HOUSE OF REPRESENTATIVES—*Tuesday, July 23, 1991*

The House met at 12 noon.

The Reverend Dr. Joel Dent, Pine Forest United Methodist Church, Dublin, GA, offered the following prayer:

Eternal God, whose power fills all darkness with light and all minds with truth, come with divine inspiration upon this gathered body to guide deliberations, enhance discussions, and influence decisions which promote justice, equal mercy, and lasting peace.

May government of, by, and for the people flourish in these crowded and busy Halls.

May Representatives see individual tasks as important contributions to the larger whole.

Bless those who grow tired and weary. Refresh their minds with new insights and broader visions.

May the preferences of the few give way to the needs of the many.

May the dreams of greatness yield to the greatness of dreams.

Undergird America's leaders with a love for God that deepens our respect and love for all the world. 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.

Mr. MARLENEE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 104, not voting 55, as follows:

[Roll No. 217]

YEAS—274

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dixon
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—104

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Edwards (OK)
Ewing
Fawell
Fields
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hunter
Inhofe
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McDade
McGrath
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (OR)
Smith (TX)
Solomon
Stump
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—55

Ackerman
Barnard
Bonior
Brooks
Callahan
Condit
Dellums
Dingell
Donnelly
Engel
Ford (TN)
Franks (CT)
Gejdenson
Gray
Green
Holloway
Hopkins
Hyde
Ireland
Jefferson
Jenkins
Johnson (TX)
Johnston
Kasich
Kolter
Lehman (FL)
Levine (CA)
Lowery (CA)
Matsui
Mavroules
Miller (WA)
Mrazek
Neal (MA)
Oakar
Oberstar
Payne (NJ)
Pelosi
Price
Schiff
Shaw
Slaughter (NY)
Smith (IA)
Stearns
Stenholm
Sundquist
Swift
Thomas (CA)
Torricelli
Vander Jagt
Washington
Weber
Weiss
Wilson
Yatron
Young (AK)

□ 1225

Mr. ESPY changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas [Mr. DELAY] kindly come forward and lead the House in the Pledge of Allegiance.

Mr. DELAY 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2519. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes;

H.R. 2622. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes; and

H.R. 2699. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2519), an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. GARN, Mr. D'AMATO, Mr. BOND, Mr. NICKLES, Mr. GRAMM, and Mr. HATFIELD, to be conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2622), an act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Mr. BYRD, Ms. MIKULSKI, Mr. KERREY, Mr. DOMENICI, Mr. HATFIELD, and Mr. D'AMATO, to be conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2699), an act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. GORTON, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that, pursuant to Public Law 102-62, the Chair announces on behalf of the majority leader, the appointment of Gordon M. Ambach, of the District of Columbia, to the National Council on Education Standards and Testing.

THE REVEREND DR. JOEL DENT

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

Mr. ROWLAND. Mr. Speaker, it is my pleasure today to have my pastor here as a guest Chaplain, Dr. Joel Hill Dent, who is a native of Douglas, GA; a graduate of South Georgia College, LaGrange College, and Emory University's Candler School of Theology. In 1986 he received the doctor of ministry degree in the area of pastoral and family counseling. He has served on the conference board of ordained ministry as candidacy registrar, the board of health and welfare, the conference committee on education, and for 6 years as a trustee of the Methodist Home. He also serves on the Dublin District Council on Ministries.

As I said, he is presently serving as pastor of the Pine Forest United Methodist Church in my hometown of Dublin, GA. I am very pleased to have him here today, Mr. Speaker.

CRIME BILL DISCHARGE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, today I have filed discharge petition No. 1 on House Resolution 183 which is a 1-hour open rule providing for the consideration of H.R. 1400, the President's Comprehensive Violent Crime Act of 1991.

Mr. Speaker, my colleagues will recall that in his speech to a joint session of Congress back on March 6 of this year, the President challenged us to pass his crime and highway bills in 100 days.

Well, Mr. Speaker, it has now been 138 days since that speech and the President's crime bill still languishes in some dark recess of the Judiciary Committee—a legislative black hole if there ever was one.

Mr. Speaker, the other body has already passed a crime bill acceptable to the President. And yet, all we've heard from the House to date are cries of protest from some Democrats that the bill is too tough, too tough on murderers, too tough on drug barons, too tough on ruthless criminals who have no respect for human life at all.

I would say to my colleagues on the other side of the aisle that you are certainly entitled to bring out a softer on crime bill if you want, but at least give this House a chance to vote on the alternatives.

I urge my colleagues to sign discharge petition No. 1, so that we can force this important anticrime measure to the floor and debate and amend it under an open rule.

□ 1230

REAL VERSUS UNREAL INCOME

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

Mr. PEASE. Mr. Speaker, last Thursday, this body received an amazing revelation from our colleague, the gentleman from Pennyslvania, with respect to real, and presumably unreal, income. When I took economics in college, I was taught that an increase in wealth represented income. I was not taught the Republican subtleties of real versus unreal income. I did not learn, for example, as my Pennsylvania colleague claims, that an investor earning $20,000 on a stock investment is not as well off as a steel worker working in the mill for $20,000 a year. That is certainly a novel concept.

The gentleman from Pennsylvania argues that capital gains income is not the same as earned income. In one respect there is some truth to his statement. The Bush administration and my Republican colleagues are not trying to provide tax breaks for earned income, but only for capital gains.

THE 36 PERCENT TAX BRACKET WOULD HINDER ECONOMIC GROWTH

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

Mr. DELAY. Mr. Speaker, the Gore-Downey bill, (H.R. 2242/S. 995) that calls for an increase in the top tax rate to 36 percent will not accomplish what its proponents claim. The notion that increasing the tax rate for upper income Americans will lighten the tax burden of the middle class is simply false.

We all know that under Ronald Reagan, the highest marginal tax rate dropped from 50 to 28 percent. The change, however, did not mean rich people got to pay less in taxes. It meant they got to pay more. Under the 1981 tax cuts, the share of all taxes paid by the richest 1 percent of American taxpayers rose from 18 percent in 1981 to 28 percent in 1988. The bottom percent of Americans saw its share of the tax burden drop from 77 to 66 percent.

Increasing tax rates for the wealthy will not lead to greater economic pros-

perity for middle class America. In fact, historically, a decrease in top tax rates has historically benefited everyone more than an increase ever has. If the top income tax rate were raised to 36 percent, there would be definite changes: Affluent Americans would be paying higher tax rates on declining incomes. As a result, people in the middle class would end up paying more taxes for the privilege of punishing the rich, and all of us would be sacrificing the economic growth promoted by a sensible Tax Code.

H.R. 2943 PROMOTES PROGRAMS THAT GIVE DISADVANTAGED CHILDREN AN OPPORTUNITY TO GO TO COLLEGE

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

Mr. BALLENGER. Mr. Speaker, last Thursday, I introduced H.R. 2943 which promotes the "I Have a Dream" College Scholarship Program created by Eugene Lang.

Under the original "I Have a Dream" Program, disadvantaged youth are promised a free college education if they complete their studies and graduate from high school. Many businesses and individuals have sponsored disadvantaged children beginning in the sixth or seventh grade by guaranteeing the payment of college tuition in exchange for the successful completion of elementary and secondary school. They also serve as counselors and mentors providing much needed encouragement for these youngsters to stay in school. In my hometown of Hickory, NC, Catawba Valley Community College sponsors such a program for sixth graders and it has changed their lives forever.

H.R. 2943 directs the Department of Education to compile and make available information about the various "I Have a Dream" type scholarship programs so that those interested in helping a disadvantaged student receive a college education will have knowledge about programs that work.

Businesses want and need students with the education and skills necessary for employment in order to continue to compete in today's world markets. This is one small step that can help the private sector find educated workers while changing a youngster's life forever.

CAN'T ANYONE IN THIS ADMINISTRATION COUNT?

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

Mr. ANNUNZIO. Mr. Speaker, Treasury Secretary Brady testified that an additional $80 billion in loss funds will be required for the RTC. This sum is on top of the $50 billion authorized by FIRREA in 1989, and the additional $30 billion Congress approved just last March.

In making this request, Secretary Brady engaged in an astonishing display of revisionist history. He claimed that this new request does not represent a true increase over earlier administration estimates.

In January, Brady estimated the RTC's total cost to be between $90 billion and $130 billion. "We still believe this to be true," he testified, since $130 billion in 1989 dollars is about $160 billion. What a cop out.

First, I must correct the Secretary's arithmetic. An inflation rate of 11 percent over the last 2 years would be necessary to turn $130 billion into $160 billion in 1991. In reality, inflation has averaged 5 percent over this period.

Second, if the Secretary wants to use the standard of 1989 dollars, I would remind him of his repeated assurances in 1989 that $50 billion would be the maximum price tag for the regulatory disaster known as the RTC. It seems that he missed the mark, no matter how you add it up.

It is time for the administration to stop playing number games and start making the RTC work.

THE TIME FOR NOTCH REFORM HAS COME

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

Mr. SAXTON. Mr. Speaker, earlier this month, more than 30 of my colleagues, and I, stood outside this Chamber for a press conference.

The bipartisan group had one message: The time for notch reform has come.

We announced that for the first time there is a majority in the House who support correcting the notch.

You do not have to ask me; you can ask any of the 235 Members who have cosponsored H.R. 917.

H.R. 917 is different from past notch reform legislation. Late last fall major sponsors of 101st congressional notch bills gathered to develop a consensus, and we did it.

Not only does the bill help retirees with modest earnings histories, but it also uses a 10-year transition formula favored by a 1988 GAO report.

And, when the legislation was introduced, it had more than 130 original sponsors.

The consensus is in; the time has come for a vote on the House floor.

IT IS TIME TO CITE JAPAN FOR ILLEGAL TRADE IN AMERICA

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

Mr. TRAFICANT. Mr. Speaker, experts say that Japan will control 40 percent of the American trade markets by 1992. They say Japan will accomplish this because Japan is cheating and lying and practicing illegal trade such as Toyota and Mazda dumping minivans in the American marketplace 30 percent below the cost that they sell them in Japan.

Second of all, these Japanese carmakers are lying about the domestic content provisions and lying about their operating expenses, and not even paying taxes to Uncle Sam. Everybody in America knows Japan is ripping us off; Congress knows it, the White House knows it, and no one is doing anything.

I say it is time to cite Japan for illegal trade in America before we do not have a domestic car maker left, and the only thing they will understand is: Hitting them in the pocketbook.

It is time for Congress to act on illegal trade.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair would remind our guests in the gallery that we are delighted to have them here but they are not to respond to statements made by Members on the floor.

□ 1240

CORRECTING THE NOTCH

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

Mr. GOSS. Mr. Speaker, what if someone proposed a bill that would decrease the salaries of Members of Congress who were born between, say, 1936 and 1941? Although I am sure some of our constituents might applaud such a measure, I think most would agree that singling out one group of individuals for cuts simply because of when they were born is unfair. Still, this Congress continues to stand by and allow just such an injustice to stand. More than 12 million seniors—the so-called notch babies—have been deprived of their Social Security benefits thanks to an alleged quick fix in the late 1970's that was designed to bail out the system. The public distress that has characterized this issue for the past 13 years is rising to an audible pitch as 235 of our colleagues, a majority of this House representing both sides of the aisle, have now committed to correcting this unintended discrepancy. H.R. 917, legislation designed to ease the effects of the transitional formula, would pass this House today if the leadership would allow a vote.

We've taken the easy way out—sitting by and waiting for this issue to go

away—for too long. I urge my colleagues to acknowledge the unfairness of the notch and restore credibility to the Social Security System. Let us bring H.R. 917 to the floor now.

IMPORTANCE OF A STRONG MILITARY RESERVE AND MEDICAL COMPONENTS

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

Mr. MAZZOLI. Mr. Speaker, one of the great and happy differences between the aftermath of the war in the gulf and the aftermath of the war in Vietnam is that, unlike Vietnam, when the returning men and women were forgotten, or, even worse, ignored, the people who are coming back from Desert Storm, the men and women, are being honored and revered for the sacrifice they made.

Mr. Speaker, just last Saturday, at home in Louisville, I had the chance to join with my friends in welcoming back officially the 5010th U.S. Army Hospital Unit which was deployed in January and February of this year throughout the country, with several of them sent to Saudi Arabia. Colonel Nold, Dr. Robert Nold, who is the commanding officer, and Maj. Michael Freville, who is the administrative officer and who took control of the unit, spoke to the assemblage on Saturday and made the point, something I was not aware of myself, that something like two-thirds of the U.S. Army's medical capability is in Reserve components. So, it is very important for us in Washington and in the Congress to make sure that we have a strong Army Reserve and, particularly, a strong military medical component in the event there is another conflagration.

Mr. Speaker, we pledged to the men and women of Desert Storm that we would not forget, and we are not forgetting.

AMENDMENT TO ELIMINATE NEW TAXES FOR HIGHWAY IMPROVEMENT RULED NOT GERMANE

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

Mr. COX of California. Mr. Speaker, the President and the administration and the Senate have all proposed legislation on transportation that would improve our highways and our transit without raising taxes. If we work together here in the House, we can achieve the same goal.

But the $153 billion transportation bill that is now under consideration in my Committee on Public Works and Transportation and that wil come to the floor of this House next week includes $25 billion in new taxes.

Earlier today, Mr. Speaker, I offered an amendment to eliminate those new taxes which are contained and referred to in section 104 of the bill. My amendment was ruled not germane and, as a result, there has been no recorded vote on the taxes included in this bill in subcommittee, nor will there be any such vote in the full committee. Now it appears that the Committee on Rules may not make amendments in order that would permit us to eliminate this tax.

Frankly, Mr. Speaker, we can disagree on whether we should raise taxes in the teeth of a recession, but we should not disagree on whether democracy should work. I urge my colleagues to insist on an up-or-down vote on the tax increases contained in this bill.

IN SUPPORT OF H.R. 2893 AND FREEZE RELIEF

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

Mr. DOOLEY. Mr. Speaker, I rise in strong support of H.R. 2893, the Agricultural Disaster Assistance Act of 1991, which will be considered by this House today under suspension of the rules.

Included in it are provisions that will go a long way toward helping farmers and farmworkers in central California, which was hit by a devastating freeze last December.

The bill will make it easier for citrus growers and other farmers hurt by the freeze to receive emergency loans from the Farmers Home Administration.

The bill also helps farmworkers and their families by including more workers in an existing emergency grant program.

This bill is a step in the right direction for all California freeze victims.

Unfortunately, the next step—emergency funding for some of these programs—has been stalled by the White House.

In fact, White House pencil pushers maintain that there is no agricultural emergency in the San Joaquin Valley of California. They're dead wrong.

Seventy-three thousand farmworkers out of work because of the freeze know there is an emergency.

Hundreds of growers and packers whose operations were stopped cold by the killer frost know there is an emergency.

Children of farmworker families feeling hunger in their bellies know it, too.

What they don't know is why their country won't help them.

I urge my colleagues to support H.R. 2893. I urge the White House and this Congress to approve emergency funding for victims of the California freeze.

NICARAGUA'S SANDINISTAS RESIST PRESSURE TO RETURN CONFISCATED ASSETS

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

Mr. LAGOMARSINO. Mr. Speaker, last year, after Violeta Chamorro won the Presidency in Nicaragua in spite of the Sandinistas virtual control of the electoral apparatus, the Sandinistas decided they would not let their 10 years of totalitarian rule be for nought. Before the newly elected President could be sworn in, the Sandinistas undertook an unprecedented grab of houses, cars, and property that made the Somoza's rape of the state look like child's play.

The Sandinistas' confiscation of millions of dollars worth of property had as a cover the legislative decrees passed by the Sandinista-controlled assembly. Now that the Chamorro government's coalition majority in the assembly has passed legislation to overturn the Sandinistas' thievery, the Sandinistas are threatening a return to armed conflict in Nicaragua.

The Sandinistas are not proposing to fight for democracy or the needs of the poor, they are threatening to fight to protect their mansions and their Mercedes. If that was what the revolution was all about in Nicaragua, then the Nicaraguan people deserve better.

The government majority is the national assembly is trying to do what is right for the people of Nicaragua, and we in the U.S. Congress must express our support for the efforts of democratically elected legislators in Nicaragua striving to establish justice and fairness.

IS PRESIDENT BUSH COMMITTED TO ENDING APARTHEID?

(Mr. KENNEDY asked and was given permission to address the House and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, the devious hand of apartheid continues to wrap tightly around South Africa. Over the weekend the world learned that the Government has spent $500,000 to support the political aims of Chief Buthelezi and the Inkatha movement. Today we learn that the Government has set up a $132 million slush fund, not to hasten the transition to democracy, but to continue the immoral policy of domination of the many by the privileged few.

The South African Government is playing the oldest trick in the book of Machiavellian politics, divide and conquer, and they are playing it with great cunning and brutality. The South African Government is not satisfied only with funding political rallies, but there is growing evidence that they are engaged in covert actions that have left over 5,000 dead. We have seen this

play before in Angola, Mozambique, and Namibia.

Mr. Speaker, it is clear that President Bush has shown a moral commitment to end sanctions against South Africa, but the question is whether he is morally committed to ending apartheid. If he is serious about supporting a transition to democracy in South Africa, then he must denounce this latest duplicity and must call an end to all forms of political action that undermine peaceful change.

NEGOTIATIONS BETWEEN UNITED STATES TRADE REPRESENTATIVE AND MEXICO WRAPPED IN SECRECY

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

Mrs. BENTLEY. Mr. Speaker, on July 2, Ambassador Carla Hills negotiated a memorandum of understanding with Mexico on textiles. It is reported that it merely extends the existing agreement with a few minor changes. Yet, textile industry representatives were in Washington at the time of this negotiation working on the Hong Kong agreement and were not notified of the ongoing Mexico negotiation. It appears that it was consummated in such secrecy that many in the media still are unaware that it occurred.

My sources from inside Mexico report that the United States received the support of Mexico for our position in the Uruguay rounds—support which Mexico steadfastly has refused to give over many years. Now we are asked to believe that Mexico did a 180-degree turn for extension of an existing agreement—that they made no significant gain in exchange for their support.

If that is true, then one would have expected public announcements from the Trade Representative's Office of a major triumph this month. This is a very strange story which deserves explanation. The Congress—having given Mrs. Hills the power to negotiate the entire Mexico Free Trade Agreement without interference—should be alerted by the most recent action of her office.

□ 1250

IN SUPPORT OF THE FAMILY FARMER

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

Mr. SANDERS. Mr. Speaker, this week or next the Congress will have the opportunity to take decisive action to save the family farm, to make certain that our dairy production does not end up resting in the hands of a few giant agribusiness corporations who in years to come will be able to control the supply and cost of milk products.

Mr. Speaker, our oil production and distribution is controlled by a tiny cartel of oil companies. Our banking system is increasingly being controlled by a handful of huge banks, and we see this process in industry after industry. The big get bigger; the little guy gets bankrupt and gets driven out of business.

In my view, if we are interested in saving the family farm, it is absolutely imperative that this body adopt a two-tier supply management system which will guarantee our family farmers a fair and stable price for their product. If we fail, and if the family farmer gets driven off of the land, the consumer will suffer. Our environment will suffer. In fact, the entire Nation will suffer.

Mr. Speaker, let us do the right thing. Let us stand up with the family farmer. Let us pass a two-tier supply management system which guarantees our farmers a fair and stable price for their products.

