celebrate the Community Development Program nationwide. The National Community Development Association took a photograph which had been taken of the Fall River Program at work, with four children who were enjoying a CD-funded day care center in August 1989 prominently featured. Mr. Speaker we recently met in Fall River to celebrate the use of this poster and the four children once again were there to illustrate the value of the CD Program. While their faces—and the back of one of their heads—now look out at people all across the country, the names aren't on the poster and I think it is appropriate that these children be given the recognition here that they are entitled to get for their willingness to participate in this effort.

Therefore, Mr. Speaker, I want to congratulate Datun Taiwo, Mathew Comeau, Melissa DeLima, and Stephanie Fiola for appearing in the National Community Development poster. And of course I want to congratulate an excellent photographer, George Hovorka of the Fall River Community Development Agency who took this photograph and made it available for the poster.

NEW HAMPSHIRE HONORS DANIEL TOOMEY ON HIS RETIREMENT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SWETT. Mr. Speaker, I rise before you today to honor Nashua firefighter Daniel Toomey as he retires from the Nashua Fire Department. Toomey has served with dedication and distinction on the Nashua Fire Department for 21 years.

Throughout his tenure with the department, Toomey has been a leader in his local union and the State AFL–CIO and has fought for the rights of working men and women. He has served as president of the International Association of Firefighters Local 787, as president of the Nashua Area Labor Council and was a founder of the New Hampshire coalition of occupational safety and health.

He has also served as a State representative where he fought for family leave legislation and was a key leader in the rewriting of

workers compensation programs in the Granite State.

Yet with all his public accomplishment, he is justifiably proudest of the job he has done as a husband and father.

Mr. Speaker, I ask my colleagues to join me in honoring Daniel Toomey, a man of principle who has represented his department and his State in true New Hampshire fashion.

DUTY-SUSPENSION LEGISLATION AFFECTING FINE WOOL FABRIC

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, today I have introduced a duty-suspension bill designed to eliminate a quirk in the U.S. tariff schedule that unfairly penalizes companies which manufacture fine wool suits. Due to lack of domestic production, these companies are forced to import high-quality wool from abroad. The tariff rate on this wool, however, is substantially higher than the tariff rate on finished suits made from the same fabric. In other words, our tariff system actually encourages the import of finished suits over the import of fabric which can be made into suits right here in the United States by American workers.

One of my district's largest employers, Hickey Freeman, has been adversely affected by this quirk of our tariff system. It is a tragedy that at a time when America is struggling to maintain its manufacturing base in the face of increased global competition our tariff structure is working against American manufacturers.

The current duty on wool fabrics is 36 percent, while the duty on finished suits made from the same fabric is only 21 percent. This explains why import penetration by men's suits is twice as much as that by wool fabric.

The wool fabrics needed to make fine men's suits are either not made in the United States or are made in quantities insufficient for the needs of the domestic tailored clothing industry. The apparel industry estimates that U.S. textile mills produce only 3 to 5 percent of the 3.4 million yards of this type of fabric that is used every year.

I have introduced legislation which would eliminate the tariff on the finest fabrics, those made of 80 count yarn and finer. My bill would also cut in half the current 36 percent tariff on fabrics made of yarn counts between 70 and 79. No other wool fabrics would be affected. Domestic textile manufacturers would not need to fear increased competition because only the finest wool fabrics, which are not currently produced domestically, would be affected by this bill.

Our domestic manufacturers of fine men's suits deserve fair treatment under our tariff schedule. My legislation would give them that. Let us give American manufacturers the support they need.

A+ STUDENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RANGEL. Mr. Speaker, I am honored to call to your attention the endeavors and successes of a remarkable school in the 16th Congressional District: P.S./I.S. 223, also known as the Mott Hall School.

Each year, New York City's 620 public schools compete in a reading examination. For the past 3 years, Mott Hall students have won first place. And this year, they did it again—with a 100-percent reading record at or above grade level.

Surely, theirs is a winning streak that any student would envy. Upon closer examination, it is nothing short of remarkable. The students at Mott Hall, you see, have not had it so easy. Over half of them come from families that live in poverty. Some have only recently arrived in the United States; the English that they read so masterfully is not even their native language.