MFN TRADE STATUS FOR CHINA

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

Mr. RAY. Mr. Speaker, this morning, reading the Washington Post, a disturbing article on China's campaign to evade United States textile quotas appeared in a prominent section of the paper. The facts highlighted in this article are appalling. For years, the Chinese Government has been making a concerted effort to avoid United States textile quotas by sneaking textile goods into the United States through a third country. Goods that were made in China are entered into the United States market with labels from Hong Kong, Lebanon, and Africa.

Therefore, it is not surprising that the textile industry in our country is fighting for its very survival. The decline of the industrial base of the U.S. textile industry is well documented and, in fact, confirmed by the inability of this industry to fully supply the troops in Operation Desert Storm.

Foreign imports supported by a well-intentioned but devastating free-trading philosophy are responsible for the death knell of about 50 percent of textile industries in the United States.

Just recently, the Department of Defense issued a report on the ability of the domestic industrial base of textile and apparel manufacturers to support mobilization efforts.

I hope, Mr. Speaker, and it is very important that there will be a bill that the Senate will pass in the very near future which preserves the rights of both the American people and the Chinese citizens in the national priority of that country.

INTRODUCTION OF FAIRNESS TO FANS ACT

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

Mr. KOSTMAYER. Mr. Speaker, today a creeping economic and electronic elitism is taking away the average sports fan's ability to watch his favorite team on broadcast television.

Increasingly, pro sports teams are taking their games off local broadcast television. The average fan, whose area may not be wired for cable or may not have the extra income to afford premium channels, is losing his ability to follow the hometown team on television. And to add insult to injury, many of these same fans are the local taxpayers who are subsidizing glittering new stadiums that serve as the homes for local professional franchises.

Mr. Speaker, today I am introducing the Fairness to Fans Act of 1991. This legislation would require teams to make a portion of their regular season games available on local free TV.

Viewing professional sports should not be limited to the well off and the wired. Let us be fair to the fans, all of them.

INTRODUCTION OF THE AUGUSTUS F. HAWKINS MEDICAL ASSISTANCE ACT OF 1991

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

Mr. DIXON. Mr. Speaker, today I am pleased to introduce the Augustus F. Hawkins Medical Assistance Act of 1991. This measure, which is named in honor of one of this institution's most distinguished former colleagues, would provide $10 million in grants to medical and allied health care programs at historically black colleges and universities [HBCU's]. The Hawkins Act would strengthen the undergraduate and graduate medical and allied health care training programs at HBCU's.

The Hawkins Act bonds the mission to these schools with the urgent need to train a cadre of committed health care professionals to serve in economically disadvantaged and underserved urban communities. Program grants would be awarded to HBCU's that are making substantial contributions in medicine and providing opportunities for individuals who are underrepresented in medical and allied health professions.

There is a health care crisis in this country. Not only is the cost of adequate health care rising, making it more difficult for low-income individuals to receive adequate health care, but there are fewer health care professionals serving in low-income communities. Reports on the state of health care among minorities and low-income

individuals continue to show that they are at risk and likely to die from a wide range of chronic diseases such as high blood pressure, cancer, and diabetes. Moreover, densely populated urban areas are also the least served in the Nation.

Mr. Speaker, the Hawkins Medical Assistance Act is desperately needed to improve the medical and allied health care programs at HBCU's—the training ground for many of our future minority medical professionals.

FAILURE OF RAIL LABOR EMERGENCY BOARD TO ADDRESS RIGHT OF WORKERS

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

Mr. VENTO. Mr. Speaker, last week the conclusion to the 1991 rail labor strike occurred. I must say that I was very disappointed with the results. After Congress had voted in mid-April to create a new special Presidential Emergency Board because the Presidential Emergency Board had failed to resolve the differences between rail labor and management, once that new board had been reappointed and worked for 60 days and many issues were brought before it by rail labor, the intention was that they would be able to work out some of the differences that persisted.

The new Presidential Emergency Board determination last week rejected every single one of the proposals brought before it by rail labor in order to modify or change the January Presidential Emergency Board recommendations.

Every single one of the cases that they brought before it did not receive the positive attention or any consideration from the new board. Mr. Speaker, this action by the new board failed workers and the rights of the employees to have some voice in the collective bargaining process.

I think that such action really violates the spirit and the assumption that many of the Members of the House envisioned when we passed, in mid-April, the back-to-work order concerning rail labor strike. Members of this House reasonably assumed that there would be some opportunity to modify this initial January board finding. We understood that it was a bad settlement in the middle of April, and it is really a worse settlement for rail labor today in July 1991.

Mr. Speaker, I would hope that this at least points up once again that the Railway Labor Act is not working. The fact of the matter is that we have to do something fundamental to address and restore some balance in that collective bargaining process. After 3 years of no agreement, today we note that railway workers end up without a voice, without recourse in terms of the determination and shape of the employment conditions that they must work under.

IN SUPPORT OF ISRAEL'S POSITION ON MIDDLE EAST PEACE PLAN

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

Mr. SCHUMER. Mr. Speaker, as we move toward the possibility of a peace conference in the Middle East, the State of Israel has shown caution, caution that in my opinion is very justified. After all, the administration's view that Syria and Israel are sort of equivalents, in my judgment, just lacks history. It lacks any knowledge of what has happened in the region.

To ask Israel to give up the Golan Heights, which Syria will do in exchange for a promise that she will not attack Israel again—after she has time and time again—is sort of like saying to an enemy of 40 years, "I will give you the hammer I have in exchange for a promise you won't hit me over the head with it."

Rather than pressuring Israel regarding the West Bank and Gaza, the administration should pressure Syria regarding Lebanon. Rather than pressuring Israel to permit nearby legitimized Palestinian representatives, the administration should pressure Syria to once and for all finally recognize Israel.

As we head toward a peace conference, let us remember that rather than pressuring U.N. participation at the conference, the administration should be insisting that the United States rescind the resolution equating Zionism with racism.

As we head toward a peace conference, let us remember who we are sitting down with. On the one hand a longstanding democratic ally, and on the other hand a dictatorship with a history of treachery and belligerence toward the United States and toward Israel.

BUREAU OF LAND MANAGEMENT AUTHORIZATION FOR FISCAL YEARS 1992 THROUGH 1995

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1096) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. Debate on the amendment offered by Representative Synar of Oklahoma, or his designee, printed in the report of the Committee on Rules accompanying this resolution, and all amendments thereto, shall not exceed one hour. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1300

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Ohio [Mr. MCEWEN]. Pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 197 is an open rule providing for the consideration of H.R. 1096, the Bureau of Land Management authorization for fiscal years 1992 through 1995.

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Interior and Insular Affairs Committee.

House Resolution 197 makes in order an Interior Committee amendment in the nature of a substitute which is to be considered as an original bill for purposes of amendment. Clause 7 of rule 16, prohibiting nongermane amendments, is waived against the substitute.

The rule additionally provides that debate on the Synar grazing fee amendment as printed in the report accompanying this rule and any amendments to the Synar amendment will be limited to 1 hour.

Finally, the rule makes in order one motion to recommit with or without instructions.

Mr. Speaker, the Bureau of Land Management was established by the Federal Land Policy and Management Act of 1976. The BLM is responsible for the conservation, development, and management of surface and mineral resources on approximately 270 million acres of public land. The BLM is also responsible for the leasing and supervision of mineral rights on an additional 300 million acres on which the Federal Government has mineral rights.

BLM lands are economic, scientific, recreational, and cultural assets. The BLM is required under the Federal Land Policy and Management Act to develop management plans for these public lands which combine the needs of private commercial use with those of public recreational use. H.R. 1096 improves upon this by updating the management of areas of critical environmental concern, improving planning requirements and professional qualifications of BLM officials, and prohibiting the subleasing of grazing allotments.

Mr. Speaker, Chairman MILLER and Chairman VENTO should be commended for their hard work and insight in crafting this comprehensive multiyear authorization bill. This is an open rule and I, encourage my colleagues to support House Resolution 197.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Tennessee [Mr. GORDON] has explained, the House has before it a proposed open rule. It is worth noting that only such open rules allow for the unfettered and free debate which the American people rightfully expect from this body.

I would like to take this opportunity to congratulate the chairman of the Rules Committee, Mr. MOAKLEY of Massachusetts, for bringing this open rule before us. Acknowledgments also should go to Interior Committee Chairman MILLER of California and the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO of Minnesota, for requesting that the rule be open so that the House can be heard on the many issues included in this bill to reauthorize the functions of the Bureau of Land Managment for the next 4 years.

And certainly there is much about this bill that deserves debate, and hopefully correction, here on the floor. Because the bill as it now stands is deeply flawed and strongly opposed by the administration.

Mr. Speaker, ever since the Federal Land Policy and Managment Act of 1976, the emphasis has been on multiple use and sustained yield when it came to managing much of the lands that belong to the people. That's just common sense. Well, as Will Rogers once observed, "common sense ain't very common."

This bill, in its present form, changes the longstanding commonsense policy of multiple use and sustained yield. If I may quote from the statement of administration policy:

> H.R. 1096 would give unwarranted preferential consideration to a few selected resources on public lands. If the bill is presented to the President in its current form, the Secretary of the Interior would recommend a veto.

Mr. Speaker, most of us in this Chamber know the Secretary of the Interior personally from his service in the House. We know him to be a thoughtful leader. I would submit that for him to take such a strong stance indicates that this bill is indeed deeply and fundamentally flawed. Regardless of the name that will be placed upon this legislation—peace, freedom, democracy or the environment—that does not mean that we surrender our obligation to taxpayers to manage their lands in a way that will provide some access and use by legitimate interests within our society.

Rather, we need a balanced approach, an approach that incorporates both a healthy concern for the environment with a healthy concern for the livelihoods of Americans.

Instead, by introducing new bundles of redtape and regulations, this bill would further complicate various Federal procedures and frustrate Americans trying to fulfill a legitimate need in our society—be it for transportation, minerals, grazing lands, or whatever. And Mr. Speaker, I submit that Americans are desirous of a Federal Government that is less frustrating, not more.

For all these reasons, it is worth noting that all 16 of the Republican members of the Interior Committee have joined with the administration in opposing the bill in its present form. And all of them have pointed to this central and fundamental problem: The bill as reported would radically transform the BLM's management approach from one based on the principle of multiple use of public lands to one based on a special, single use—or no use at all.

It almost appears that the Democrat majority on the committee is saying that all use on public lands is bad; that jobs are bad; that high unemployment is good; and that mountains of redtape serve the public interest.

There is another provision in the bill that deserves special mention because it goes against the very grain of American democracy. Presidential elections are staged in this country so that we might have a national debate and a national decision about which priorities to pursue. Whoever wins the office of the President is then to take the mandate of the people and implement that vision. This is done by selecting like-minded Cabinet members to run the agencies, with the help of people he or she chooses, on the basis of their holding the same values of the President and the majority of the people. Most Americans learned this in civics 101. But, the tyranny of the majority on this committee seeks to deny the Secretary of the Interior the right to appoint his own people; instead they insist on a permanent bureaucracy that would be more or less impervious to the policy directions of the Secretary and the President. And as every Member of this body knows, few things are as immovable as an entrenched bureaucrat who is not accountable to the public. Conversely, the President like every Member of Congress, is accountable to the public through the mechanism of elections.

Mr. Speaker, I cannot sum up the problems with the bill any better than the 16 Republican members of this committee did in their dissenting views in the bill report. They noted that this bill is equally, if not more, controversial than its predecessor, H.R. 828, which came to a political dead end.

As they conclude in their report:

> If the majority were willing to work closer with the minority and the administration to reach something closer to a consensus, there would be a good chance of enacting a reauthorization bill into law. However, since there has been little meaningful attempt at consultation and compromise, we are confident that this legislation will once again be merely a long and futile political exercise and will not become public law.

Nonetheless, there remains hope, Mr. Speaker. We can still achieve a consensus. We can still pass a bill that will become law. That remains possible because we have an open rule that will allow the issues I have mentioned, and many others, to be debated. All that is necessary is a willingness on behalf of the majority party to compromise with this administration.

So, I conclude, Mr. Speaker, by asking my colleagues to support this fair rule, and seek consensus and compromise during debate.

□ 1310

Mr. GORDON. Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strongest opposition to this bill as presently structured, and urge its rejection by the House.

This is a feel good bill. It makes those without any BLM land in or near their districts feel good to be voting for a bill that is supposed to improve management, but it will never become law. A similar measure last Congress was so bad the other body didn't even take it up. And this year's bill goes even further to appeal to our feel good instincts. Even if the other body acts, the President strongly opposes it on the basis of its radical changes in the

management of our Bureau of Land Management lands in the West. The Secretary of Interior has recommended a veto. And most of the amendments being offered today make it even worse than it already is.

This bill is not necessary. The BLM will operate without this bill, and is quite happy to keep operating the way they have been. So the authors of this bill will not even get minor changes in BLM's operations. To those who want to feel good, waste the time of this body and the money of the American taxpayer, I say "half a loaf is better than none at all." Maybe next time this bill comes up, you will remember that.

I could go on and on about this bill's faults—there is plenty to go on about. From buffer zones to restricting public access to wreaking havoc in rural America, this bill is flawed.

But I just want to take some time to discuss one of the major flaws as it relates to Alaska. The provisions of the bill dealing with public rights of way in Alaska and the West is a reversal of over 100 years of law dealing with how local governments get access across BLM lands for building roads or trails. BLM lands are public lands—for the public—they are meant to provide access for the public. Instead, this bill makes access more difficult for local folks. Alaska's Governor, Walter Hickel, has written the committee concerning his views on restricting access across BLM lands in Alaska, and I to insert his letter into the RECORD at this point.

STATE OF ALASKA,
Juneau, May 20, 1991.

Hon. GEORGE MILLER,
Chairman, House Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide additional comments on H.R. 1096, which authorizes appropriations for programs, functions, and activities of the Bureau of Land Management (BLM).

In particular, the State of Alaska has concerns over Section 8 Management of Lands and Public Participation. That section amends existing law to direct the Secretary, in managing public lands, to take any action necessary to prevent impairment or derogation of the resources and values of adjoining conservation system units (CSU).

The State believes that the proposed Section 8 is unnecessary in Alaska from an environmental perspective, and would affect an unwarranted intrusion of national park and wildlife refuge management into the multiple use regime of the Bureau of Land Management.

As you know, the Federal Land Policy and Management Act (FLPMA) already gives the BLM broad authority to protect lands under its jurisdiction. Further, in Alaska, the Alaska National Interest Lands Conservation Act (ANILCA) protects vast areas in conservation system units.

These units represent Congress' efforts to preserve entire ecosystems. Boundaries were generally drawn along hydrographic divides with a view toward creating clear cooperation between CSU's and adjoining lands.

Section 8, as proposed, would effectively extend CSU management practices beyond relevant boundaries, with no further scrutiny or consideration by Congress. We believe that such fundamental changes in land management practices should be properly considered by Congress.

An amendment, added in subcommittee and entitled "Rights-of-Way for Oil, Gas, and other Pipelines," substantially changes the regime for grant and renewal of rights-of-way for oil, gas, and fuel pipelines. These changes are being offered absent of any demonstration of need of greater public purposes. Currently, such rights-of-way are being administered capably under the auspices of the Mineral Leasing Act which adheres to the NEPA process and adequately protects the public interest. Under this amendment, however, administrative burdens on pipeline rights-of-way are increased by placing them under the additional jurisdiction of FLPMA. Additionally, it raises serious questions about which statutory regime shall govern an application for renewal of an existing right-of-way.

For these reasons, the State of Alaska would like to go on record as vigorously opposing Section 8, and the pipeline rights-of-way amendment of H.R. 1096. Thank you for this opportunity to comment.

With best regards.

Sincerely,

WALTER J. HICKEL,
Governor.

The Governor has also written regarding the issue of managing BLM lands next to parks and other protected lands like those areas. In Alaska, we have parks larger than many of the States in the East. We have national wildlife refuges larger than West Virginia, or South Carolina. The reason they are so big is that Congress wanted to protect the lands inside, and included big buffer zones around them back in 1980. This bill proposes to expand them even further, and Alaskans will not stand for it.

I realize that most of the Members in the House do not have any BLM lands in their districts. But I urge you to listen today to those of us who do. We will win hands down on the merits, but that does not account for much when you are stacked up against feel good votes.

In closing, I want to quote from the Interior Committee dissenting views on this legislation and point out to the Members that this bill is a "legislative Rosemary's Baby—flawed at conception and monstrous at birth". Vote against this monstrosity today, and do it on the merits.

Mr. Speaker, I might suggest something else. It is time that this Congress and those on the liberal side of this aisle recognize what is happening in America today. We have over 500 million acres of land owned by the Federal Government that is nonproductive. It pays no taxes. It supports no local communities, no counties, no schools, no hospitals, no police areas. It supports nothing. It is owned by the Government and does nothing.

For whom? Our country was built on private held lands, and this Congress day after day, year after year, for the last 20 years, has taken chunks and chunks and chunks and put them in nonproductive qualifications. That is land that is not providing for our people. It is taking jobs away. It is taking jobs away, and it is not creating new jobs.

We are importing oil. We are importing power from Canada and from Mexico. We are importing, and we are importing, and we are importing, and we wonder why we have a trade deficit.

Five hundred million acres, more than the national debt set aside, and this Congress keeps doing it.

Mr. Speaker, might I suggest respectfully that we here on this side of the aisle mostly have got to create jobs. Where is our economic program? Where is the President with his economic programs? Every time you pass a bill like you are passing today, you are taking jobs away from people.

I had a union leader in my office today who came in to me from Oregon to talk about the spotted owl. Their union membership went from 22,000 in 2 years to 14,000. Those jobs are lost. Those jobs shall never return, again, because we set aside an area of land, very frankly, for a little bird.

We are now saying as to the BLM land that we are going to make it better managed but there is not going to be public access. We are going to have buffer zones so we can create larger parks. You cannot take and have that multiple-use concept, and I say, Mr. Speaker, and I say to the Members of this House, it is time that we say "no more." That land belongs to all the people, just not the elitists, just not the specialists, just not those that have the money or the time to use them, but all the people.

It also belongs to the people who live there. You are taking away their rights.

Mr. Speaker, may I suggest respectfully this country cannot and will not buy socialism, and it will not buy communism, but it has bought environmentalism and consumerism. But if you look very closely at what is occurring, they parallel along the two previous-mentioned words.

Mr. GORDON. Mr. Speaker, I want to thank the gentleman from Alaska for his endorsement of the rule.

Mr. MCEWEN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of the open rule, but in strong opposition to the Synar amendment and the Regula substitute, both to be offered later today. I understand the position of my friend from Ohio and can empathize with him. If I were the ranking member of the Interior Appropriations Subcommittee, I, too, would be sick and tired of having my appropriations bill used as the annual battleground for the war on grazing fees.

I appreciate Mr. REGULA's efforts to negotiate this situation. However, the

fact of the matter is, half of an arbitrary number is still an arbitrary number, and thus remains unsatisfactory.

Mr. Speaker, we recently had this same debate. There are not many things left unsaid. However, I would like to make one point clear, any increases in the grazing fee will drive many of my constituents out of business.

During the debate last month, there was a lot of talk about the just released GAO report, the supposed lynchpin of Mr. SYNAR's argument. We are all very aware of the numbers game. Statistics and studies can tell you anything you want to hear. Many of my constituents were involved in assisting the GAO staff who were sent to learn the facts. According to my constituents, these staffers were not in the least bit knowledgeable about the cattle industry.

Further, by these ranchers own analysis, they believe these staffers were sent to Nevada with marching orders, and had their minds made up before they got to Nevada. As the president of the Nevada Cattlemen told me, "neither one understood the most elementary thing about cattle ranching or range management." Once again, we have a GAO report not worth the paper it is printed on.

Another point, Mr. Speaker, we heard a great deal about the Grace Commission report in last month's debate, and probably will hear more later today. It is interesting to note this report actually has two suggestions about grazing. Its number one suggestion is to sell the public lands historically used for grazing purposes to the ranchers who use them. I quote:

> The Task Force concluded that transfer of the rangeland to private ownership could save an estimated $93.1 million over 3 years.

That's right, Mr. Speaker, private ownership will save the Government money.

This is especially interesting, considering that the proponents of fee increases have been liberally quoting the Grace report.

Another point, Mr. Speaker, after last month's debate, I again went to my constituents to ascertain if there is any room at all for increases in the fee.. The answer was a resounding "no." "Any increase will kill us."

The amazing irony of this whole debate is that many of the proponents of increased fees are the same Members who constantly beat the drum for the small businessman. Yet, 85 percent of the permittees in Nevada are family-owned small businesses, most of which will be gone after fiscal year 1995 should this proposal become law. If you are truly prosmall business, where are you now?

But the most cruel and exploitative irony comes at the hands of the many Members of this body who trumpet their stalwart support for native American programs for self-sufficiency. The very same Members, who, at the same time, vote to increase grazing fees.

By far, some of the most successful off-reservation businesses are ranching operations. In fact, Native Americans run approximately 4 percent of the cattle grazed in Nevada on public land. These pronative American Members of the House certainly talk a good game, but where are they when it comes to the vote?

You are simply killing us. I urge defeat of the Synar and Regula amendments, and of the entire bill.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. Mr. Speaker, I rise in support of the open rule on H.R. 1096.

□ 1310

This bill reauthorizes appropriations for programs, functions, and activities of the Interior Department's Bureau of Land Management.

During the last Congress, the House passed such a bill, but the Senate failed to act on it. The BLM is an important agency. It has full management duties on more than 270 million acres of public lands. It also has the responsibility on millions of acres of other lands that are wholly or partially the property of the American people. The property of the American people, Mr. Speaker, not private lands. Our public lands should have a mandate that expresses the wishes and concerns and serves the needs of all the American people.

The basic statutory authority for BLM's activities is the Federal Land Policy and Management Act of 1976, or FLPMA. What that act established was a system of periodic reviews and reauthorizations, to facilitate congressional oversight and to provide the basis for the appropriation of the funding actually needed for the BLM to carry out its diverse and difficult responsibilities.

The last authorization for BLM expired at the end of fiscal year 1982, nearly 9 years ago. Since then, funding for BLM has continued only because each annual appropriations bill was considered under a rule waiving the point of order that otherwise would lie against this unauthorized spending. This is an undesirable situation that should not continue.

The problem is not new with reauthorization, Mr. Speaker, the problem is one that is ongoing through the decade of the eighties. The reason that an authorizing bill has not been able to be successful is because of some of the contentious issues that really are going to be debated on this House floor today. Frankly, I think we ought to leave the rules apply. Let the House rules prevail and proceed with the consideration and enactment of an authorization for BLM so that important programs and responsibilities for BLM can have a proper authorization for appropriations.

My task as a subcommittee chairman as is the task of the Committee on Interior and Insular Affairs, is not to eliminate all controversy concerning many of the issues that are brought before the committee, but to provide deliberative forum in which these issues can be brought up in an orderly way. The rule today provides that opportunity. I cannot assure the House that there will not be any controversy. There will. These are major, important issues that deal with grazing fees, that deal with the management of 270 million acres of public lands. The fact of the matter is that the mandate for the BLM has changed in the last 50 years.

In 1976 an important law was passed, as I said, known as FLPMA, which broadened that mandate and provided a degree of professionalism that was not known in the BLM before that date. I want to comment that I think the agency is making considerable progress. In 15 years, since that law passed, I think there are some shortcomings and there are some signs of wear evident with regard to the law, and there has to be some modifications and repair to it.

The bill before Members today, some would suggest, is a very radical change in terms of what the mandate of the BLM is; the truth of the matter is that it is not a radical change. It still maintains the multiple use sustained yield concept inherent in the law. That multiple use sustained yield concept embraces the preservation and conservation in some instances of special resources which are located on BLM lands. This bill tries to address some of those concerns and some of the weak points that have occurred within the concept of this law in 15 years.

If we wrote these laws perfectly, we would not have to come back and try to modify them. We could do our work, and we would be all done. We would never have to modify them again. We know that is not the case, that there are many events that have occurred since 1976 that necessitate some reasonable, reasoned, and measured changes in terms of this law.

Of course, this open rule will provide for the debate of it. Controversial, yes. Are they important issues? Yes, I believe they are. I think they are issues that should be addressed by the Senate. I hope the Senate will not duck this issue again and provide Members no opportunity for authorization, because I think the House may be forced, then, to assert the rules, and prevent any appropriation of BLM dollars without the necessary authorization. That surely would be, I think, to the disadvantage of all that are involved within this particular issue in providing the management that public lands deserve.

Nevertheless, I think we get to a point where we have to do that. I hope we can move ahead today, and I know it will evoke debate. I do not apologize for that. I think the committee did a good job in terms of hearing this issue the last 3 or 4 years. Clearly this lack of an authorization since 1982 has been a problem, long before I assumed the subcommittee chairmanship on National Parks and Public Lands. The reason that that is the case is because there has been some strident controversy concerning this particular issue. I think we ought to recognize that up front. Much of the controversy, I think, is really based on those that want to use the lands for only a particular purpose. Some people look at a piece of public land, and all they see is a place for cows to graze. Or some look at trees, and all they think is that tree should be eliminated or put to use. Others look at it as a source of mineral resources. However, I think many people in the country who share an interest in public land, recognize those are important qualities, the use of some of those raw materials, from the land, but we see the type of damage that can occur by misuse and abuse.

These lands should be run by the BLM, not the private entities and individuals that extract resources from them solely. I think there ought to be a voice of reason, a voice of not just liberals, but a voice of conservatives in terms of conservation, and reasonable and economic use of these lands so they serve the needs of all the American people. This rule will provide Members, Mr. Speaker, with the opportunity to debate this issue fully. I hope the House sustains the actions of the Committee on Interior and Insular Affairs.

Under this open rule, we expect some amendments, notably including one on grazing fees similar to that added to the appropriations bill last month. Because the House has debated this proposal recently and the subject could well provoke debate without an end; the rule appropriately limits debate on that subject to 1 hour, which I hope would be adequate.

There will be an amendment by the bill manager to delete one section of the reported bill, in response to another committee's indication of a possible claim of a jurisdictional interest.

Mr. Speaker, some parts of this bill evoked debate in the Interior Committee, and this open rule will let the House work its will on those matters and the bill. Then the burden properly will be on the Senate to act, to complete this reauthorization so that funding for BLM can continue.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Ohio [Mr. MCEWEN] has 16 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 21 minutes remaining.

Mr. MCEWEN. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, I rise in opposition to the bill H.R. 1096. It clearly aborts a balanced management policy.

The BLM was created in 1946 when it was merged with the existing General Land Office and Grazing Service. From a hand full of employees in 1946 it has grown to over 8,000 employees today. That in itself must tell you something about the necessity of multiple use mandates that continue to come down. Even in 1946 the BLM was required to manage its lands by using the often conflicting mandates of hundreds of laws passed by the previous 150 years of Congress.

Today, if we vote for this legislation we will vastly increase the number of employees and the costs involved to deal with resulting litigation.

Mr. Speaker, H.R. 1096 will clearly be one of the most controversial bills the Interior Committee will bring to the floor during the 102d Congress. It was opposed by all committee Republicans and Secretary Lujan has recommended a veto if it reaches the President's desk in its current form.

Instead of litigation legislation what we need is a bill that simply reauthorizes the BLM as this legislation originated in the 101st Congress when it was simply an eight line reauthorization. I would have no objection if it were even expanded to specify that resources would be harvested in an environmentally sound manner and that recreation would be promoted—all of which the present BLM Director says are high priorities.

Modify — modify — modify — that's what the liberals did with our taxes—now they want to modify—modify—modify the management of BLM. It's called micromanagement. Don't be misled by those who say changes are necessary. Today BLM must comply with newer and more complex mandates such as the Endangered Species Act, Federal Land Policy and Management Act and the Clean Water Act which assure that the agency follow a clear stewardship program.

Before I talk about the substance of the bill in general debate. Let me say a few words about the process by which this bill was developed. Eighteen pages of this bill—more than half of it—were created after hearing.

Finally, the bill is vigorously opposed by the Bush administration. According to the statement of administration policy and I quote:

> If this bill is presented to the President in its current form, the Secretary of Interior will recommend a veto.

If it is the will of this body to increase the regulatory stranglehold on public land management—a stranglehold that could choke the economy—then vote for this bill before us today.

If it is the will of this body to vastly increase the cost of running the BLM, then vote for this bill.

If, indeed the Members of this body wish to enmesh the BLM into a regulatory gridlock of the type and nature of the Forest Service and the U.S. Fish and Wildlife Service, then by all means vote for this legislation.

We stand here ready to vote on wise use, a balanced conservation policy, lower costs and the return to the treasury of receipts from the harvest or renewable resources and the commitment to recreation.

But unfortunately, the only way to achieve these goals is to vote no on this legislation.

I urge my colleagues to follow the lead of the administration, millions of Americans who belong to groups that used public lands, and every Republican member of the Interior Committee and vote against H.R. 1096.

□ 1330

Mr. GORDON. Mr. Speaker, I just want to thank the gentleman from Montana [Mr. MARLENEE], as well as our colleague and earlier speaker, the gentlewoman from Nevada [Mrs. VUCANOVICH] for her endorsement of this rule.

Mr. MCEWEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS], a distinguished member of the committee.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for H.R. 1096. This is a good rule. Unfortunately, it is a bad bill. I rise with a certain amount of trepidation. My good friend, the chairman, has indicated that his is the voice of reason on this issue, but I do not agree with his position.

This bill has come to us with relatively little debate in the committee, but it will have a very long-lasting effect on my State. Fifty percent of Wyoming belongs to the Federal Government and in many States it is much higher than that. Much of that 50 percent, which equals nearly 50,000 square miles, is managed by the BLM.

Let me give you a little idea of the character of the land that we are talking about here today. This land is not a national park. This land is not a scenic river. It is not a wilderness. The BLM lands we are talking about here have not been withdrawn because of a special or unique character, as have national parks or the forest reserves. These lands were excess, or in fact residual lands that were left in the Western States after homesteading was completed. They were assigned to the BLM and its predecessor agency to be managed pending disposal, as a matter of fact. That charge was later changed to be managed in multiple use.

Multiple use means providing a balance among the compatible uses that are available. That includes hunting, fishing, recreation, oil and mineral production, livestock grazing, and other uses.

The balanced use of these resources is vital to the economic future of Wyoming, Wyoming communities, and Wyoming jobs. I suppose a balance is subjective. It is certainly viewed differently by those of us who live on and in and among the public lands, as opposed to those who do not.

But I would say that I think often we are more protective of those lands than others in terms of preserving their character.

The BLM under its present charter has done a good job of seeking to balance the use of the public lands. This bill moves abruptly away from that balance with congressional micromanagement. Let me point out a couple of areas that I think are examples. One is the establishment of buffer zones. This idea has been rejected time and again because it simply says that we are going to extend the single purpose management of unique areas into multiple use. When wilderness areas, for example, were established, it was clearly determined that the remainder would be used for multiple use. They come into this bill through the back door called area of critical environmental concern.

The second is the political establishment of grazing fees. Mr. Speaker, there is absolutely no call for a political move to make BLM lands single-purpose use by raising the fees beyond those that are economic to carry on. Rather than utilizing a reasonable formula, which is now the case, the bill establishes politically a level.

Mr. Speaker, this bill changes the long-term practice of multiple use. I support the rule and oppose the bill.

Mr. McEWEN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Mexico [Mr. SKEEN], a member of the Appropriations Committee.

Mr. SKEEN. Mr. Speaker, I endorse this rule because it is an open rule. I oppose the grazing fee, the inclusion of the grazing fee language amendments in the substitute thereof.

You know, I approach this situation from a little different perspective. I have been in the grazing business for 40-some odd years. After listening to the debate that we had previous to this on the Interior Committee appropriations, I can barely recognize the industry that I thought I had grown up in as it was characterized by those who are seeking to raise grazing fees.

I know this is a good vote because environmentalists will go for it. The taxpayer organizations will go for it because they do not understand it.

Let me tell you what happened. When this country was developing, every State that come into the Union was ceded their land surplus by the Federal Government until it came to the 11 Western States that were west of the 30-inch Rainfall Belt. Why is this 30-inch Rainfall Belt so important? Because you cannot farm or raise a crop unless you have 30 inches of rainfall a year. So western lands, this vast area, was divided up under a new management aegis because there was so much of it and nobody could use it because there was no base water. So we came up with a grazing plan that would close down the open grazing system that was extant before the turn of the century, and that was if you were a grazer and you owned a piece of private lands that was adjacent to some of the public land and that you controlled the base water, then you could be granted a permit, not a lease, but a permit to graze on Federal lands that did not have any water, or was not fenced, if you, the permittee, would put in the fences, develop the water and manage the land for the Federal Government and yourself and keep it in as good condition as possible. It was a good system. It worked. But grazing fees have come under attack because very few people understand how they evolved, much less care, particularly those east of the 30-inch Rainfall Belt, because all western lands belong to all of us in the United States.

We have now the Bureau of Land Management that is going to manage those lands. Well, that is baloney. The Bureau of Land Management had never managed any western lands, unless they were in some kind of specialized situation, particularly not grazing lands.

After having grazed for 40 years, I will tell you how many times we have had BLM managers come to our particular operation—zip, none.

So back in 1967 I decided that I did not need to not only finance the operation and the improvements on public lands as well as my own, so I bought the public leases because they raised the moratorium on those sales and allowed that land to be sold. I bought the Federal Government out and I bought the State land office out of it, because we did not need three managers on one little four-member family operation. I am the fourth generation that has grazed on this particular plot of land. My son is the fifth. We own every inch of it, thank God, because I knew that someday, some Member of Congress or some member of the State legislature, was going to take a look at this and say, "Boy, what ripoff these guys are getting."

Well, I will tell you what. In 40 years of business, it is marginally profitable at very best, but it is a good way to live. You are your own boss. You come and go as you please, but you are still basically responsible for the improvements and the well-being of a parcel of land, and that is a very serious responsibility and taken very seriously, because if you do not take care of that land, there is no place else for another generation to go to use that for extracting a resource, or making a living.

Mr. McEWEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio [Mr. REGULA], the ranking member of the Subcommittee on Commerce, Justice, State, and Judiciary, of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I will be offering an amendment by way of a substitute for the Synar amendment today.

I just want to get some facts out so that Members can be thinking about it. What I do in my amendment is to say that the grazing fee should be fair market value, not to exceed an increase of 33 percent in any one year. In other words, it could be less. It is fair market value, and that is defined by a formula that the BLM applies.

□ 1340

Under the proposal that I have, the ceiling would go the first year from $1.97 to $2.63. The Synar amendment would go to $4.35. So you can see this is a more modest approach.

I would point out that in the past 10 years Federal lease fees are down 15 percent, private leases are up 17 percent.

So that tells you that there is a disparity here in what the fair market value would be.

I would also point out—and we fund the Forest Service through our Subcommittee on Interior Appropriations—that it estimates that it spends $3.86 per animal unit to manage the land for which it is receiving $1.97.

That does not make sense that we are spending more tax dollars than we are receiving. I recognize the multiple-use factor. But I think it is something you have to consider.

Another fact I would leave with you, and that is that of all the livestock producers, only 2 percent are benefiting from grazing on Federal lands. Even if you take the 16 Western States, only 7 percent of the cattle producers are actually using the Federal lands for grazing purposes.

A report from the Colorado State University pointed out that in a thousand subleases, that is, where the rancher or the farmer will lease the Federal lands for grazing and then, in turn, sublease them, that they average $7 for the sublease even though they were paying the Federal Government $1.97.

So it does reflect the fact that we are not getting quite fair market value in the returns that we are getting.

One last item: We asked the Bureau of Land Management, and they are fa-

vorable to the grazers, in my judgment, to analyze what would happen under the language that I propose. Their estimate is that there would be no dropoff in AUM's under the numbers that would result from my substitute but there would be a substantial dropoff under the numbers that would be required under the Synar amendment.

What I am going to propose is a reasonable approach to getting a fair market value for the taxpayers who do, after all, own this land, and yet will allow the cattle producers to continue operating the land, give us the benefits of multiple use, which is good for sportsmen and many others who use the land, and would be fair to everyone concerned.

Mr. MCEWEN. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona [Mr. KYL].

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Arizona [Mr. KYL] is recognized for up to 2 minutes.

Mr. KYL. Mr. Speaker, I rise in opposition to the Synar amendment and the Regula substitute.

Raising grazing fees to $8.70 per animal unit month [AUM] as proposed by Synar, or $4.87 per AUM as proposed by Regula, will not raise revenues for the Federal Government. What it will do is drive cattlemen off of public lands altogether. In many cases, it will put them out of business.

Let me address for just a moment the contention that the Synar amendment would set grazing fees at market levels. That is just not not the case in Arizona.

I spoke recently with an individual who runs a cattle operation on his own private land in Arizona. For $6.50 per AUM, he provides everything—from fencing and water, to salt and feed, to herding within the operation—everything.

Cattlemen who graze on public lands get none of that. They have to do their own fencing. They construct their own water containments which, I might add, are also used by wildlife. They move their own livestock. Everything. And then they pay the grazing fee to the Government on top of that.

The amendments do not peg grazing fees to market rates. It does just one thing: It targets one of the multiple uses of public lands for elimination. And ironically, instead of increasing revenues for the Treasury as proponents contend, it will cost the Treasury as much as $1 billion per year by reducing economic activity throughout the West.

It is a lot like the luxury tax the Congress passed last year in order to raise revenues to the Treasury. Sock the rich yacht buyers, was the theory. Well, even they didn't want to pay a 10-percent surcharge; they stopped buying boats, boat companies stopped making boats, and workers stopped working and paying as much income tax—and, in some cases, cost the Government money through more unemployment compensation. So, instead of more tax revenue there is less; tens of thousands are without jobs, and a new yacht industry has started up off shore. If the purpose of the Synar amendment is to reduce revenue to the Treasury and put people out of business and out of work, it will do that. It is obviously not a good idea.

We need balance on our public lands. If there is concern about too much grazing, the number of permits or AUM's can be reduced and additional management practices required. That makes more sense than just forcing ranchers off the land by raising the fees so high they simply cannot afford to be there.

Mr. Chairman, I urge opposition to the amendment and the substitute.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 1096.

The Chair designates the gentleman from North Carolina [Mr. LANCASTER] as chairman of the Committee of the Whole and requests the gentleman from Kentucky [Mr. MAZZOLI] to assume the chair temporarily.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1096) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes with Mr. MAZZOLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 30 mintues.

The Chair recognizes the gentleman from Minnestoa [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1096, a bill to reauthorize appropriations for the Department of the Interior's Bureau of Land Management, otherwise known as the BLM.

During the last Congress, the House passed a very similar bill, but unfortunately the Senate did not take any action, so there still is no formal authorization for the appropriation of any money for BLM to do the vital work of managing the public lands under its jurisdiction.

H.R. 1096 would provide such an authorization for 4 fiscal years, beginning with fiscal year 1992.

The last such authorization, as I pointed out in my previous statement in debate on the rule, ended in 1982. I commented that the reason the BLM has not been reauthorized is that there is controversy surrounding BLM and the management of public lands.