How then have these students so consistently performed with excellence? Because they could.

My district, Mr. Speaker, teems with youth like those in Mott Hall—children filled with promise and hope, bursting with the desire to achieve something with their lives. Yet tragically, society seems to tell them that they cannot achieve, that they have no opportunity, that they need not even try to come in first place.

Mott Hall students try—and they succeed.

Mott Hall is a school committed to excellence in mathematics, science, and technology—a commitment that its students make good on every day of the week. The school staff, a group of highly and dedicated professionals led by the inspiring principal, Mirian Acosta-Sing, encourages students to integrate their assigned subjects and pursue independent and creative projects.

The teachers' hard work pays off. Mott Hall students are models of diligence, who are regularly accepted at elite prep schools. They leave Mott Hall confident of their abilities and committed to their communities.

These 425 youngsters in grades 4 through 8 know that they are in a special place, and they work hard to keep it that way. They involve their parents in their schoolwork, and even have them sign a pledge to provide a quiet workplace and after-school assistance. They work with the community, reclaiming parks from drug abusers and weeds, serving in homes for the elderly, and tutoring younger students to show them that they, too, can succeed if only they try. And above all, they study—and study hard.

Four years, four top placements in reading. It is indeed wonderful news, but when one thinks about it, not all that surprising. As Mirian Acosta-Sing tells her students, "I knew you could do it."

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RICHARDSON. Mr. Speaker, I would like to share with my colleagues the words of one of my young constituents: "Democracy has made freedoms possible, but democracy cannot be taken for granted, because success is a long and continuous struggle." The author of those words, Katherine Yanda, is a high school senior from Santa Fe, NM, who is the statewide winner of the Voice of Democracy Broadcast Scriptwriting Contest. Katherine's message is one that I take seriously, and because democracy is most successful and equitable when all of our citizens participate, I have created an internship program in my office in order to encourage our youth to partake in this democracy. I am extraordinarily proud to share Katherine's broadcast script with you and hope that it encourages each of us to draw on the talents of our most promising youth, like Katherine, who will help our Government protect the freedoms we hold dear.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Katherine Yanda)

Sofia, Bulgaria. Recently released from Communist rule, the people wait in ever longer lines for bread and meat. Yet now, instead of the one government newspaper that has reported news for almost half a century, there are over forty publications in the capital city. Thousands crowd in a square in Poland, all faces upturned for the results of an election that they participated in, to hear the names of leaders that they elected. The wall between East and West Berlin was destroyed; families separated over forty years ago, danced reunited in the rubble. All these are freedoms that the United States has enjoyed and participated in for over two hundred years, yet are new and wonderful to many countries. Democracy has made these freedoms possible, but democracy cannot be taken for granted, because success is a long and continuous struggle.

The United States of America enjoys more freedom than any other country in the world. We enjoy liberties because we have fought for them and maintained them. The Constitution and Bill of Rights were written to ensure that our freedom was maintained, but in and of themselves do not solve all problems. The reasons that the United States has succeeded is because the people continue to change and work to better the nation. It is because we have this ability to change that our freedom is ensured.

To many countries, democracy appears to be the golden answer to every obstacle. When people are given freedom and rights, they expect that all problems will be solved. A democratic government allows people to think, to be creative, to choose. What people new to the democratic process do not realize is that this creates conflict as all people do not want the same things and do not have the same ideas of what is right and what is wrong.

To be a successful institution, democracy takes constant work and must encompass the ability to compromise. Our government is made up of a body of continually changing delegates. These delegates are elected by the people and represent their ideas. They rarely

find answers that please everyone, but they find answers that work. The three branch system of judicial, representative, and executive balances the country. If the nation swings too far in one direction, we have the freedom to begin a counteraction to bring it back to the middle again. United States citizens have the right to make changes when the country is not being run as they feel is right.

It is because of this ability to change that freedom can flourish. It flourishes because there is not one person dictating right and wrong to an entire country; all people have a say in what happens. It is in this way that the United States has successfully survived two radically changing centuries. Because we have the freedom to choose our leaders, and the freedom to think the way we wish, America has prospered and become a leader in the world community. Democracy breeds creativity and initiative.