Mr. Chairman, like the bill the House passed in 1989, H.R. 1096 goes beyond a mere reauthorization, and includes a number of provisions intended to improve BLM's ability to properly and professionally manage the public lands and the rich diversity of values and resources that those lands contain.

These provisions include a number of revisions of the Federal Land Policy and Management Act of 1976, or FLPMA, which is BLM's basic organic act. As I said when the House was considering the predecessor bill in the last Congress, these are essentially fine tuning amendments, because FLPMA is a sound and wise statute that provides BLM with ample authority to properly manage the public lands under a multiple-use, sustained-yield mandate.

I know that some will raise the specter that these changes in FLPMA somehow would transform this mandate, and undermine multiple-use and sound-yield management of the public lands. But while this may be creative imagery with colorful rhetoric, it is not accurate. It is misleading, in fact that is not the intent, and that would not be the effect of the bill before us.

Mr. Chairman, the BLM is a very important agency. It is responsible for full management of some 270 million acres of Federal public lands in 28 States, for management of the Federal mineral estate underlying an additional 300 million acres nationwide, and for supervision of most mineral operations on Indian lands.

For a decade, the Interior Committee has been very concerned about the gap between BLM's responsibilities and the readiness of the agency to meet its challenges. Through extensive oversight activities, we have become very aware of BLM's shortcomings.

Most of these shortcomings have not been the result of inadequate authority. Instead, they have resulted from insufficient fiscal resources, or inadequate leadership, or both.

□ 1350

In other words, Mr. Chairman, for the most part it is not the basic law; it is the money, and it is the lack of leader-

ship. In response, many of us have worked to increase the resources made available to BLM and to use the oversight process to urge better leadership. These efforts have brought some successes.

However, it has become evident that there should also be some revisions in the basic law and other laws as part of our ongoing, overall effort toward continued improvement in BLM's management of the lands for which it is responsible.

For example, some revisions were included in the reauthorization bill passed by the House in 1989. Some are included in this bill. However, there are some differences between the bill and the one passed by the House in the last Congress.

For instance, H.R. 1096 does not include provisions dealing with military use of the public lands. We will deal with that at a later date, but meanwhile it is important that the House continue to move ahead on this reauthorization bill.

After the subcommittee hearing on H.R. 1096, I discussed directly with BLM Director Jamison some of the points he and other administration witnesses had raised, and also indicated that there were other aspects of BLM activities that it would be desirable to address legislatively through amendments to the bill. Based on those discussions, the committee adopted a number of amendments, including some amendments to the part of the bill dealing with subleasing of grazing allotments, a section that was incorporated in the language added on the House floor in 1989 and proposed by the gentleman from Georgia [Mr. DARDEN].

The committee also adopted amendments that address some matters not dealt with in the House-passed bill of 1989. One such new provision would change from $2,000 to $10,000 the specified maximum penalty for a knowing and willful violation of the Wild Horses and Burros Act.

Also, the bill as reported includes several new sections.

Section 14 would amend FLPMA by adding an explicit provision for judicial review. This only came about, Mr. Chairman, because courts increasingly have cited the lack of a specific provision providing for judicial review, in the basic law as the basis for not moving forward.

Section 15 addresses the issuance and management of future rights-of-way for pipelines, moving them from under the Mineral Leasing Act to FLPMA, which basically has, or should have, the responsibility for rights-of-way across public lands. Although this is, I think, a desirable change, there is a jurisdiction problem that relates to that, so we will be offering an amendment to take it out of the bill at the appropriate time, but, nevertheless, I still think it would be an important change in terms of FLPMA, and we will proceed to pursue it in a different avenue, as with the military reservation issue.

Section 16 of this bill, deals with claims concerning highway rights-of-way alleged to have been established under an 1886 Act that was repealed in 1976. Really all we are asking, Mr. Chairman, is that those who claim such rights exert them, that they, in fact, exercise them, and that those claims then can be put into the records so we know who has a right-of-way across public lands. We provide for recordation of those types of rights and for investigation and appeal in the event, for instance, that those rights come under question. Just as we did with unpatented mineral claims on public lands, we are seeking the same sort of recordation with regard to access rights across public land. I think that is a reasonable and measured concern with regard to having adequate information surrounding the management of public lands.

Section 17 would require BLM to evaluate alternative ways of caring for the wild horses now located on the two wild horse sanctuaries in South Dakota and Oklahoma, this in an amendment offered by the gentleman from South Dakota [Mr. JOHNSON].

Mr. Chairman, as we proceed with this general debate and with consideration of such amendments as may be offered, I anticipate that there will be some rhetoric about the bill that will be more colorful than accurate. I regret that, but that I recognize as a fact in terms of the individuals and the arguments that they may tend to pursue.

I expect that some statements will be made that this bill is extreme or that it is unbalanced. I strongly disagree. The changes in existing law that this bill would make are not extreme, but moderate. They are balanced modifications to FLPMA and not a major rewrite of the 16 years old law.

There may be some overblown charges that this bill would change BLM from a multiple-use agency into something else. That, too, is inaccurate, I am happy to report. In fact, the purpose, intent, and effect of this bill is to further multiple-use management, by improving BLM's ability to manage the public lands in a way that properly accommodates and reflects the whole spectrum of multiple uses and users. It strengthens and improves BLM's organic act, which is a multiple-use act, and it strengthens and improves the Bureau of Land Management as a multiple-use agency.

As my colleagues know, the fact of the matter is that one of my colleagues just got up and said that the BLM does not manage anything. Well, I think that that may be, indeed, one of the problems, although I know that he was saying that in a light sort of way. I think the fact is that too often we see the land managers as being managed by those that are using the land as opposed to turning it around the other way. That is to say, if you happen to have grazing permits, or mining permits, or mineral claims, or even if you are someone that is just using it for recreation, hunting, fishing and other purposes that are so important in terms of our culture these uses need to be managed. It is important that the manager really be in charge. When we talk about 8,000 people as being a bloated bureaucracy, I think we ought to stop and think about the fact that we are asking every single land use manager, even if they were all in the field, and they are not in the field; there are some in Washington, there are some in offices doing support service; we are asking every one of them to be managing 33,000 acres a person. Now I think that that indicates the undervaluing of these public resources that we have had to some extent for some of these public lands. Clearly that has been the history, the BLM lands were thought of at one time early in our history as lands that were not good for anything else. I would say that some have thought of them as being wastelands. But today I think that we have an enlightened view of the importance of these arid regions, these areas that have ephemeral plant and animal presence on them. We recognize them as being extremely fragile and extremely special in terms of the type of wildlife, the type of plant, the type of use that they can and should be properly safeguarded from misuse. But here, too, of course, I would say the bill is balanced in terms of what it does. All it provides is that the claimants, for instance, with regard to the issue of recordation and other aspects would be able to come forth and make their claims that we could protect the resources.

Mr. Chairman, I would urge my colleagues to support the bill. I think it is a good bill, and I reserve the balance of our time.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the bill in its present form.

Mr. Chairman, I wish to be recognized as a staunch opponent of the H.R. 1096, a bill designed to convert the Bureau of Land Management from a multiple use agency into a preservation agency. Few pieces of legislation which have been reported by the Interior and Insular Affairs Committee in recent years reflect such a one-sided treatment of such an important issue. This is indeed unfortunate, because there are probably many issues in this bill which could have been addressed in a bipartisan fashion. The one sided and hasty development of this measure is reflected in the major amendments which will be accepted by bill proponents without argument.

Today we have a bill drafted in isolation by environmentalists to the exclusion of the mem-

bers of groups who are directly affected by this far reaching bill. Indeed, it is my understanding that there may be a number of additional amendments by other Members who have no interests at stake in this bill. As we see all the time in the Interior Committee it is always easy to be an environmentalist in someone else's district.

Mr. Chairman, I share the concerns of many Members about the policies of this body which are further eroding private property rights in this country. This is happening in two ways, first the ever-expanding appetite of Congress to gobble up private land by expansion of the Federal estate. The Federal Government already owns over 50 percent of the land in this country. Second, once in the Federal domain, these lands are subject to an ever-increasing body of restrictions which preclude virtually all uses. In the last 25 years, over 130 million acres have been forever removed as productive lands by designation as parks or wilderness areas. This represents an area about 1½ times the land mass of the State of California. While there are Federal lands which deserve such protection, the overly restrictive policies advocated under this bill are unjustified.

Because of the manner in which this bill was developed, it is strongly opposed by virtually all users of the public lands and the administration. I expect the measure will be opposed by every Member of this body who has substantial public lands in his or her district or who understands what multiple-use management is all about. This bill has been a classic example of the all or nothing negotiation style adopted by the major preservation groups. In this case, I expect that their efforts will yield nothing, which was exactly the fate of a less egregious BLM reauthorization bill last Congress.

While the language of the bill goes into great length to explain what the bill does not do, I share the concern of other members on the Interior Committee who have reviewed this bill are very concerned about what the bill does do.

Therefore, I urge my colleagues to vote against this measure.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this litigation legislation. We are about to vote today on a new bill that will, first, vastly increase the size of the BLM bureaucracy; second, vastly increase the cost of the agency; third, increase the number of government employees; fourth, decrease the opportunity to harvest renewable resources; fifth, increase litigation opportunities; and sixth, this legislation creates the kind of regulatory gridlock that precludes professional managers from moving forward with expediency in making professional judgment calls.

Every Republican on the committee opposed it. The Secretary of Interior will recommend a veto and in the last Congress the other body simply ignored similar legislation.

We could have simply reauthorized the BLM with a simple eight line bill. Do not be misled; the professional management of BLM must be and is bound—committed and required to follow a whole host of laws requiring environmental stewardship, Endangered Species Act, FLPMA, Federal Land Management Policy Act, Clean Water Act, and others.

If these are not followed the agency is out of compliance and I would like the chairman of the committee to point out where the BLM is not complying with the law.

If, in fact, there is a question of compliance then it was never raised in hearings and BLM never had an opportunity to respond in hearings.

Why? Because there were no hearings on over one-half of the provisions of this bill—18 pages of the 31 were written after the hearings were held.

In my opinion, this bill represents one of the worst examples of congressional micromanagement and litigation legislation that this body will ever see. It will also transform the BLM from an agency that manages for a broad range of traditional, multiple uses to one that manages its land for a few selected resources.

The provisions adopted after public hearings were held include section 14 on judicial review, section 15 on oil and gas pipeline rights-of-ways, and section 16 on RS 2477 rights of way.

A result, it should be no surprise that they have generated great concern from affected parties such as pipeline companies, State and local governments, and another House committee whose jurisdiction was usurped.

If a public hearing was held on these sections and these parties could have been heard from before markup, this bill would be far less controversial today.

H.R. 1096 is based on the faulty premise that BLM lands are being managed primarily for commodity uses such as grazing and mining at the expense of noncommodity uses such as recreation and fish and wildlife. This premise is based largely on a GAO study done several years ago.

As an avid sportsman and someone who represents a State with vast BLM holdings, I find that their premise could not be further from the truth.

I see larger and healthier big game populations on the public lands than ever before. As you can see from this chart, big game populations on public lands have increased dramatically from 1960 to 1988. Antelope populations have increased 112 percent, bighorn sheep are up 435 percent, deer numbers have increased 30 percent, elk have increased a staggering 782 percent, and moose have increased 476 percent.

These statistics clearly illustrate that BLM's professional land managers are doing an outstanding job under current law and do not deserve the sort of indictment, congressional micromanagement, and environmental gridlock that are contained in this legislation. The present Director has stated and demonstrated time and time again that recreation and enjoyment by the public of BLM lands are a high priority.

H.R. 1096 should probably be renamed the Lawyers Full Employment Act of 1991 for several reasons.

First, because of the bill's vague and ambiguous language in many areas, only the Federal courts will be able to provide the kind of clear definitions that people operating on BLM lands need to have before they can understand the ground rules they must follow. This means delay for delay.

Second, the judicial review section of this bill, among other things, attempts to overturn the Supreme Court's decision in Lujan versus National Wildlife Federation.

According to the administration's policy statement on this bill:

> This may overburden the courts with unwarranted, specious, and political challenges to agency actions that have no immediate impact on plaintiffs' interest.

In other words, this is litigation legislation at its worst.

Section six of the bill would limit the number of political employees in the BLM to only two.

H.R. 1096 has numerous other provisions that many of us find objectionable. Some of these will be described in detail by other Members during today's debate.

Let me point out the tremendous opposition that this bill has generated. H.R. 1096 is opposed by the 3.7-million member American Farm Bureau Federation, the American Motorcyclist Association, the American Mining Congress, the National Cattlemens' Association, the Rocky Mountain Oil and Gas Association, and the Western Regional Council.

Moreover, let us remember that a more scaled down version of this bill from the last Congress did not even receive a hearing from the Energy and Natural Resources Committee in the other body—even though it had over 1 year to do so.

□ 1400

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. DARDEN], a member of the committee and a sponsor of many of the provisions of this bill.

Mr. DARDEN. Mr. Chairman, I thank the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1096, the Bureau of Land Management authorization bill. As a member of the Subcommittee on Parks and Public Lands, I am well aware of the long and difficult journey this bill already has traveled, and I am pleased that the end of the road is in sight.

Both the chairman of the full committee, Mr. MILLER, and the chairman of the subcommittee, Mr. VENTO, have worked diligently to craft the most responsible and reasonable bill possible. Many of our public lands have fallen prey to some to the most destructive forces of man and nature. Whether through development, drought, misuse or overuse, these lands have suffered, and it is our responsibility as guardians of the public trust to ensure that they are maintained properly.

As many of you know, BLM programs, while continuing to operate under appropriated funds, have not been authorized since 1982. Unfortunately, disputes between the administration and Congress have created an atmosphere in which meaningful legislation has become almost impossible to enact. Under the leadership of Chairman VENTO, however, we have a bill which not only continues the authority for BLM programs, but makes some necessary changes to the Organic Act which sets the management objectives for BLM operations.

The definition of areas of critical environmental concern [ACEC's] has been expanded so that BLM can continue to give these areas priority in protecting important resources located on public lands. Deadlines are established for the completion of land use plans required under FLPMA. The list of principal or major uses of the public lands as determined by FLPMA is expanded, and public participation, already required, is further encouraged.

While I support wholeheartedly the bill before us, I do believe there are concerns which have not been addressed, and I intend to offer the Synar-Darden-Atkins amendment to increase grazing fees at the appropriate time. However, there were aspects of the grazing permit process which I believed needed clarification, and I am pleased to note that the version of H.R. 1096 reflects the changes we advocated during subcommittee consideration.

Unfortunately, some confusion apparently has arisen about the nature of the rights of permit holders and the effect of grazing permits on property values and taxes. For the record, then, let me reiterate: Grazing permits, as licenses to exercise a privilege on Federal lands, cannot be bought or sold. However, because permits are business assets, some States levy a beneficial use or possessory interest tax on grazing permits, as they do on other special-use rights on lands not owned by the party having the right of use.

Grazing permits are neither inheritable nor directly transferable by permittees—only the Government can issue a grazing permit. In 1986, the Internal Revenue Service did rule that upon the death of a permittee, a grazing permit would remain in effect for the permittee's heirs for the remainder of the permit term. Consequently, to clarify this matter, section 10 of H.R. 1096 adds an explicit statement that a grazing permit terminates on the death of its holder, but the land-managing agency can permit continued grazing while the estate is settled.

In conclusion, I applaud the efforts of my subcommittee chairman, Mr. VENTO, and committee chairman, Mr. MILLER, and of their eminently capable and hard-working staff, and I urge my colleagues to join me in supporting this important and well-crafted legislation.

□ 1410

Mr. MARLENEE. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in opposition to 1096. This bill would make a number of undesirable changes on how the Bureau of Land Management manages the public land.

I am one of those from a public land State. About 70 percent of my State is owned by the Federal Government, and we find it very objectionable in section 3 of the bill.

This bill reads:

> The BLM must manage the public lands to protect or enhance the resources and values of the Conservation Value Unit, but it is not the intent of Congress that the Secretary establish protective parameters or buffer zones around conservation system use.

That all sounds good, and we all feel good when we read that. But in reality, as we look at this disclaimer, it says it does not intend that the Secretary create buffer zones around the conservation unit. I am not convinced that that is what it does.

By requiring the land management agency to manage the public lands in the way that protects and enhances conservation system units, this will put great pressure on the Secretary of the Interior to create buffer zones and to avoid litigation.

According to the Director of BLM, Cy Jamison, section 3 of the bill would indeed create buffer zones. He stated that the requirement to establish an area of critical environmental concerns to protect and enhance might drastically change the management ethic of many conservation units which were established for administration within the framework of a program for multiple use and sustained yield and providing for resource use and development and maintenance of environmental quality. It is difficult to understand how compliance with the law would not create buffer zones.

Mr. Chairman, we have played this game a number of times, in 1983 to Chairman Seiberling, who had the position of the gentleman from Minnesota [Mr. VENTO]. He put in a bill. This is the third or fourth time we have played this buffer zone game.

This time we are talking about enhanced things, of conservation units. In the past we were talking about "adjacent to." We were also talking about "detrimental to."

Are there any of the great lawyers here who can tell me the definition of "adjacent to" or "detrimental to"?

At the time we debated it, we could find no one, no one in the House, no one in the Senate, no one in the judicial department. The great book Blackstone would not tell us what that meant.

So we are all betting on a pig in a poke. We are all saying well, let us just guess what it means, folks. We will guess on this thing, and hope it all comes out right. The chairman then, Mr. Seiberling, invited me to debate him on public radio. So I did. A guy called in and asked the question, "Mr. Chairman, I live down in southern Utah, and outside of the park, Bryce Canyon, if you happen to see some cows going across there and they put up the smoke, is that adjacent to?"

He said, "By all means."

He said, "Is that 'detrimental to'?"

The chairman answered, "By all means."

Well, most prudent people would not think that cows putting up some dust would be "adjacent to" or "detrimental to."

The next man called in and said, "Well, I live up in the northern area by Thiokol Chemical. At Thiokol Chemical we create these rocket motors that put the shuttle up into space. By that also happens to be the Golden Spike Monument, where the two railroads came together."

The question came up, when they test these rockets, and you ought to be there, it is ear shattering, would that be detrimental to?

The chairman answered, "By all means, it would be."

So now here we are going to play this game again. We are going to subject 11 States in the West to the idea of "adjacent to" and "detrimental to." Only this time, we are going to call it "enhance the resources." Why are we putting this burden on the Director of BLM?

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, the gentleman from Utah [Mr. HANSEN] indicated that these buffer zones, or areas adjacent to National Parks and U.S. Fish and Wildlife Refuges, would be subject to management by that agency.

Mr. HANSEN. Yes.

Mr. MARLENEE. Mr. Chairman, by the agency, I am talking about the Park Service.

Mr. HANSEN. No.

Mr. MARLENEE. But they would be managed to enhance?

Mr. HANSEN. Yes.

Mr. MARLENEE. Are there agreements that exist now whereby BLM must consult with the Park Service?

Mr. HANSEN. Mr. Chairman, reclaiming my time, there are informal agreements that BLM talk about that they have worked out, and they work very well.

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield further, there are informal and formal agreements, as I understand it.

Mr. HANSEN. That is what the Director has told us, yes.

Mr. MARLENEE. That the BLM must have with the Park Service, for instance, in managing the land, if they make a management decision on land adjacent to.

Mr. HANSEN. I think it is working very well.

Mr. MARLENEE. Mr. Chairman, why do we need the buffer zones?