A successful, thriving democracy takes continual participation from all of its constituents. Freedom must be guarded carefully, it cannot be taken for granted. Although we were born and raised with the freedoms that some nations are just now receiving, we must cherish these rights as if we were also just receiving them. We need to look at our right to say what we want as if the first free newspaper had just been created. We need to vote for our leaders as if they had been chosen for us for the last 50 years. We need to relish our right, to do what we want, when we want and we must look at our democracy, not as an incompetent government, but as an institution that has upheld freedom for two hundred years, because of our right to choose and our ability to change our nation for the better.

TRIBUTE TO JOHN H. COSTELLO, SR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ATKINS. Mr. Speaker, I rise today to inform my colleagues of the passing of John H. Costello, Sr., an honorable man, philanthropist and community leader from Lowell, MA.

All too recently I had the pleasure of advising you of John's accomplishments: his attendance at Lowell High School and Dartmouth College, his years as a professional hockey player with the Boston Olympics, his service as an officer in the Navy, and his ultimate return to Lowell and the beginning of his career with the Lowell Sun.

The Lowell Sun, founded in 1878 by John's grandfather, is one of the oldest family-based newspapers in the country. John became president of the paper in 1956; his son now serves as its editor. During John's tenure, the newspaper increased its circulation to become the most widely read community newspaper in New England.

In 1987, John and his family acquired complete control of the stock of the company, thus preserving this company as one of the oldest family owned and regionally based newspapers in the country. The accomplishment demonstrates what was for John a life-long dedication to the city of Lowell. As you may be aware, Lowell was a manufacturing town which had suffered greatly during the middle of this century. The redevelopment of this increasingly vibrant community is attributable in part to the quiet support of John and his involvement in community growth programs both personally and in his capacity as Editor of the paper.

John is also remembered for his philanthropy. The Lowell Sun charities has donated generously to worthy causes in this community.

John's achievements were publicly honored in 1988, when he received the Dr. An Wang Award. This award is presented to those individuals whose activities have demonstrated their commitment and dedication to the business community.

John's continuing support of the revitalization of this community, and his emotional and financial support of the city and its citizens, will be sorely missed. My condolences go to his family who, I am sure, can temper their sadness with the knowledge that John's accomplishments and achievements will long be remembered.

KILDEE HONORS RECIPIENTS OF WALTER REUTHER AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 18, 1991

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise today to honor eight extraordinary members of the United Auto Workers' Local 599 who have shown tremendous loyalty and commitment to both union and community.

Mr. Speaker, for the past 15 years, UAW Local 599 has recognized such dedication and contributions by long-term members at its annual Walter Reuther Distinguished Service Award ceremony. This year, the ceremony will be honoring these eight exemplary individuals on Sunday, April 21, in Davison, MI.

Those receiving the prestigious union award have held important leadership positions in the union and have served the union with great distinction for at least 20 years. They are Charles G. Abbey, Everett "Bud" Evans, Russ Hawley, Dick Hazel, Sam Iaquinto, and Arturo Reyes.

Each of these individuals, Mr. Speaker, have made considerable sacrifices and contributions to their union and to the community of Flint, my hometown, in which they have worked. They have dedicated themselves to improving the working conditions in our auto plants in Flint, and collectively and individually they have made our city a better place to live.

Mr. Speaker, it is fitting that these fine union members are receiving an award named after Walter Reuther, since he epitomized all that is good in our society. He was compassionate, he believed in justice and freedom, and he devoted himself to working to protect and enhance human dignity.

Two other individuals also richly deserve to be associated with such qualities—and both will be receiving special awards at the April 21 ceremony.

One of the awardees is James Kalemis, who is chairperson of the TeleCommunication Commission, which oversees cable television in Flint. Mr. Kalemis first went to work for Buick in 1935 and, while he retired from Buick in 1982, he has continued to be a vital contributor to the union. As a strong advocate of both union and community affairs, he has been instrumental in a number of programs at Local 599.

The second special award will recognize the only honorary member of the local UAW, other than myself, the Honorable Judge Donald R. Freeman. As a tireless advocate of justice and the law, Judge Freeman has given unparalleled service to the union membership and to the people of Flint. He is a man of honor and intellect and a man of great compassion.

All eight of these remarkable individuals represent outstanding role models in their communities and for their fellow union members.