Mr. HANSEN. Mr. Chairman, that is exactly the point. The question comes down, and I hope Members listening to this please, do not put buffer zones on us. We have got endangered species, we have got wetlands, we have got all this other stuff. Let us not add another level on this thing. Let us not ask for a buffer zone, that no one knows what it is, no one can interpret, and say, well, let us turn it over to the courts; the courts apparently will know.

Mr. Chairman, I really object to that. I would hope Members would not go along with this.

Mr. VENTO. Mr. Chairman, I would inquire how much time remains on both sides?

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Minnesota [Mr. VENTO] has 15 minutes remaining, and the gentleman from Montana [Mr. MARLENEE] has 17 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to comment on the concerns of the gentleman from Utah [Mr. HANSEN]. I might say that the bill in not one, but two instances, on page 3, suggests that there is not a buffer zone type of requirement. So in terms of buffer zone, we said that twice in the bill, and it is reiterated in the report.

All we are suggesting here is that where, we have, the interface of various types of public lands, that is, with respect to conservation system units which we define in here as being National/Parks, wildlife refuges, wild and scenic rivers, and so forth and so on, on page 3, we say that the lands that are adjacent to them should be managed, "to protect or enhance the resources and values of a conservation system unit, but it is not the intent of Congress that the Secretary establish protective parameters or buffer zones around conservation system units."

Mr. Chairman, all we are saying is that the left hand ought to know what the right hand is doing.

Insofar as consulation, that is not a requirement of this bill. I commend Director Jamison for talking to Director Ridenour concerning that particular matter.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time, and commend him and other members of the committee who have worked so hard to bring this bill to the floor.

Mr. Chairman, the Bureau of Land Management is responsible for managing hundreds of millions of acres of Federal lands. For many years, they were considered the leftovers that the more glamorous agencies like the Park Service and the Forest Service did not want. Today, we know this is a terrible misconception.

BLM lands are a treasure of environmental, scientific, scenic, recreational, and cultural assets as well as a source of familiar economic opportunity to ranchers, miners, and timber companies. There is no way the United States can justifiably claim to be a good steward of its environment until it cares as much for the management of these public lands as it does to its better-publicized crown jewels of parks, wildlife refuges, and forests.

This bill takes a step in that direction by updating management of areas of critical environmental concern, improving planning requirements and professional qualifications of BLM officials, effectively prohibiting subleasing of grazing allottments and revising certain outdated procedures.

For example, the bill sets forth new requirements for investigating and adjudicating rights-of-way across public lands. Currently, a 125-year-old statute known as RS 2477 continues to serve as a basis for right-of-way claims even though it was repealed by the Federal Land Policy and Management Act in 1966. RS 2477 claims have generated particular controversy in Alaska where the new State administration views this obscure statute as a means to circumvent procedures in title XI of the 1980 Alaska Lands Act. Contrary to the dissenting views in the committee report on H.R. 1096, the procedures of title XI of ANILCA clearly apply to all claims to rights-of-way across conservation system units in Alaska, including any which may be asserted based on RS 2477.

All these reforms are modest, Mr. Chairman, but they are constructive and long overdue.

In the final analysis, the responsibility for guarding the integrity of the public resources and the public lands rests with the Director of the BLM, the Secretary of the Interior and the President. To date, the record is very disturbing. They have delivered us from the Burford-Watt-Reagan era of outright environmental hostility to a new age of benign neglect and happy-talk press releases tinged with green.

This is progress, but it is entirely inadequate to our times. It does not restore our endangered riparian lands, or expand wildlife habitat or protect the public's economic interest in its ranges, minerals, forests, rivers, or recreation lands. It does not begin to address the fact that throughout the West we are asking our public lands to do too many things for too many people. We are literally chewing them up in the process.

Shortly, we will be debating an amendment offered by Mr. SYNAR addressing the critical issue of grazing fees, grazing advisory boards and use of range betterment funds. I strongly support this amendment, which the House passed only last month in the Interior appropriations bill.

Our current rangeland policy is shortsighted and seriously flawed. For example, the Department of the Interior charges one special interest group subsidized, below-cost fees for their use of the public resources. Then, without legislative authority, they organize boards made up solely of members of that same special interest group. These boards then decide how to spend half of the Government's revenues generated by the below-market fees they just paid. Not surprisingly, they decide to spend millions on projects that benefit themselves and don't bother to account for how more than half of it is spent at all. It is time to stop this indefensible practice and the Synar amendment will do just that.

So, Mr. Chairman, I am pleased to rise in support of the committee bill and the Synar amendment that will be offered to it.

□ 1420

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, I support a 4-year reauthorization of the Bureau of Land Management. However, the radical nature of the substitute to H.R. 1096 causes my strong opposition to the measure before us.

This bill, as now written, would drastically change the BLM's mission. Currently, the agency is charged with managing the public's natural resources under the multiple use and sustained yield principles. Unfortunately, H.R. 1096 recasts BLM's mission to incorporate land management practices better suited to parks or other single use areas. This bill, in essence, says "no" to grazing and mining and other commodity uses of the public lands.

Mr. Chairman, there is no congressional district in this Nation, save that of the Interior Committee's ranking

member DON YOUNG, that has more public land acreage within its borders than mine.

In Nevada, the BLM is responsible for managing more than 48 million acres of land—more than the whole State of North Dakota. This amounts to more than 67 percent of Nevada. Believe me, my constituents and I know the impacts this rewrite of the Federal Land Policy and Management Act of 1976 would have upon the West.

It is not mere speculation when I state that Nevadans and millions of other citizens residing west of the 100th meridian would have their livelihoods dramatically affected by this bill and the amendments expected to be offered to it.

I do not mean only the grazing fee amendment, either, though that is indeed a major concern of mine. There are hidden provisions in this bill which will be destructive to the West's economy.

Mr. Chairman, H.R. 1096 is simply "A wolf in sheep's clothing."

My colleagues have been, will be, focusing on various sections of this bill, and why we should vote it down, let me quickly voice a major concern of mine. The hidden requirement that BLM maintain biodiversity on the public lands worries me. Why? Not because a diverse plant or animal community is something to be shunned. Far from it, I agree that maintenance of species diversity has merit, but I also believe that current BLM practices achieve this goal.

Section 4's increased emphasis on biodiversity, coupled with section 14's standing to bring lawsuits, presents a clear and present danger for crippling environmental lawsuits brought by nonresidents of the rural West.

Section 14 would overturn a longstanding legal principle barring nonaffected parties from bringing suit. This opens the door to lengthy litigation by groups dedicated to locking up our public lands.

These groups have little to lose from protracted law suits. Rural small businessmen do. Even when the preservationist group's cases are ultimately lost on the merits, their common tactic of seeking injunctive relief shuts down small businesses and wreaks havoc on the West's economy.

Third parties to such litigation—ranchers, miners, loggers—must patiently wait, often years, for these cases to be decided. While BLM policy is debated in court, the real injured parties can only watch their livelihoods ebb away.

Consequently these small businessmen and women are finally run off the land, and then where will we be? Are we to be a nation of city dwellers, where our public lands are off-limits to resource harvesting?—urban encaves in a sea of parks?

My friends, what is so wrong with the Supreme Court's logic that plaintiffs must establish harm by the BLM in order to go forward with litigation against the agency? This is good commonsense law and deserves to be maintained. Overturning such precedent means "Katie, bar the door" because any citizen, anywhere, can allege harm and sue the BLM, enjoining the agency from doing its job.

Mr. Chairman, I strongly urge the Members of this body to reject H.R. 1096. It is a bad piece of legislation which will do great harm to the West, and thus to the Nation.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Oregon, Mr. BOB SMITH.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this BLM reauthorization bill, although we should pass it. We do not need it. The BLM has been operating in fine stead since 1982, so it is not imperative, and this bill will be vetoed. So thank God for separation of powers.

This is not a simple reauthorization bill at all. It rather transforms the Bureau of Land Management into a single use agency rather than a multiple use agency.

More than 300 million acres of land are under control of the Bureau of Land Management in the West. This land contributes to the needs of people for livestock forage, for timber, for mining, for their livelihoods. Each year the BLM returns a profit to the Treasury of America from those people and those lands, more than $232 million, by the way, last year.

This legislation would put an end to those profits and our way of life by stopping commodity production on BLM lands.

There has been a great deal of discussion about the question of buffer zones, and true, this bill does not allow buffer zones. Buffer zones became very much too controversial to stand any more. So if you cannot stand buffer zones you change the name, and you change it to areas of critical environmental concern, new idea for buffer zones.

I want to show Members this map, by the way, which is a map of the State of Oregon. As can be seen, the dots here are already areas of environmental critical concern across the State of Oregon.

We have more than 2.1 million acres of wilderness in Oregon which will be expanded by areas of environmental critical concern. We have 1,800 miles, 1,800, and one-third of all of the wild and scenic rivers in America are in Oregon, outlined by these black areas, expanded into areas of critical concern. They will be expanded. Wildlife refugees, national parks, already half of the State is in Federal control, and we are expanding the idea of all these designations to the areas of environmental critical concern. It is very possible that the whole State could become one set-aside in the definition of areas of critical concern.

Therefore, I ask all Members, do not be fooled by the idea they have eliminated buffer zones. They are substituted with another argument, and this map would be belonging totally to single purpose if this bill is adopted.

I urge Members to oppose the BLM reauthorization program.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to add a word with respect to game management on western lands where currently we have I think a good balance between wild game herds and grazing.

I am a hunter and a fisherman, and I've spent a lot of time in the West in game habitat, and I just want to remind my colleagues that with the balance that we have the elk herds in Idaho, in Wyoming, in Oregon, in Utah and in Colorado are at all time modern highs. In fact, the number of elk in Utah has doubled in the last 10 years. This has been done compatibly with the present balance that BLM has with respect to grazing.

I heard something also that troubled me when listening to the debate. I heard some advocates on the other side saying that only 2 percent of Americans benefited from the grazing lands that are made available to our ranchers and cattlemen in the West. Actually every American who is interested in having a good export balance benefits from this harvest that takes place on grazelands in the West. Grazelands are not timber. They are a perishable annual crop, and if we do not harvest the grass, when the winter snows come it is gone. It is not like a tree or a timber product that can be reserved for a later time. Unless we bring back tens of millions of buffalo, for example, that used to roam the West and harvest that crop in a natural way, the crop perishes and will perish every year without harvesting by the cattlemen and the grazing interests in the West.

This is a very, very important ace in the hole for America's exports, and I think we should maintain this balance that has accrued to the benefit of our wild game herds and the benefit of every American who wants to see a good export balance.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. The gentleman from California is a member of the sportsmens caucus, is that not correct?

Mr. HUNTER. That is true.

Mr. MARLENEE. The gentleman from California has spent an extensive

amount of time in the field observing the outdoors, the wildlife, and hunting, and in outdoor activities, is that correct?

□ 1430

Mr. HUNTER. That is since I was 9 years old.

Mr. MARLENEE. Since the gentleman was 9 years old? Has he observed a dramatic conflict or any conflict at all between wildlife and the harvesting of the renewable resources of grass?

Mr. HUNTER. Actually there is not a conflict, and the species are very compatible. Elk are grazers. They are grazers like cattle. Where the brush is removed back and is kept in a state of retardation, and I am talking about the type of brush that chokes out grass, that is done by cattle, that produces more grass for elk, and that is the reason the elk herds in the West over the last decade have exploded in numbers, and that is the reason why the elk herd in Utah has more than doubled in the last 10 years because of the fact that they are so compatible with the grazers and with beef.

Mr. MARLENEE. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, at this time I would like to note for the record that the Government Printing Office made an error when it printed House Report 102-138 on H.R. 1096 filed by the Committee on Interior and Insular Affairs. The error occurred when GPO dropped from the second line of the last paragraph on page 20, nine words following "FLPMA" which is the first word of the line. The words which should have been included are "would be a disclaimer, stating that nothing in FLPMA." These additional words which were included in the committee report as filed make clear that nothing in FLPMA shall be construed as exempting proposals dealing with claimed RS 2477 rights-of-way from title XI of the Alaska National Interest Lands Conservation Act.

Mr. VENTO. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. Chairman, I would point out that it has been repeatedly stated about the problems that have occurred with regard to BLM management, that nobody has said anything with regard to that, and clearly I think the record we have established in the last 5 or 6 years with regard to the Parks and Public Lands Committee indicates that there are problems. For instance, the GAO has appeared before the committee on numerous times to point out the problems with the damage to the resource, especially, for instance, to riparian areas from the grazing and the activities that go on around in these areas.

In fact, they contrasted Bureau of Land Management's practices and management in those areas as opposed to the Forest Service activities. There definitely has been damage to those riparian areas, very extensive areas, which the BLM was not adequately managing. Those reports are there for Members to see. They were sitting in the committee room.

Perhaps they heard what they wanted to hear, but they were not listening to the same type of report. They point out the inadequacies of research work on the part of the BLM.

Mr. Chairman, for another example in September of 1990 GAO reported that in over 13 years since the Congress mandated BLM's preparation of land-use plans to guide the management of public lands, less than half had been completed. These are, I think, an indication of some of the problems that are going on in BLM.

I think, as the Members look through this bill, they ought to be aware of what is being discussed. I tried to outline some of those particular provisions with regard to retardation of private access use over public lands. I tried to point out, for instance, many other examples that exist in this bill that address these problems.

GAO says, "We believe that the provisions of H.R. 1096 would serve to hasten BLM's movement to a more balanced public lands management" with regard to the plans with regard to other particular provisions of this bill.

It has been said that there were provisions added to the bill after the introduction and after the hearing and that is clearly the normal congressional process and the committee process. What would we do? Add the provisions before? I mean, the hearings served the purpose of providing information and highlighting additional problems concerning the BLM management.

Most of the provisions, I would suggest, were in the bill. Most of the provisions were known to the Members. Clearly we started out with a basic authorization, 4-year authorization bill, in the 101st Congress, and added to it after thorough discussion with the minority.

There were agreements on some points, disagreements on others, and I would suggest the same is the case today.

But we talk about, for instance, as I had indicated, new planning requirements, some expansion of the definitions to provide for a balanced approach. We provide for the BLM's working together with other land management agencies, especially where there are conservation units. We think the BLM ought to respond in those particular instances, and we point out specifically twice on page 3 they are not required to establish buffer zones.

Notwithstanding that, some Members have tended to disregard that and to try and turn the tables in this debate today.

Mr. Chairman, we provide, for instance, under the areas of critical environmental concern where the BLM establishes these areas within their own rules. We provide that there ought to be public comment on this particular procedure. I do not know that that is such an earthshaking type of provision with regard to law, but we do provide that.

This bill before us, I am proud to say, has provided some further prohibitions on subleasing. Repeatedly, and I think that many of the Members from non-Western States who come from other States to the east may not understand that when we talk of an animal unit month, we are talking about 800 pounds of grazing forage that actually gets consumed in an animal unit month, and we are suggesting, for instance, that we are going to hear a lot of debate about that, that that is worth only $1.97, at a time, of course, when beef prices are extensive in terms of what is happening.

I have nothing against a farmer, a rancher, making a profit in terms of these lands, but I think that if there is too big a profit to be made that we get into subleasing types of activities which are so common in some instances in the West, and that those benefits ought to flow to the taxpayer, not into the pockets of those that happen to have a grazing permit by virtue of birth, in that they have passed on to them the ownership of the base private land, and so get the permit.

I think the taxpayer has a right to suggest that they ought to share in some of the benefits from the public land, and it ought to be used in a manner that does not damage the resource in the final analysis.

Mr. Chairman, we have put a lot of provisions in this bill concerning Members' concerns with regard to rural electricification, dealing with strict liability, we have put provisions in dealing with congressional review, with judicial review, providing that the act will be more workable, and we have tried to work with many Members as they have come to us with special problems.

I am somewhat surprised, but I suppose I should not be surprised, by the opposition. It seems that no matter what you try to do there are some who would not be satisfied concerning what is in the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MARLENEE. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the allegation is made that subleasing was common. This is certainly not the case. Subleasing is illegal. Subleasing is illegal and can be prosecuted under the law except under very special circumstances.

As to these allegations that flow around that we are abusing the land, I

wonder if I could engage in a colloquy with the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding.

Mr. MARLENEE. The gentleman has had a lot of experience in grazing public lands, dealing with ranchers in the West, and he has a lot of public land in his area. Could he tell me, and he talked about the enhancement feature and the buffer zones and that they would be managed for enhancement; what does enhancement mean, if they are going to be managed for enhancement?

Mr. SMITH of Oregon. I thank the gentleman for yielding. Enhancement is expansion. Enhancement is so-called improvement, but when you apply it to all of the areas that I have described in Oregon and other places in the West, enhancement means expansion. It is that simple.

They have now eliminated, as I mentioned, buffer zones, because buffer zones create an animosity toward this legislation. We are suggesting that we have already identified wilderness areas. We have identified wild and scenic rivers. We have identified areas of environmental critical areas. Why do we need buffer zones?

So they displaced buffer zones with enhancement or additional areas of primary critical concern. It is the same issue.

Mr. MARLENEE. And enhancement is a nebulous phrase that means expansion of the area that is to be enhanced? Is that correct?

Mr. SMITH of Oregon. Exactly, to me, and if I could make another point under the gentleman's yielding to me, if, indeed, the Bureau of Land Management, with its desecrating of the public lands in the West by its management, then tell me this, why is it true by these numbers produced by the Fish and Wildlife Service, that under these same desecrated lands, antelope population in the last 30 years is up 112 percent, bighorn sheep are up 435 percent, deer are up 30 percent, elk are up 782 percent, and moose are up 476 percent at the same time we are grazing livestock?

□ 1440

Are these decimating the lands?

Mr. MARLENEE. Revenues to the Bureau of Land Management from grazing are up.

Mr. SMITH of Oregon. More than $232 million, from all public lands of the BLM to the Treasury.

Mr. MARLENEE. Mr. Chairman, reclaiming my time, allegations have been made that there would be a drop out in the number of grazing permits, the number of people seeking grazing permits, if we increased the fee. If we were to raise the fee, an allegation has been made there would be no dropoff in the number of permittees that are on public lands.

Does the gentleman have any information on that?

Mr. SMITH of Oregon. I do if the gentleman will continue to yield. I would be happy to respond to the gentleman that studies done by Utah State University and Oregon State University, that the analysis of the Synar amendment, going to $8.70; rather than $18 million to $20 million return from just livestock grazing, it will go to $1 million in 2 years. If the Regula amendment is adopted, livestock grazing will last about 6 years and will go to zero, under the Regula amendment. That is not just by the two universities, but the Office of Management and Budget, the most scrupulous organization in town, the most pennypinching, I know by all Members' affirmation in this body. The Office of Management and Budget said, "This is bad policy; therefore, we are opposing it because it is bad fiscal policy." It is the issue of eliminating the returns. So, it is bad public policy.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from Utah [Mr. OWENS.]

Mr. OWENS of Utah. Mr. Chairman, I commend Chairman VENTO and his very capable staff for their efforts in crafting this BLM reauthorization bill. The BLM administers an enormous parcel of the United States—270 million acres—and the additional guidance this bill provides will translate into increased protection and better resource use on the ground. Reauthorization of the BLM is long overdue—times change, and even more importantly, public policy evolves. This BLM reauthorization, with its emphasis on areas of critical environmental concern, on the prevention of degradation of the public lands, on the needs of plant and animal communities, recognizes the fact that the American people now require more of their public lands than simple commodity management. Traditional multiple-uses are protected, but the BLM's mandate, through passage of this bill, must mature into a more comprehensive view of the increasing recreational, biological, and esthetic importance of the public lands. The development of the bill has been controversial and emotional, but the changes the bill makes are balanced, sensible, and needed. I urge my colleagues to support this important bill.

Mr. VENTO. Mr. Chairman, Will the gentleman yield?

Mr. OWENS of Utah. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would like to point out that somebody said that we are getting into subleasing issues, but the Interior Department Inspector General report said in 1986:

> Grazing permittees are subleasing their grazing preferences to others for more than the PRIA-established grazing fee which the permittee pay to BLM.

The solution is to raise the fee so they do not have this problem.

I just want to point out where these statements are coming from. They are not statements that somebody is picking up out of the air in order to criticize. I think they are legitimate concerns. We have specific provisions in this bill. The gentleman is entirely correct. The practice is illegal, but nevertheless, it has gone on in the past. We hope this bill will eliminate it or curtail it.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, the more I listen to this debate that is going on over this bill, the more I am concerned about what we are talking about here, which is basic management.

We will go back and do a little upgrade in history on where the Bureau of Land Management came from. For instance, in my district, in New Mexico, in 1951, that office was handled by three persons. Today, they employ about 150 to 160, depending on the season. Most is mandated, not in land management areas, but in the environmental and the archaeological groups, and some of the other specialized disciplines dealing with that. That is what has happened at the Bureau of Land Management.

It is a great outfit. If we keep increasing grazing fees, as marginal as the grazing business is these days, we will have a lot more people that would be good candidates for the Bureau of Land Management employees, because once we take the permittees away from handling the bulk and the large management responsibility dealing with public lands in the West, they will become good candidates for employment by the Bureau of Land Management. At least they have had experience. Maybe this is not all bad.

If this happens, I can assure Members that it will be folks that would enjoy that kind of an association, and regular income as opposed to risking what they would risk in their own investment, giving their time day in and day out, 24 hours a day, 365 days a year, week in and week out.

If something breaks, they fix it, like fences, water lines and the rest, because they belong to them. That is what we are getting to, what is happening to the land management philosophy. Everyone wants to manage lands in the West, because everyone thinks they belong to everyone, and they do. It is unfortunate they are not handled as they would be under the private sector, and I think that it is too bad they have not lifted the moratorium on land

sales and encouraged land sales with some of our public lands in the West that are not utilized for some multiuse purposes.

Mr. MARLENEE. Mr. Chairman, I yield myself the remaining 2 minutes. There has been a lot of misrepresentations here today about the abuse of the land. I think that is unfortunate because we have a lot of dedicated public servants out there who are professionals, who are professionals in range management, who are professionals in the area of the wildlife, and who are mandated by law to protect that wildlife.

I really have some concern about the allegations of profits that are being made. If it is so profitable, then why are we in such tough shape out there in those areas, that is, to graze those public land areas.

The communities are having a tough time making a go of it. They do not have a sufficient tax base. In addition to that, there is not a sufficient amount of revenue that is generated. Some of that is the fact that it is just not economical because of the regulation, because of the redtape, because of new laws that are coming in all the time, and we have a number of them including the endangered species and the wetland provisions and all that.

These are a number of the concerns of the people of the West. Now we are about to embark on another regulatory nightmare. We are going to increase the fees even further, probably, by the time this legislation is finished, in the amendment process, and make it even more unprofitable for those people, and maybe even not making it profitable at all.

I would urge my colleagues to defeat this whole piece of legislation, all of it in its entirety, and that we simply reauthorize the BLM. That can be done simply, with an eight-line reauthorization.

Remember that our employees are mandated by law to follow a number of acts that are designed to protect the environment and contribute to stewardship of those public lands. I urge defeat of the legislation.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Again, I would like to rise, of course, in support of the legislation. Believe me, there is nothing in this legislation that undercuts the professionalism of BLM. In fact, one of the provisions of the bill limits the number of political appointees that can be mandated to the BLM.

□ 1450

I certainly recognize any administration has a right to have people in a position that can carry out their responsibilities; but the question is how far down could this reach? In fact, it has been, I think, an open book in terms of what the problems are with the BLM. The problem is that the professional land manager in the field has been undercut repeatedly by political decisions that are made in Washington and made within some of the States. I think that has been the record with regards to where the problems occur. If anything, the BLM's professionals need to get this language.

I think to imply that the modest changes made in this bill after 15 years of a reauthorization act somehow will turn everything upside down or to say the least inaccurate and misleading.

I hope we can move forward. Clearly, a problem with the grazing issue is that it does dominate this because of the economic impact that it has in these areas. I do not treat lightly the fact that Members who come from those States are concerned about getting the best break they can for those ranchers. I think in the past they have done a remarkable job for the few in number that they represent or that they in their numbers have done such a good job that we have not been able in fact to put in competitive fees. I do not question for a minute that ranchers and farmers are having a hard time making it in these economic times.

The fact of the matter is we must not damage the resource, the public ranges, in an effort to try to make up for the deficiencies of the economy, whether it be beef, cattle or lamb, or other types of grazing that is going on in those lands. We have to look at the overall values. That is what H.R. 1096 does, and I urge my colleagues to support it.

Mr. RAY. Mr. Chairman, I rise in opposition to the amendments to increase grazing fees for American ranchers.

Less than 2 percent of Americans are farmers or ranchers, and few of these are under the age of 35. The American farmer and rancher is an endangered species as a result of policies aimed at dismantling these efficient and well-crafted programs. It is certainly no surprise that American farmers and ranchers are discouraged. They are quitting the agricultural business or, worse yet, being forced into bankruptcy.

Because of the difficulties the President has encountered in the GATT negotiations in reducing Europe's agricultural subsidies, I would say the Europeans have learned the importance of maintaining a strong agricultural industry despite the cost.

In making changes in farm programs, our primary concern should be to improve the industry, not to destroy it. The increase in grazing fees proposed by these amendments will further dilute the unit that has benefited American farmers and ranchers for decades.

If we lose American agriculture, we lose not only a part of America's history, but we leave America's future up to chance. A strong America is one that can feed and provide for her citizens. A weak America is one that is willing to sacrifice a sector of her industrial base.

I urge my colleagues to oppose these amendments.

Mr. GREEN of New York. Mr. Chairman, I rise in support of the Committee on Interior and Insular Affairs for all the work it has done on this bill. I wish specifically to support the provision which seeks to strengthen the Wild Horses and Burros Act by establishing tough fines for anyone in violation of it. I have been disappointed by the BLM's management of that act for some time, and believe that this is a step in the right direction.

While I understand the BLM's difficulty in managing herds which, in many instances, have grown large in number and environmentally burdensome to maintain, I have trepidations as to the sincerity of the BLM's efforts to preserve these animals. In the Federal Register of July 2, 1991, for example, the BLM has proposed a rule allowing it to implement decisions to round up free-roaming wild horses and burros in specific areas even before resolution of appeals of those decisions. The rule would give the BLM license to conduct heedless roundups without any accountability as to whether or not the roundups are necessary.

The BLM already has an avenue, with the Interior Board of Land Appeals, in which to conduct a roundup should conditions exist which make one necessary. It does not need this additional rule which, in effect, circumvents the IBLA process.

The Wild, Free-Roaming Horses and Burros Act, established in 1971, sought to protect the wild horses of the West. Although conditions sometimes exist making roundups necessary, the situation with the wild horses and burros has not, as BLM would have you believe, reached crisis proportions. The provision included in today's bill strengthens the act, thereby affirming Congress' resolve to help preserve these animals. We need to tighten the reins on the BLM's policies, not loosen them. Please join me in supporting this provision, and in supporting the committee's bill.

Mr. PENNY. Mr. Chairman, I support the Regula amendment to increase grazing fees on BLM-administered lands.

It is time to send a signal to ranchers in the West that utilize public lands for grazing that they must pay higher grazing fees. Clearly, western ranchers receive a subsidy in the form of low grazing fees. In fact, the Congressional Budget Office reports that the BLM spends two and one-half to three times as much to administer the grazing program as the fees bring in. For example, Congress has appropriated $45 million for the BLM's range management program for fiscal year 1991, but the agency only took in about $18 million in grazing fee receipts on the 174 million acres of public rangeland it administered in 1990.

I did not support the Synar amendment to the Interior appropriations bill because the Appropriations Committee had included an increase in grazing fees from the current $1.97 to $2.62 per animal unit month [AUM]. I felt the Appropriations Committee was moving in the right direction, and I had hoped that the Interior Committee would take the same action in the BLM authorization bill. I am disappointed that this authorization bill recommends no increase in grazing fees.

Some of my colleagues argue that increasing grazing fees will reduce participation by ranchers in the grazing program, and that will ultimately lead to lower BLM revenues. I share that concern, and I urge the administration

and the Interior Committee to review the Public Rangeland Improvement Act grazing fee formula in effect since 1978. The CBO, however, has reported that a grazing fee hike to $4.35 per AUM will not decrease revenues, but would raise an additional $20 to $25 million over BLM's administrative expenses. Net revenues would increase.

According to the Interior Committee's report accompanying this legislation, a substantial amount of the Federal rangelands is deteriorating in quality, and that installation of additional range improvements could arrest much of that damage to grazing lands, watersheds, and wildlife habitat. Since current law requires the BLM to use 50 percent of grazing fees for rangeland improvement and protection, it is in the best interests of the very ranchers who utilize BLM grazing lands to contribute to the protection and improvement of those lands. Increasing grazing fees on BLM lands will ensure the long-term and sustained use of these valuable public resources.

I believe the evidence clearly calls for fees higher than present levels. By supporting the Regula amendment, I trust we can secure a conference agreement with the Senate that provides for some increases in this area.

It is the right move from the standpoint of rangeland preservation. It is the right move in terms of the budget. It is the right move in terms of fairness to those many livestock producers who do not benefit from grazing on public lands.

Vote "yes" on the Regula amendment.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as read.

Debate on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR] or his designee, printed in House Report 102-154, as well as all amendments thereto, shall not exceed 1 hours.

The clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary for programs, functions, and activities of the Bureau of Land Management, Department of the Interior (including amounts necessary for increases in salary, pay, retirements, and other employee benefits authorized by law, and for other nondiscretionary costs), during fiscal years beginning on October 1, 1991, and ending September 30, 1995.

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. MARLENEE. Reserving the right to object, so that we understand clearly the parliamentary procedure, Mr. Chairman, under my reservation I think I shall not object, but if we are operating under the 1-hour rule, does that mean that all amendments have a total of 1 hour of debate?

Mr. VENTO. Mr. Chairman, if the gentleman will yield to me, my understanding of the rule is that the Synar amendment, and all amendments thereto, is limited to 1 hour.

Mr. MARLENEE. The Synar amendment only.

Mr. VENTO. Just the Synar amendment and amendments thereto that deal with the topic of grazing would be limited to 1 hour.

On the other amendments, since we are under an open rule, we are under the 5-minute rule to govern speaking time of Members on amendments that may be offered during the course of the amending process.

Mr. Chairman, if the gentleman will yield further, my intent here, as the gentleman knows, is simply to open up the bill so that we can offer a number of amendments that are noncontroversial, to dispense with those amendments, and then to move on to those that may engender more controversy.

Mr. MARLENEE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. STATUTORY REFERENCE.

As used hereafter in this Act, the terms "the Act" and "FLPMA" mean the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 3. FLPMA DEFINITIONS.

(a) AREAS OF CRITICAL ENVIRONMENTAL CONCERN.—Section 103(a) of the Act (43 U.S.C. 1702(a)) is amended to read as follows:

"(a) The term 'areas of critical environmental concern' means those areas (whether or not previously affected by one or more uses or developments) identified by the Secretary as areas where special management attention is required (which, among other things, may in some instances include restrictions on or prohibitions of any further development) in order—

"(1) to protect important resources and values (including but not limited to environmental, ecological, historic, cultural, scenic, fish and wildlife, and scientific resources or values) located on or likely to be affected by the use of specific portions of the public lands (but Congress does not intend that the Secretary establish protective perimeters or buffer zones around such areas);

"(2) to protect life and provide safety from natural hazards; or

"(3) to protect or enhance the resources and values of a conservation system unit, but it is not the intent of Congress that the Secretary establish protective perimeters or buffer zones around conservation system units.".

(b) CONSERVATION SYSTEM UNIT.—Section 103 of the Act (43 U.S.C. 1702) is amended by adding at the end thereof the following new subsection:

"(q) The term 'conservation system unit' means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or a National Conservation Area, National Recreation Area, or National Forest Monument.".

SEC. 4. MAJOR USES AND INVENTORIES.

(a) DEFINITION.—Section 103(1) of the Act (43 U.S.C. 1702(1)) is amended—

(1) by striking "fish and wildlife development and utilization," and inserting in lieu thereof "maintenance of plant communities, maintenance of fish and wildlife populations and habitat, utilization of fish or wildlife populations,"; and

(2) by striking "and timber production" and inserting in lieu thereof "timber production, reforestation, and scientific research".

(b) INVENTORY.—Section 201(a) of the Act (43 U.S.C. 1711(a)) is amended by striking the period at the end of the first sentence and inserting in lieu thereof "and riparian areas.".

(c) MANAGEMENT DECISIONS.—Section 202(e)(2) of the Act (43 U.S.C. 1712(e)(2)) is amended by striking "the Congress adopts a concurrent resolution" and inserting in lieu thereof "there is enacted a joint resolution".

SEC. 5. PLANNING REQUIREMENTS.

(a) DEADLINES.—Section 202(a) of the Act (43 U.S.C. 1712(a)) is amended—

(1) by designating section 202(a) as section 202(a)(1); and

(2) by adding at the end of section 202(a) the following new paragraphs:

"(2) Land use plans meeting the requirements of this Act shall be developed for all the public lands outside Alaska no later than January 1, 1998, and for all public lands no later than January 1, 2000.

"(3) Land use plans shall be revised from time to time when the Secretary finds that conditions have changed so as to make such revision appropriate or necessary for proper management of the public lands covered by any such plan. The Secretary shall review each plan at least once every 15 years in order to determine the need for or appropriateness of revision of such plan pursuant to this paragraph.".

(b) CRITERIA.—(1) Section 202(c)(1) of the Act (43 U.S.C. 1712(c)(1)) is amended to read as follows:

"(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law and evaluate the feasibility of measures, consistent with such principles, that would enhance the extent to which the public lands can support increases in the numbers and types of plant communities and fish and wildlife populations located on or supported by such lands;".

(2) Section 202(c)(3) of the Act (43 U.S.C. 1712(c)(3)) is amended to read as follows:

"(3) give priority to the designation and protection of areas of critical environmental concern and to identification, protection, and enhancement of the ecological, environmental, fish and wildlife, and other resources and values of riparian areas;".

(3) Section 202(c)(5) of the Act (43 U.S.C. 1712(c)(5)) is amended to read as follows:

"(5) consider present and potential uses (including recreational and other nonconsumptive uses) of the public lands;".

SEC. 6. PROFESSIONAL QUALIFICATIONS.

Section 301(c) of the Act (43 U.S.C. 1731(c)) is amended to read as follows:

"(c) In addition to the Director, there shall be a Deputy Director and so many Assistant Directors, State Directors, and other employees as may be necessary, appointed by the Secretary. After May 1, 1989, no person may be appointed as Deputy Director of the Bureau (except for Deputy Director for External Affairs) or as an Assistant Director or State Director who is not

at the time of appointment either a career appointee (as defined in section 3132(4) of title 5, United States Code) or in the competitive service. Other employees shall be appointed subject to provisions of law applicable to appointments in the competitive service, and shall be paid in accordance with the provisions applicable to such service.".

SEC. 7. PENALTIES.

(a) FLPMA.—Section 303(a) of the Act (43 U.S.C. 1733(a)) is amended by striking "no more than $1,000" and by inserting "no more than $10,000".

(b) PUBLIC LAW 92-195.—Section 8 of Public Law 92-195 (16 U.S.C. 1338(a)) is amended by striking "not more than $2,000" and by inserting "not more than $10,000".

SEC. 8. MANAGEMENT OF LANDS AND PUBLIC PARTICIPATION.

(a) IN GENERAL.—The last sentence of section 302(b) of the Act (43 U.S.C. 1732(b)) is amended to read as follows:

"In managing the public lands, the Secretary, by regulation or otherwise, shall take any action necessary to prevent unnecessary degradation of such lands, to minimize adverse environmental impacts on such lands and their resources resulting from use, occupancy, or development of such lands, and to prevent impairment or derogation of the resources and values of conservation system units.".

(b) ADVISORY COUNCILS.—Section 309(a) of the Act (43 U.S.C. 1739(b)) is amended—

(1) by striking the period at the end of the first sentence and inserting in lieu thereof ", including the protection of environmental quality, the management and enhancement of fish and wildlife populations and habitat, and outdoor recreation."; and

(2) by striking the period at the end of the fourth sentence and inserting in lieu thereof ", who shall provide an opportunity for interested members of the public to suggest persons for appointment.".

(c) ACEC REGULATIONS.—Section 310 of the Act (43 U.S.C. 1740) is amended by designating the existing provisions thereof as subsection (a) and adding the following new subsection:

"(b) By regulation, the Secretary shall provide an opportunity for members of the public to propose specific areas for consideration for designation as areas of critical environmental concern pursuant to section 201 of this Act.".

SEC. 9. FUTURE REAUTHORIZATIONS.

Section 318(b) of the Act (43 U.S.C. 1748(b)) is amended by striking "May 15, 1977, and not later than May 15 of each second even numbered year thereafter" and inserting in lieu thereof "January 1, 1993, and January 1 of each second odd-numbered year thereafter".

SEC. 10. PROHIBITION OF SUBLEASING.

Section 402 of the Act (43 U.S.C. 1752) is amended by adding at the end thereof the following new subsection:

"(i) PROHIBITION OF SUBLEASING.—Subleasing is hereby prohibited.

"(2) For purposes of this subsection the following terms shall have the following meanings:

"(A) 'subleasing' means the grazing on public lands or on National Forest lands covered by a grazing permit of domestic livestock which are not both owned and controlled by the holder of the grazing permit.

"(B) 'grazing permit' means a permit or lease of the type described in subsection (a) of this section which has been issued by the Secretary concerned pursuant to applicable law, and which authorizes for a specified term of years the grazing of domestic livestock on public lands or lands within National Forests in the 16 contiguous Western States.

"(3) The Secretary concerned shall require each holder of a grazing permit to annually file an affidavit that such holder owns and controls all livestock which such holder is knowingly allowing to graze on public lands or National Forest lands covered by such holder's grazing permit.

"(4)(A) A grazing permit shall terminate 30 days after the effective date of any lease, conveyance, transfer, or other voluntary action on the part of a holder of a grazing permit which has the effect of removing the privately owned property or part thereof with respect to which a grazing permit was issued from the control of the holder of such permit, and no grazing pursuant to such permit shall be permitted after such termination unless prior to such termination the party that has obtained or will obtain control of such property or part thereof has submitted an application for a grazing permit based on such control, in which case the Secretary concerned may allow grazing to continue if such Secretary has reason to believe that such application is likely to be approved; but such continued grazing shall be for a period no longer than the remainder of the grazing year during which such application was submitted.

"(B)(i) A grazing permit shall terminate upon the death of its holder, but the Secretary may permit grazing to continue on lands covered by such grazing permit for a period not to exceed two years after the date of the death of such holder if necessary or appropriate in order to facilitate the orderly management of the deceased holder's estate.

"(ii) A grazing permit shall terminate upon an involuntary transfer from the control of its holder (including a transfer by operation of law) of the privately-owned property (or portion thereof) with respect to which such grazing permit was issued, but the Secretary may permit grazing to continue on lands covered by such grazing permit for a period not to exceed one year after such involuntary transfer if necessary in order to facilitate the redemption, sale or other disposition of such property or portion thereof.