Mr. Speaker, I urge the House of Representatives to join me, Local 599, and the community of Flint in honoring them. They have set a standard that we would all do well to emulate, and they continue their good work for those around them.

I thank them for all they have done, and I commend them for the honor they will be receiving in recognition of their tremendous accomplishments.

ISRAEL'S 43D YOM HA'ATZMAUT

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. PAXON. Mr. Speaker, as we approach the eve of Israel's 43d Independence Day, Yom Ha'atzmaut, which will be celebrated this Sunday, April 21, Israel's strength and commitment to the democratic ideals we value becomes only more poignant.

This tiny country has struggled for an independent and peaceful coexistence in the Middle East. They have fought for the freedoms many of us take for granted; freedom of speech, religion, and thought.

Recent events in the Persian Gulf have earned Israel a renewed respect. She showed a great deal of foresight, restraint and respect for what would ultimately benefit the world.

I have only respect for Israel's commitment and conviction in their struggle for a peaceful life in a hostile environment.

We have recognized the value of Israel's strength and often looked to our only ally in the Middle East for support and leadership.

Struggle for survival is in the conscious thought of the Israeli people every day, Mr. Speaker. They live a life that we cannot imagine.

Today, it is even more important to focus on the celebration of life in Israel and the commitment to the same values we in the United States hold so dear.

I will join, this Sunday, in my community's celebration in Buffalo, NY, and I urge each and every one of my esteemed colleagues to join their communities in celebrating Israel's 43d Yom Ha'atzmaut.

TUFTS DAY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. DEFAZIO. Mr. Speaker, today, I rise with great pride to join the thousands of my fellow Tufts University alumni throughout the world who today turn their thoughts to alma mater as they celebrate the seventh annual Tuftonia's Day.

I feel fortunate to have had the opportunity to get a higher education; an opportunity increasingly remote for many Americans. When I was a student at Tufts, I never expected to be standing at a podium addressing the U.S. House of Representatives. The education and experiences I received while attending Tufts helped make it possible for me to stand here today and honor that institution.

Alumni of Tufts include some familiar names. Among them is our distinguished colleague from New Mexico, Mr. RICHARDSON, actor William Hurt, Grammy Award singer and songwriter Tracy Chapman, astronaut Rick Houck, speechwriter Richard Goodwin, and businessman David Burke.

I take this opportunity to recognize Tuftonia's Day and join with alumni, from Medford to Melbourne, from Hartford to Hong Kong, and from San Diego to Sao Paulo, in saluting the rich history, great accomplishments and continuing excellence of Tufts University. To Tuft's students, faculty, administration, and alumni, happy Tuftonia's Day.

NEED TO SEEK OUT LONG-TERM SOLUTIONS TO NATION'S AILMENTS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MAVROULES. Mr. Speaker, I rise today to address a critical issue which the 102d Congress must confront. As America begins to waver amidst economic competition with other nations and its domestic economy appears ominously unstable, a need has arisen to seek out efficient, long-term solutions to the ailments of the Nation. It is a widely held belief that inadequate education of the Nation's youth plays a major role in the future of our Nation's industrial base. As the world becomes a more complex, competitive place in which to function, it is important that citizens are provided with the tools that will not only give our country a greater edge in economic competition, but will also create a foundation on which stable economic and social interactions may be built. To achieve this, it is necessary for the Federal Government to provide bold leadership and incentives to State and local administrations to implement innovative programs to improve our Nation's education system.

Currently, the administration's fiscal year 1992 budget confronts the dilemma of education primarily though its support of block grants and the Educational Excellency Act, a bill that seeks to provide a greater amount of choice to both students and parents in how they will be educated. On the other hand, the Democratic alternative submitted by Representative WILLIAM FORD, the homefront budget initiative, seeks to acquire a substantially greater amount of funding than the President's request. Besides action taken through the budget, there are currently bills in committee which would make serious strides toward a higher literacy rate; increasing chapter 1 school improvement grants, assimilating a more qualified teaching force, and creating organizations to better judge the state of the educational system in the United States.