"(iii) After any continuation of grazing pursuant to either subparagraph (i) or (ii) of this paragraph, any grazing on lands affected by such continuation shall occur only subject to a new grazing permit.

"(iv) Any decision by the Secretary concerned to permit a continuation of grazing pursuant to paragraph (4) shall be discretionary, and this paragraph shall not be construed as vesting in any party any right to graze livestock on any lands owned by the United States or any right to any grazing permit.

"(5) Any holder of a grazing permit who knowingly allows subleasing to occur on public lands or National Forest lands covered by such permit shall forfeit to the United States the dollar equivalent of any value in excess of the grazing fee paid or payable to the United States with respect to such permit, shall be disqualified from further exercise of any rights or privileges conferred by that permit or any other such permit, and shall be subject to the penalties specified in section 303 of this Act.

"(6) Any person other than the holder of a grazing permit who knowingly engages in subleasing shall be subject to the penalties specified in section 303 of this Act.".

SEC. 11. EXEMPTION FROM STRICT LIABILITY.

Section 504(h) of the Act (43 U.S.C. 1764(h)) is amended by adding at the end thereof the following new paragraph:

"(3) No regulation shall impose liability without fault with respect to a right-of-way granted, issued, or renewed under this Act to a nonprofit entity or an entity qualified for financing under the Rural Electrification Act of 1936, as amended, if such entity uses such right-of-way for the delivery of electricity to parties having an equity interest in such entity. However, the Secretary may condition the grant, issuance, or renewal of a right-of-way to such entity for such purpose on the provision by such entity of a bond or other appropriate security, pursuant to subsection (i) of this section.".

SEC. 12. CONGRESSIONAL REVIEWS.

(a) SALES.—Section 203(c) of the Act (43 U.S.C. 1713(c)) is amended by striking "and then only if the Congress has not adopted a concurrent resolution stating that such House does not approve of such designation", and by inserting in lieu thereof "unless there is enacted a joint resolution disapproving such designation".

(b) WITHDRAWALS.—Section 204 of the Act (43 U.S.C. 1713) is amended as follows:

(1) By striking from subsection (c) the words "if the Congress has adopted a concurrent resolution stating that such House does not approve the withdrawal" and by inserting in lieu thereof "if prior to the end of such 90-day period there is enacted a joint resolution disapproving the withdrawal".

(2) By striking from subsection (l)(2) the words "the Congress has adopted a concurrent resolution" and by inserting in lieu thereof "there has been enacted a joint resolution".

SEC. 13. CONFORMING AMENDMENTS.

(a) REPEAL.—Section 215 of the Act is hereby repealed.

(b) GRAZING STUDY.—Section 401 of the Act (43 U.S.C. 1751) is amended by striking subsection (a) and redesignating subsection (b) as subsection (a).

SEC. 14. JUDICIAL REVIEW.

Section 313 of the Act (43 U.S.C. 1743) is hereby amended by adding at the end thereof the following:

"(e) JUDICIAL REVIEW.—The promulgation of regulations, any other action constituting rulemaking, or any other final agency action to implement this section or any other provision of this Act shall be subject to judicial review in accordance with section 1391(a) of title 28, United States Code, upon the petition or complaint of any aggrieved party filed no later than 30 days after such final action, pursuant to section 1391(a) of title 28 of the United States Code, but commencement of such a proceeding shall not operate to enjoin or stay any action, order, or decision of the Secretary unless specifically so ordered by the court. The court shall hear any such petition or complaint solely on the record made before the Secretary or other official taking the action, and any action subject to the judicial review under this subsection shall be affirmed unless the court concludes that such action was arbitrary, capricious, or otherwise inconsistent with law.".

SEC. 15. RIGHTS-OF-WAY FOR OIL, GAS, AND OTHER PIPELINES.

(a) FLPMA.—Section 501 of the Act (43 U.S.C. 1761) is amended—

(1) in subsection (a)(2), by striking "and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom," and inserting a comma after "water"; and

(2) by adding at the end of subsection (b) a new paragraph, as follows:

"(4)(A) On and after the effective date of this paragraph, a right-of-way granted or issued pursuant to this section for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, shall be granted or issued only to an applicant possessing the qualifications provided in the first section of the Mineral Leasing Act (30 U.S.C. 181) and shall be subject to the requirements of section 28 of such Act (30 U.S.C. 185) as well as to the requirements of this Act; and each renewal of a right-of-way granted or issued after such effective date shall be subject to the same requirements.

"(B) If an applicant for a right-of-way under this paragraph is a partnership, corporation, as-

sociation, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (i) the name and address of each partner, (ii) the name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (iii) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"(C)(i) The Secretary shall impose requirements for the operation of a pipeline and related facilities to be located on a right-of-way issued under this paragraph that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"(ii) The applicant for a right-of-way under this paragraph shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head. The Secretary may authorize an advance payment covering more than one year's rental but less in total than the sum of the amounts otherwise payable over the period covered by such advance payment if the Secretary determines that such a discount for advance payment will promote efficiency of administration and is in the public interest.

"(iii) The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the effective date of this paragraph.

"(D)(i) Pipelines and related facilities authorized under this paragraph shall be constructed, operated, and maintained as common carriers.

"(ii) The owners or operators of pipelines subject to this paragraph shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(iii) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(iv) The common carrier provisions of this paragraph shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act (15 U.S.C. 717 et seq.) or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(v) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase or transport, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(vi) The Government shall in express terms reserve and shall provide in every lease of oil lands that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this chapter.

"(vii) Whenever the Secretary has reason to believe that any owner or operator subject to this paragraph is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Secretary of Energy or Federal Energy Regulatory Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located to enforce such obligation or to impose any penalty provided therefor, or the Secretary may suspend or terminate the grant of right-of-way for such pipeline.

"(viii) The Secretary shall require, prior to granting or renewing a right-of-way under this paragraph, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to—

"(I) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand;

"(II) conditions for adding or abandoning intake, offtake, or storage points or facilities; and

"(III) minimum shipment or purchase tenders.

"(E)(i) The Secretary shall report to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources annually on the administration of this paragraph and on the safety and environmental requirements imposed pursuant thereto.

"(ii) The Secretary shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources promptly upon receipt of an application for a right-of-way for a pipeline 24 inches or more in diameter, and no right-of-way for such a pipeline shall be granted until after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees.

"(iii) If the Secretary concerned is considering transferring out of Federal ownership any lands covered by a right-of-way granted, issued, or renewed under this paragraph, the Secretary shall so inform the holder of such right-of-way in advance and shall take such actions pursuant to section 508 of this Act as may promote the public interest in continued use of such right-of-way for pipeline purposes.

"(F) In the event of conflict between the provisions of other applicable law (or regulations pursuant thereto) and the requirements of this Act (or regulations pursuant thereto) with respect to rights-of-way for purposes described in this paragraph, the Secretary concerned shall apply the more restrictive provisions.

"(G) This paragraph shall take effect on the effective date of regulations promulgated by the Secretary for the implementation of this paragraph, or the date which is one year after the date of enactment of this paragraph, whichever first occurs.".

(b) MINERAL LEASING ACT.—Subsection (a) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(a)) is amended by adding at the end thereof the following new sentences: "On and after the effective date of paragraph (4) of section 501(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(b)(4)), such rights-of-way through public lands managed by the Bureau of Land Management or lands within the National Forest System shall be granted pursuant to applicable provisions of title V of such Act (43 U.S.C. 1761 et seq.), and shall be subject to the applicable requirements of such Act and regulations issued pursuant thereto as well as to applicable provisions of this section (including but not limited to subsections (d), (f), (h), (j), (k), (m), (n), (o), (p), (z), and (y) thereof) and regulations issued pursuant thereto. In the event of conflict between the provisions of such Act (or regulations pursuant thereto) and this section (or regulations pursuant thereto), the more restrictive provisions shall apply.".

(c) SAVINGS PROVISION.—Nothing in this section shall apply to any right-of-way granted, issued, or renewed prior to the effective date of the new paragraph (4) added to section 501(b) of the Act by this section, or to any renewal after such date of any such right-of-way that has remained in continuous service and has not been terminated for noncompliance with applicable requirements of law or regulations. Nothing in this section shall be construed as preempting any State or local substantive or procedural law or standard, including any such standard relating to public health and safety, environmental protection, or siting, construction, operation, or maintenance applicable to any right-of-way or facilities thereon if such standard is more stringent than a corresponding standard established by applicable Federal law.

SEC. 16. CLAIMED RIGHTS-OF-WAY.

The Act is hereby amended by adding at the end of title III the following new sections 319 and 320:

"SEC. 319. RECORDATION OF CLAIMED RIGHTS-OF-WAY.

"(a) FILING REQUIREMENTS.—(1) Any party claiming to be a holder of a right-of-way across public or other Federal lands for the construction of a highway pursuant to a grant made by Revised Statutes section 2477 (43 U.S.C. 932) that became operative before repeal of such section on October 21, 1976, shall, on or before January 1, 1994, file for record in the office or offices of the Bureau of Land Management responsible for management of public lands within the State or States wherein such claimed right-of-way is located either a notice of intent to hold and maintain the right-of-way or a notice of abandonment of such party's claim to be the holder of such right-of-way. A notice of intent to hold and maintain such a right-of-way shall be accompanied by information concerning the actual construction, maintenance, and public use on which such party bases its claim to have established such a right-of-way, and by such other information regarding the uses, location, and extent of such claimed right-of-way as the Secretary of the Interior may require. The Secretary may allow information already in the possession of the Bureau of Land Management to be included by reference to the documents in which such information is recorded.

"(2) A party filing a notice pursuant to paragraph (1) shall also simultaneously file a copy thereof in the appropriate office of any other agency responsible for management of any Federal lands traversed by the claimed right-of-way, and shall give public notice of the party's intention to hold and maintain or to abandon

the claimed right-of-way by publication of information concerning such intention in one or more newspapers of general circulation in the areas where the affected lands are located.

"(b) EFFECT.—(1) The failure of any party subject to the requirements of subsection (a) to file the notices or to publish the information required to be filed and published by such subsection within the time specified by such subsection shall be conclusively deemed to constitute an abandonment and relinquishment of a right-of-way with respect to which such filing and publication is required by such subsection.

"(2) Recordation pursuant to this section shall not, of itself, render valid any claim which would not otherwise be valid under applicable law or provide a basis for changing the scope, alignment, or character or extent of use of any claimed right-of-way; and nothing in this section shall be construed as waiving, altering, or otherwise affecting any terms or conditions applicable to any right-of-way under this Act or any other applicable law.

"(c) INVESTIGATIONS.—(1) Upon receipt of a notice filed pursuant to subsection (a) that a party intends to hold and maintain a claimed right-of-way involving any lands specified in paragraph (2) of this subsection, the Secretary of the Interior, acting through an appropriate officer of the Bureau of Land Management or (if any portion of a claimed right-of-way covered by this subsection is located within a unit of the National Park System) of the National Park Service, shall conduct an investigation to determine the validity of each such claimed right-of-way. The Secretary shall provide an opportunity for the public to contest or request an investigation of the validity of any other claimed right-of-way.

"(2)(A) The Secretary shall investigate the validity of each claimed right-of-way any portion of which involves—

"(i) any lands within the National Park System, the National Wild and Scenic River System, or the National Wilderness Preservation System; or

"(ii) any lands being managed so as to preserve their suitability for designation as wilderness, pursuant to section 603 of this Act or any other provision of law or regulation; or

"(iii) any area of critical environmental concern; or

"(iv) any other lands whose use for highway purposes would be inconsistent with the land-use plans for those lands.

"(B) The Secretary shall also investigate any claimed right-of-way not involving lands specified in subparagraph (A) but with respect to which a challenge is filed that states grounds which, if proved or confirmed, would constitute reason to doubt the validity of such claimed right-of-way or any portion thereof.

"(3) If any portion of such claimed right-of-way is on Federal lands managed by an agency other than the Bureau of Land Management or the National Park Service, the investigating officer shall request the comments of such agency with respect to the validity of such right-of-way.

"(4) Appropriate notice to the public, including the owners of any non-Federal lands affected by the claimed right-of-way, shall be provided with respect to initiation of each investigation carried out pursuant to this paragraph, and the investigating officer shall provide an opportunity for the public to submit comments concerning the subject of the investigation.

"(5) If information or comments submitted to the investigating officer demonstrate that there is a dispute as to any relevant facts with respect to the validity of a right-of-way subject to an investigation under this paragraph, the parties to such dispute shall be afforded an adjudicatory hearing on the record with respect to such disputed issues of fact. Any such adjudicatory hearing shall be before a qualified administrative law judge whose findings shall govern disposition of such issues of fact in any determination concerning the validity of a claimed right-of-way, subject to administrative and judicial review under applicable provisions of law.

"(6) If after an investigation pursuant to this paragraph, the investigating officer finds either that a claimed right-of-way or portion thereof is valid or that there is reason to doubt the validity of such claimed right-of-way or portion thereof, notice of such finding and the reasons therefor shall be provided to the party claiming the right-of-way and to all other affected parties, including the public.

"(7) For purposes of this section, if any portion of a claimed right-of-way includes lands managed pursuant to section 603 of this Act, that fact shall constitute a reason to doubt the validity of such portion of such right-of-way.

"(d) APPEALS.—(1) Any claimed right-of-way or portion thereof with respect to which it is found, pursuant to subsection (b), that there is reason to doubt the validity, shall be deemed to be invalid unless, within 30 days after such finding the party claiming the right-of-way has filed with the Secretary of the Interior an appeal of such finding, and the Secretary thereafter determines the right-of-way to be valid. Any party other than the party claiming the right-of-way, may intervene in any appeal filed under this paragraph in support of the finding of invalidity by filing with the Secretary a notice of such intervention within the period allowed for filing of the appeal.

"(2) Any finding by the investigating officer with regard to the validity or invalidity of a claimed right-of-way or portion thereof valid shall become final unless within 30 days after such finding a notice of appeal of such finding is filed with the Secretary of the Interior.

"(3) Any decision by the Secretary with regard to an appeal under this subsection shall be made after the party claiming or contesting a right-or-way has been provided with the evidence upon which the investigating officer's finding regarding its validity or invalidity was based and has been given an opportunity to respond, including an adjudicatory hearing on the record with respect to any disputed issues of fact.

"(4)(A) Pending a final determination of validity with respect to a claimed right-of-way that is subject to an appeal under this subsection, the Federal land covered by such claimed right-of-way shall be managed in accordance with applicable law (including this Act) and management plans as if such right-of-way did not exist, except that such lands may continue to be used for lawful transportation, access, and related purposes of the same nature and to the same extent as was properly permitted by the Secretary on the date of enactment of this section. Any such continued uses shall be subject to appropriate regulations to protect the resources and values of the affected lands.

"(B) Upon a final determination of invalidity with respect to a claimed right-of-way subject to an appeal under paragraph (3), Federal lands covered by such claimed right-of-way shall be managed in accordance with applicable law and management plans.

"(C) A determination by an investigating officer as to the validity or invalidity of a claimed right-of-way may be appealed to the Secretary by any person, provided such appeal is made no later than 30 days after the determination of the investigating officer. Any person filing such an appeal shall be afforded an adjudicatory hearing on the record with regard to any disputed issue of fact. Any decision of the Secretary regarding such an appeal shall be subject to judicial review.

"(5) Any decision by the Secretary pursuant to this subsection shall be subject to judicial review under applicable provisions of law, but nothing in this subsection shall be construed as affording any right to seek or participate in any judicial proceeding by any party not otherwise entitled to seek or participate in such proceeding.

"(e) CHANGE IN USE.—Any change in the scope, alignment, or character of use of a valid right-of-way established pursuant to Revised Statutes section 2477 shall be subject to terms and conditions required by section 505 of this Act or other applicable law.

"(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as increasing or diminishing the requirements of any applicable law with respect to establishment, construction, or maintenance of a highway for purposes of obtaining a valid right-of-way pursuant to Revised Statutes section 2477 prior to its repeal.

"SEC. 320. RIGHT-OF-WAY IN ALASKA CONSERVATION SYSTEM UNITS.

"Nothing in this Act shall be construed as exempting any proposal for any construction on or change in the scope, alignment, or character or extent of use of any portion of any right-of-way claimed to have been established pursuant to Revised Statutes section 2477 on any lands within any conservation system unit in Alaska from the requirements of title XI of the Alaska National Interest Lands Conservation Act.".

SEC. 17. WILD HORSE SANCTUARY REPORT.

(a) WAITING PERIOD.—The Secretary shall take no action to remove any animals covered by Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") from any area being operated, under an agreement with the Secretary, as a sanctuary for such animals on May 22, 1991, or to alter arrangements existing on such date for care and maintenance of such animals, sooner than 120 days after transmittal to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources of the report required by this section.

(b) REPORT.—(1) The Secretary of the Interior shall report to the committees specified in subsection (a) concerning the status of the sanctuaries specified in such subsection and any alternative arrangements that the Secretary may be considering to assure the continued longterm welfare of the wild horses located on such sanctuaries on May 22, 1991, with a detailed estimate of the costs and advantages or disadvantages of such alternatives as compared with continuation of arrangements in effect on such date for such animals.

(2) Prior to transmitting the report required by this section to the committees specified herein, the Secretary shall provide an opportunity for the public to make suggestions concerning the alternative arrangements to be discussed in such report, and to review and comment on the report.

SEC. 18. TABLE OF CONTENTS AMENDMENTS.

The table of contents of the Act is amended by inserting after the item relating to section 318 the following new items:

"Sec. 319. Recordation of claimed rights-of-way.

"Sec. 320. Right-of-way in Alaska Conservation System Unit.".

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 14, line 10, through page 22, line 8: strike section 15 in its entirety, and renumber subsequent sections accordingly.

Mr. VENTO. Mr. Chairman, this is a very simple amendment. It would delete section 15 from the bill entirely.

Section 15 is the part of the bill that would amend FLPMA so as to bring under that act the issuance and management of rights-of-way for oil and gas pipelines.

Currently, rights-of-way for other purposes are governed by FLPMA, but rights-of-way for oil and gas pipelines are issued and managed under the Mineral Leasing Act. The purpose of this part of the bill is simply to bring uniformity to this aspect of management of public lands.

After the bill was ordered reported, but before the report had been filed, the chairman of the Committee on Energy and Commerce wrote to Chairman MILLER, indicating that the Energy and Commerce Committee believed that it would be entitled to a sequential referral of the bill because of a jurisdictional interest in this part of the bill.

On behalf of the Interior Committee, Chairman MILLER responded that we do not agree that a sequential referral would be in order under the rules of the House, but in the spirit of cooperation and comity, we would move to delete this section.

That is all that this amendment would do. In my opinion, section 15 of the bill is sound and desirable, but under the circumstances it can be set aside now and dealt with later, in the interests of expediting action on the remainder of this BLM reauthorization bill.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I have no objection to the amendment. There is no objection on this side to the withdrawal of section 15.

If the gentleman from Minnesota would answer a question, that extends through what page?

Mr. VENTO. Page 22, all of section 15.

Mr. MARLENEE. Pages 14 through 22, section 15?

Mr. VENTO. Yes, the gentleman is correct.

Mr. MARLENEE. Mr. Chairman, I have no objection and would urge this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, I offer an amendment on behalf of myself, the gentleman from Georgia [Mr. DARDEN] and the gentleman from Massachusetts [Mr. ATKINS].

The Clerk read as follows:

Amendment offered by Mr. SYNAR: Page 31, after line 16 (at the end of the bill), add the following new section:

SEC. 19. GRAZING ON THE PUBLIC RANGELANDS.