The White House proposal of the Educational Excellency Act, currently in the Senate, appears to be a continuation of the Republican policies of the past decade. In a hearing on the budget before the House Ways and Means Committee a prominent White House aide stated that the President did not believe that improvements in education would necessarily parallel the amount of Government spending. Consequently, the amount of money slated by the fiscal year 1992 budget toward education is only 1.7 percent higher than the amount of money designated for 1991. According to the Committee for Educational Funding, this amount is less than half the amount that inflation has risen in the past year.

Instead of proposing extensive Government programs, the administration is suggesting that in order to improve the educational performance of our schools, moves should be made to adapt public education to a sort of market system. Of the $690 million proposed in the Educational Excellence Act, $200 million is to go to schools which participate in programs that encourage student/parent choice as to where the child will attend school.

In theory, a system such as this would encourage schools to create efficient programs; if a particular school did not appeal to parents and students, it would be less attractive, and thereby lose students. Competition and student satisfaction would push schools to maintain appealing curriculums. Besides the choice programs, the White House bill would also allocate money to programs dealing with math and science awards and magnet schools. In order to pay for these initiatives, the fiscal year 1992 educational budget would seek to freeze chapter 2 school improvement loans, vocational education grants, and chapter 1 aid to localities; while, cutting impact aid by 21 percent, and money for libraries by 76 percent.

Spending alone is both inefficient and infeasible. However, the administration's proposal provides anything but an adequate amount of funding. The cuts and freezes proposed would be a detriment to those students who truly need support. What is needed to rebuild our faltering education system is not a splintering competition between schools, but a concerted, united effort to bring our Nation's students back to prominence among the students of the world. We can no longer allow our children to graduate from our schools ill-prepared and unable to handle the demands of the working world and basic daily living.

For this reason, I am proud to be a cosponsor of the homefront budget initiative. This legislation is endorsed by organizations such as the American Council on Education, the American Federation of Teachers, the American Association of School Administrators, the National PTA, the National School Boards Association, and many other organizations. Clearly, the Government of this country has a mandate from the education community to take substantive action in order to provide adequate funding for a faltering education system. It would be nothing short of foolish for this Congress to ignore the insightful perspective of those who work every day to better educate our children. Fortunately, on April 17, the House passed an amendment as part of the homefront budget initiative, which allocates an additional $400 million, so that American students are provided with the opportuntities which they deserve. What is at stake here is the welfare of the youth of this Republic, which is indeed the foundation upon which the future of this country will be built. Without well-educated citizens, who have had the opportunities to learn basic skills and benefit from a college education or vocational training, this country will continue to lose ground in its competition with the rising powers of the world.

JANET AND GEORGE M. JAFFIN: RECIPIENTS OF THE ANTI-DEFAMATION LEAGUE DISTINGUISHED PUBLIC SERVICE AWARD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mrs. LOWEY of New York. Mr. Speaker, today, I would like to pay tribute to Janet and George M. Jaffin, the 1991 recipients of the Anti-Defamation League's Distinguished Public Service Award. The Jaffins have earned the admiration and respect of many whose lives they have touched.

The award is being given to Janet and George for "distinguished service and inspiring leadership in preserving liberty, counteracting bigotry, and advancing the cause of human rights, dignity, and equal opportunity." Those are not just hollow words. It takes a lifetime of service to truly deserve such a tribute, and the Jaffins are more than worthy of the honor. Their efforts to advance the noble goals of the ADL have been exemplary.

Our society cannot fulfill the goals and aspirations laid out in our constitution when intolerance is not challenged. When bigotry thrives and ignorance flourishes, the American dream is held hostage to hatred and our diversity is suffocated by prejudice. Fortunately, we are graced with the ADL, whose indefatigable efforts to promote understanding and uproot racism, anti-Semitism, and all forms of bigotry, have been invaluable. Without the efforts of the Anti-Defamation League—and people like the Jaffins who have given so much of themselves in support of those goals—our country would not be the beacon of justice which it strives to be.

There are many individuals who have taken leadership roles in the Westchester-Rockland chapter of ADL who deserve commendation. Robert L. Friedland, the chairman of the local

ADL board, and James L. Levy, the event chairman for this Sunday's tribute to Janet and George Jaffin, come to mind. Every person who helps the ADL to grow and continue in its efforts helps to make America stronger. For that, I'm sure that my colleagues all join me in offering congratulations to Janet and George M. Jaffin, public servants in every sense of the word.

RECOGNIZING ROCHE BIOMEDICAL LABORATORIES

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ZIMMER. Mr. Speaker, it is appropriate that during the week of April 15, which is National Medical Laboratory Week, we recognize Roche Biomedical Laboratories [RBL] in Raritan, NJ. The New Jersey Public Health Association has awarded its President's Award to RBL for outstanding commitment to public health education and service.

RBL has served our community in many ways. Along with its parent company, Hoffman-LaRoche, RBL routinely provides programs on a variety of public health issues not only for its own employees but also for community groups, high schools, colleges, and nursing homes. The topics have included AIDS, Lyme disease, and, most recently, tuberculosis.

RBL's employees deserve much of the credit for the success of RBL's community outreach. Among the many community services RBL's 1,100 Raritan employees perform are teaching first aid and serving on State advisory boards.

I ask my colleagues to join me in recognizing RBL for outstanding service to the community and upon receiving the President's Award from the New Jersey Public Health Association. America needs more companies like Roche Biomedical Laboratories who are good citizens and good neighbors.

A TRIBUTE TO THE JEWISH VOCATIONAL SERVICE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. LEVIN of Michigan. Mr. Speaker, the Jewish Vocational Service began as an employment bureau at the Young Women's Hebrew Association back in 1926. It officially became JVS in 1941 when it helped advise and place in jobs European Jews who had escaped the Nazis. Its mission was to restore dignity and pride as well as livelihood to people, often with special needs, who wanted to work.

In the intervening 50 years, its mission has not changed but it has burgeoned in scope and in effect. It reaches out to and serves those in career transition, those who are unemployed, immigrants and refugees, the mentaly ill, the disabled, the disadvantaged, the elderly.

And its challenges are ever greater, as we weather a tough recession that means job losses, and as Government funding for social services shrinks.

For all of us, JVS is an effective and compassionate organization that makes a difference throughout Detroit. For those it serves, it is a virtual lifeline.

There is nothing more honorable than helping people achieve independence, success and accomplishment in the work world. And so I am honored to have this opportunity to pay tribute to Jewish Vocational Service on its 50th anniversary. Congratulations and many thanks for your good work.

TRIBUTE TO JOHN M. LYNCH ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to a member of the Fifth Congressional District of Illinois, Mr. John M. Lynch. On May 3, 1991, Mr. Lynch will retire from the Chicago Police Department after many years of dedicated service, an accomplishment worthy of special recognition.

John Lynch, a native of Chicago, graduated from Leo High School and went on to attend Purdue University. In 1952, John enlisted in the U.S. Marine Corps and achieved the rank of sergeant before leaving the service in 1955. During his career with the Chicago Police Department, Lynch served as a mechanical assistant, stationary engineer, and is retiring as the assistant chief operating engineer. His dedicated service is commendable, and I want to pay special tribute to Mr. Lynch.

John and his wife, Joan Littleton Lynch, have been married for 39 years, an admirable commitment. They have 8 children: Kathy, Colleen, Karen, John, Linda, Joan, Marty, and Mary Ellen, as well as 16 grandchildren.

John Lynch's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to John Lynch for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his retirement and hope his life continues to be an adventure full of pleasant memories.

HONORING LARRY ANZALONE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ACKERMAN. Mr. Speaker, I want to take this opportunity to pay tribute to an extraordinary hero. Larry Anzalone is a mail carrier in Queens County, NY, who also happens to be deaf and mute. Due to his quick thinking action, Larry was able to rescue an 82-year-old man who had suffered a stroke at his home.

One day, while Mr. Anzalone was delivering the mail, he came to David Knopf's door where he opened the screen door and found that the mail he delivered the previous day was left unclaimed. He became suspicious, knowing that Mr. Knopf was elderly and remained at home, and after pounding hard on the door with no response, he tried to look through the mail slot to see if he could see anything. He found that Mr. Knopf was lying on the floor and ran to a neighbor for assistance. The neighbor, Mrs. Ross, saw what was wrong, called 911 and the police arrived shortly with an ambulance. They found that they had arrived in time to save Mr. Knopf and he is now recovering in a hospital.

Because of Larry Anzalone's quick thinking, Mr. Knopf is now still alive. Had he not been so conscientious on his mail route, and realized that Mr. Knopf not picking up his mail was out of the ordinary, a tragedy might have occurred. Mr. Knopf could have lay there for days without discovery and he might not have survived. Larry is a stellar example of the good and caring people who work for the Federal Government. As a member of the Post Office and Civil Service Committee I have seen so many examples of the heroic work of our Federal employees. I am pleased that Larry's deeds were brought to my attention and I ask my colleagues in the House of Representatives to join me in honoring him.

WELCOME TO THE DALAI LAMA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to be a Member of this Congress receiving Tenzin Gyatso, the 14th Dalai Lama. I, like many of my colleagues, wish it were possible for the Dalai Lama to address a joint session of Congress, as have other Nobel Peace laureates.

I respectfully urge the President of the United States to recognize the legitimate grievances of the Tibetan people, as has the United States Congress in legislation. The people of Tibet, and their exiled leaders, have endured oppression long enough.

Again, I welcome the Dalai Lama to Washington, DC. We in Congress are honored by his visit.

PRAISE FOR SPRINGFIELD/ROBERTSON COUNTY CHAMBER OF COMMERCE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CLEMENT. Mr. Speaker, I want to take this opportunity to praise a community that united solidly to embrace our troops involved in Operation Desert Storm, and a local organization that coordinated and galvanized that effort with amazing success.

The 400 members of the Springfield/Robertson County (TN) Chamber of Commerce conceived the idea of a communitywide letter writing campaign to the troops in Saudi Arabia. In its earliest stages, this was planned as an effort that could involve everyone regardless of age or circumstances. Chamber executive director, Tim Lyles, spoke tirelessly before school and church groups. Local radio stations, newspapers, and chamber members also worked hard to spread the word.

From the first graders with three sentence letters, to State Representative Eugene Davidson, who underwrote the postage costs, the response was impressive and wholehearted. Bundle after bundle of letters was forwarded to our troops, with priority given to those military personnel not regularly receiving mail. Many of those who sent letters received replies, which formed an even deeper bond between the Robertson Countians and those overseas. The men and women in the gulf had gratefully received tangible evidence of a concerned and caring community, and those corresponding back in Tennessee joined countless other families across the Nation who now had a personal stake in the war.

On the occassion of their spring banquet on April 10, the Springfield/Robertson County Chamber of Commerce deserves the highest praise for its selfless efforts on behalf of the men and women of Desert Storm. They have taught us that a community spirit still exists in America that can inspire us to unite for the common good of community and Nation.

TENTH ANNIVERSARY OF AMERICA'S FIRST SHUTTLE LAUNCH

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HALL of Texas. Mr. Speaker, over the past 30 years, the world had witnessed some of man's greatest accomplishments in exploring and using outer space. On Friday, April 12, we celebrated the 10th anniversary of the maiden flight of the space shuttle, the world's first reusable space craft.

The first flight of the space shuttle came 20 years to the day after Yuri Gagarin's historic mission which ushered in the era of manned space flight. Just as Gagarin's flight marked a turning point in space exploration, the initiation of the Shuttle Program brought us into the age in which we hoped to make space flight a routine event.

We now have a fleet of three shuttle orbiters with a fourth to be unveiled on April 25. The shuttle has had 39 successful missions and has placed into orbit nearly 41 percent of all the mass ever launched. The shuttle has proven itself time and time again demonstrating new capabilities on each mission. We have been able to retrieve and repair disabled satellites, launch sophisticated planetary missions, perform hands on scientific experiments in orbit, and open vast new windows on man's capabilities in space.

The shuttle is the most advanced flying machine devised by man and it will continue to be one of the fundamental building blocks of America's space program. I would also recall the leadership of my fellow Texan, Olin E. "Tiger" Teague who, as chairman of the Committee on Science and Technology, had the vision to see the shuttle through its difficult times in the congressional budget process.

I look to a bright future for America's space program and for the space shuttle. It is not only an engineering marvel, it is a vivid symbol of our technological competitiveness throughout the world. It is universally recognized and identified as mankind's reach into the future. I commend the thousands of men and women in NASA and industry who have worked to help us realize this dream.