(a) FEE STRUCTURE AND GRAZING REFORMS.—Section 401 of the Act (43 U.S.C. 1751), as amended by section 13(b) of this Act, is amended by adding at the end the following new subsections:

"(b)(1) Notwithstanding any other provision of law, the Secretary of Agriculture with respect to public domain lands (except for the National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish the following domestic livestock grazing fee structure for such grazing:

"(A) For fiscal year 1992, the grazing fee on such lands shall not be less than $4.35 per animal unit month.

"(B) For fiscal year 1993, the grazing fee on such lands shall not be less than $5.80 per animal unit month.

"(C) For fiscal year 1994, the grazing fee on such lands shall not be less than $7.25 per animal unit month.

"(D) For fiscal year 1995, and each fiscal year thereafter, the grazing fee on such lands shall not be less than $8.70 per animal unit month or fair market value, whichever is higher.

"(2)(A) For purposes of this subsection, the term 'fair market value' is defined as follows:

Fair Market Value = Appraised Base Value × Forage Value Index/100

"(B) For the purposes of subparagraph (A)—

"(i) the term 'Forage Value Index' means the Forage Value Index computed annually by the Economic Research Service, United States Department of Agriculture; and

"(ii) the term 'Appraised Base Value' means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per head or pair month) for the pricing area concerned, as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled 'Grazing Fee Review and Evaluation', dated February 1986.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

"(c) The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section.

"(d) Funds appropriated pursuant to section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904) or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public lands or National Forest lands in the 16 contiguous western States shall be used for the restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment management plans, and regulations regarding use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of this Act and other interested parties.".

(b) REPEAL OF PRIOR AUTHORITY.—Section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904) is amended by striking out subsection (c) and redesignating subsection (d) as subsection (c).

Mr. SYNAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Pursuant to the rule, debate on this amendment and all amendments thereto shall not exceed 1 hour.

The gentleman from Oklahoma [Mr. SYNAR] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARLENEE. Mr. Chairman, how much time is allocated to this side?

The CHAIRMAN. At this time, there is no allocation and the Committee will proceed under the 5-minute rule, unless the Committee of the Whole agrees to a division of the time.

Mr. MARLENEE. Who has control of the time, Mr. Chairman?

The CHAIRMAN. Any Member seeking recognition will be recognized for 5 minutes. The rule is silent as to the allocation.

Mr. VENTO. Mr. Chairman, if the gentleman will yield to me, would a unanimous-consent request be in order to divide the time equally between the gentleman from Oklahoma [Mr. SYNAR] and a Member opposing the Synar and other related amendments?

The CHAIRMAN. That will be a proper request, if the gentleman would wish to make it.

Mr. SYNAR. Mr. Chairman, if the gentleman will yield, as the gentleman knows, not only is this an amendment to the bill, but there is probably going to be a second amendment to that. I think it would probably be better if we allowed the debate to proceed and then the gentleman from Ohio will be offering an amendment and be given an opportunity to debate his amendment.

Mr. VENTO. At some point, Mr. Chairman, I think we ought to divide the time. I will try to negotiate something with the minority side.

The CHAIRMAN. Perhaps the gentleman from Minnesota and the gentleman from Montana can agree on a unanimous-consent request that would follow the initial statement of the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, almost one year ago in October the House made a very important decision on behalf of our natural resources. We made a decision that we were going to make sure that we got the fair market value for the lands which are grazed throughout our country. Since that time, I have done my very best as the chairman of the Oversight Committee on

Government Operations in charge of Environment, Energy and Natural Resources, to provide the leadership necessary to make sure that we made the right decision back in October.

One year since that fateful day we presented to the Members for their consideration an updated GAO report, which took into account not only the facts that we have found leading into the October vote last year, but literally reviewing every document, every shred of evidence that had ever been written or talked about during the tenure of the grazing fee.

I also took the opportunity as the chairman of the Oversight Committee to travel out West to States like Colorado, New Mexico, and Arizona, to visit firsthand with the people who were involved in the grazing program throughout this country.

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After this period of time I came to the conclusion as GAO did in its report of just a month ago, that not only are the grazing fees too low in this country but they have been too low for too long a time.

The facts that we debate today are really not in debate. Only 2 percent of the cattle industry in this country enjoys the grazing benefits. Of those 2 percent, 10 percent of our grazing permittees control over 50 percent of the lands which are involved in grazing in this country.

A second fact is that we lose $150 million a year on our grazing permits. We have lost over $650 million in the last 5 years. And finally, it is undebatable that 60 to 70 percent of our grazing lands in this country are in poor or unsatisfactory condition.

Since that debate of October of last year, not one of those three basic facts has ever been refuted, and yet they have tried to change the debate into one of emotion and motive.

First of all, they accuse the authors, Mr. DARDEN, Mr. ATKINS and myself of not understanding the grazing situation in this country. After we brought to their attention that all three of us are former agricultural people involved in 4-H throughout our lives, they changed the debate. They then began to call us vegetarians, ecoterrorists, people who were for cattle-free in 1993. When they realized that none of us was trying to eliminate grazing on Federal lands, they dropped that argument.

Finally, they have come up with the argument that what we are going to do by this amendment is we are going to destroy literally the way of life in the West in the cattle industry as we know it. Yet, they have provided no evidence in the last year to substantiate that claim. In fact, if anything, the fact that it affects only 8 percent of the cattle industry west of the Mississippi and the fact that New Mexico doubled its grazing fee in the last year and not one grazing permittee dropped the lease, really begs the question.

Today the choice is very clear and very clean: If you want to quit subsidizing 2 percent of the cattle industry in this country, you must support the Darden-Atkins-Synar amendment. If you want to pay for this program and make it pay as it goes, you must support the Darden-Atkins-Synar amendment. If you want to protect our national assets and our natural resources for future generations, you must support the Darden-Atkins-Synar amendment. And if you want to start running this grazing program like a business, then you must support the Darden-Atkins-Synar amendment.

To do anything less denies the facts; to do anything less denies the impact. The time is now for leadership, accountability and fairness.

Support the Darden-Atkins-Synar amendment.

AMENDMENT OFFERED BY MR. REGULA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SYNAR

Mr. REGULA. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA as a substitute for the amendment offered by Mr. SYNAR: In lieu of the matter proposed to be inserted, insert:

Page 31, after line 16 (at the end of the bill), add the following new section:

SEC. 19. GRAZING ON THE PUBLIC RANGELANDS.

(A) FEE STRUCTURE.—Section 401(a) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751), as amended by section 13(b) of this Act, is hereby amended by adding at the end the following new subsection:

"(b)(1) Notwithstanding any other provision of law, the Secretary of Agriculture, with respect to National Forest lands in the 16 contiguous western states (except National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public domain lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish beginning with the grazing season which commences on March 1, 1992, an annual domestic livestock grazing fee equal to fair market value: *Provided*, That the fee charged for any given year shall not increase nor decrease by more than 33.3 percent from the previous year's grazing fee.

"(2)(A) For purposes of this subsection, the term 'fair market value' is defined as follows:

Fair Market Value=Appraised Base Value × Forage Value Index divided by 100.

"(B) For the purposes of subparagraph (A)—

"(i) the term 'Forage Value Index' means the Forage Value Index (FVI) computed annually by the Economic Research Service, United States Department of Agriculture, and set with the 1991 FVI equal to 100; and

"(ii) the term 'Appraised Base Value' means the 1983 Appraisal Value conclusions for mature cattle and horses (expressed in dollars per head or per month), as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of Interior entitled 'Grazing Fee Review and Evaluation,' dated 1986, on a westside basis using the lowest appraised value of the pricing areas adjusted for advanced payment and indexed to 1991.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act."

"(c) The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards, shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section.

"(d) Funds appropriated pursuant to section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904) or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous western States shall be used for restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of this Act and other interested parties.".

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VENTO. Mr. Chairman, would it be appropriate at this time to offer an even distribution of the time? First, Mr. Chairman, how much time remains?

The CHAIRMAN. Fifty-five minutes remain.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. REGULA] be recognized for 5 minutes as would be his right, that 22½ minutes be yielded to a Member in favor of the Regula-Synar amendment, and that 27½ minutes be yielded to a Member opposed to that, who I assume would be Congressman MARLENEE.

The CHAIRMAN. The Chair would clarify the gentleman's unanimous-consent request: He indicates he wishes the gentleman from Ohio to have 5 minutes, which would leave 50 minutes to be equally divided. Or would the gentleman's 5 minutes be included within the 55 minutes to be divided?

Mr. VENTO. Mr. Chairman, I would want Mr. REGULA's time to be included in that.

Mr. Chairman, I would ask that 27½ minutes be yielded, or that the time be divided equally between myself and Mr. MARLENEE and that we would then control the time and I would yield to Mr. REGULA such time as he may need to

describe his amendment, and Mr. MARLENEE would control and yield such time in opposition to the Synar and/or Regula amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. MARLENEE. Mr. Chairman, reserving the right to object, how much time do I have to yield to the opposition?

Mr. VENTO. Mr. Chairman, if the gentleman will yield, the gentleman would have half of the 55 minutes, or 27½ minutes.

Mr. MARLENEE. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will be recognized for 27½ minutes, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 27½ minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased that at long last we are having the debate on grazing fees on this bill, the BLM reauthorization. In recent years this issue has been the subject of debate in the Interior Appropriations Subcommittee on which I serve as the ranking Republican, and the real issue—the fairness of the Federal grazing fee—has gotten lost in procedural issues. Today the real issue of an equitable level at which to set Federal fees for grazing on public lands can be fairly and openly debated, unfettered by procedural entanglements.

Let me say from the outset that I do not believe any of us on this floor today can definitively say what the proper grazing fee should be. After reading all of the voluminous literature, I am convinced that the current formula has succeeded in keeping the fee artificially low and that it is time for a change.

I am also convinced, as my colleague, the gentleman from Oregon said in a "Dear Colleague" this week, that for those who oppose my amendment and the amendment of the gentleman from Oklahoma, "the bottom line is that no increase is acceptable". And this my friends is really what this debate is about.

My amendment has two basic differences from the Synar amendment.

Whereas the gentleman from Oklahoma's amendment sets a floor on grazing fees, mine essentially would set a ceiling. Grazing fees could not increase by more than 33.3-percent in any one year. In 1992 for example, the maximum fee would be $2.63 under my amendment. The Synar amendment sets the fee at a minimum of $4.35 in 1992.

The second difference involves the basis used for calculating fair market value. Fair market value would be calculated using the appraised value of grazing lands in the area which has the lowest land values. Mr. SYNAR chose the highest basis, the pricing area basis and my amendment would choose the lowest base value the westwide basis which results in a much lower fee increase.

Another significant point is that the Bureau of Land Management has done an analysis of the revenue impact under both Mr. SYNAR's amendment and mine which shows that while revenues would begin to drop off in 1993 under the Synar amendment based on an estimated decline in AUM's sold, under my amendment, revenues continue to increase through 1995 with no estimated decline in AUM's sold. In other words, under my amendment, the projected demise in the western livestock industry would not occur.

The current grazing fee of $1.97 per AUM is inconsistent with the Federal Land Policy and Management Act mandate which requires the Government to receive fair market value for its public land resources.

In fact, the recent GAO report concluded that the formula meets an objective of promoting the economic stability of western livestock grazing operators and is intentionally designed to keep fees low. It does not recover reasonable program costs or provide a revenue base that can be used to better manage and improve Federal lands.

In fact, while private land lease rates have increased streadily over time, the current formula has kept Federal fees relatively low and within a fairly narrow range. The gap between Federal grazing fees and private land lease rates is wide and growing. Over the past 10 years the Federal grazing fee has dropped 15-percent while private rates have increased 17 percent.

Proponents of the status quo argue that the costs associated with operating on public lands are significantly higher than on private lands. In fact, the current formula has taken that concern into account twice by double counting ability-to-pay factors.

The formula has further suppressed the fee by emphasizing cost elements most affected by inflation and market changes, such as fuel and equipment costs and excluding those that tend to increase less over time such as feed and fertilizer.

If one looks at the costs associated with the grazing program the fee does not even cover the Government's costs of management of the grazing program. The Forest Service reports that it costs $3.86 per AUM to manage its livestock grazing program. The current grazing fee of $1.97 leaves a shortfall of $1.89 per AUM.

The BLM says its livestock grazing management costs represent 60-percent of its total rangeland management budget totaling about $21 million in fiscal year 1990. Gross grazing receipts during this same year were about $19 million.

In fact, the loss to the Federal Treasury, however, is even greater because the Treasury retains, at most, only 37.5-percent of the grazing fees collected. Of the gross Federal grazing fee revenue, between 12.5-percent and 50-percent of BLM collections and 25-percent of Forest Service collections are returned to the State and county government in which they were collected.

In addition, 50-percent of the collections are returned to BLM and the Forest Service to fund various range improvements—fences, water development, et cetera—all of which benefit the permittee. Range improvement funds ultimately expended are in addition to these program management costs.

Moreover, BLM and the Forest Service have recognized that existing levels of program management and range improvements are insufficient to perform all important management functions and restore lands damaged by grazing activity. A 1990 BLM report found that the agency needed a nearly 50-percent increase in its range management budget from fiscal year 1989 levels to accomplish its program management objectives.

The artificially low grazing fees currently in place benefit only 2-percent of all livestock producers and only 7-percent of all livestock producers in the 16 western States. It is time the subsidy ended and we begin to receive fair market value for the rights to graze on Federal lands.

□ 1510

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman and Members, I rise in opposition to the substitute of the gentleman from Ohio [Mr. REGULA]. The gentleman from Ohio will try to convince us that a 33-percent increase in the grazing fee is fair and equitable to the cattle industry in the West, and it is not. Any increase that would displace thousands of commercial ranch operations is not fair and is not equitable, and it would cause the cattle industry in the West to become extinct in 6 years.

Now do not be mistaken. This is not a 33⅓-percent increase. This changes the fair market value we are currently under in America under the Public Ranch Improvement Act enacted in 1978 from $1.23 to $4.68. That, my colleagues, is a 380-percent increase. So,

do not be fooled by this 33⅓-percent business.

Mr. Chairman, a noted range economist from Oregon State University, who I had analyze the amendment of the gentleman from Ohio [Mr. REGULA], suggested this: In the first 3 years it would displace 1,900 small commercial ranch operations; within 4 years, two-thirds of the western livestock ranchers, and finally, in 6 years there would be no more western livestock operations and, therefore, no more income.

Despite these wild accusations we hear, people suggest that we are going to lose $150 million. Not so. The amendment of the gentleman from Ohio [Mr. REGULA] does not account for the differences in range forage between the Virginia countryside and the rock flats of the West.

Remember this: There are about 31,000 family operations in America; 88-percent of them make less than $28,000 annually. Now may I say that again? Twenty-seven thousand two hundred eighty people make less than $28,000 a year. Who are these big operators anyway?

Mr. MARLENEE. Mr. Chairman, I yield 1 minute the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Montana [Mr. MARLENEE] yielding this time to me.

Mr. Chairman, in this short time that I have in this 1 minute just let me say this. There is an old saying around that says, "You won't hurt a dog if you cut off his tail an inch at a time." Now I really think that the amendment of the gentleman from Oklahoma [Mr. SYNAR] cuts if off in one fell swoop, and the amendment of the gentleman from Ohio [Mr. REGULA] does it in 5 years, and the best information we have got is this amendment of the gentleman from Oklahoma [Mr. SYNAR] takes it in 1 year, they are gone, and the amendment of the gentleman from Ohio [Mr. REGULA] does it in 5 years.

Now I have great respect for the gentleman from Ohio [Mr. REGULA], an absolutely outstanding person, but here I think we are going to fool ourselves. We think this is a free environmental vote. It is not. We will fool ourselves if we do not think that we are going to kill the grazing industry, because we are.

Let me just say, Mr. Chairman, those folks are sitting in their offices and are going to come over and vote on this. Please, folks, keep in mind three things we are going to do. Number one, we are going to lose money for the Federal Government. BLM has told us it is going to go from 18 million to 1 million. Number two, some of the best range managers in the West have said that we are going to hurt the environment. For years we have been working on taking care of the environment. Number three, 31,000 families take gas.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. DARDEN], a sponsor of the grazing issues in the Committee on Interior and Insular Affairs.

Mr. DARDEN. Mr. Chairman, to summarize, our amendment increases grazing fees over a 5-year period so that by fiscal year 1995, the BLM would charge $8.70 for the privilege of grazing on public lands. This fee, while on the low side when compared to those charged for leasing private lands, is based on the BLM's own determination of the forage consumed by trespassers on public lands. The amendment also abolishes wasteful and outdated grazing advisory boards, which continue to make decisions about the expenditure of grazing fee receipts on the basis of a commitment to increased profits for cattle ranchers rather than to the range improvements required by law. Finally, the amendment provides that the grazing fees collected by BLM will be used appropriately, for repairs and improvements on the rangelands.

We offer this amendment again because this is the legislation to which it should be attached. The Bureau of Land Management controls a significant portion of the grazing lands, and any changes in grazing fees or permit process should be made by the authorizing legislation. Our preference would have been to proceed to consideration of H.R. 1096 before Interior appropriations came to the floor, but scheduling considerations precluded this approach.

As most of you know, I have been working on grazing fee increases for about 5 years now. The fee currently charged by the Government for use of public lands, $1.97, is well below comparable fees charged on private lands, and does not generate enough revenue to pay for the costs of operating this program.

Grazing permits are not entitlements nor does anyone hold an inherent right to graze on public lands. Grazing on public lands amounts to a privilege offered at the Government's sufferance; a program established for mutual benefit. But when the grazing program does not generate enough revenue to maintain the land, and when the resource is significantly damaged by continued use, it becomes a burden rather than an asset.

Grazers are profiting from public rangelands. Most of those who currently hold permits can well afford the increase; in fact, many are owned by large corporations and ranchers with major holdings.

The House has heard our case twice in the last year, and I see no need to waste anyone's time by restating the obvious. Our opponents clearly have not been convincing; their arguments have failed to address the glaring inequities in the current operation, and I urge my colleagues to once again support our efforts to end the free ride for wealthy ranchers, and to help us enact a fee that is reasonable and responsible.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Chairman, I rise today in strong opposition to Representative SYNAR's proposal to raise grazing fees on public rangelands.

Mr. Chairman, like Yogi Berra, "I'm having deja vu all over again." Just 29 days ago, I stood here in the well of the House opposing the same bad proposal to radically increase grazing fees on the public lands. And, here we are again, attempting to legislate, without hearings and adequate testimony, on a far-reaching proposal to drive ranchers off the public lands.

Let's look back for a minute. In 1978, Congress consulted, compromised, and constructed a commonsense solution to the problem of deteriorating rangelands. That solution was called the Public Rangelands Improvement Act [PRIA]. Thousands of hours of hard work went into this landmark piece of legislation. Numerous hearings were held in both bodies of Congress. As a matter of fact, more than 14,000 personal interviews were conducted with public and private land ranchers, scientists, economists, and the financial community, taking 3 years to complete. The market-based compromise enjoyed the support of groups such as the National Association of Conservation Districts, Society for Range Management, Wyoming Sierra Club, Northern Great Plains Sierra Club, Wyoming Wilderness Society, and Wyoming Outdoor Council; all supported the PRIA compromise.

The reason that the PRIA formula had, and still enjoys, broad support is that it is market oriented. The PRIA formula creates a fair market value for livestock grazing on public lands that is adjusted annually according to production costs, market prices, and private land lease rates. The PRIA formula is market oriented based upon the Forage Value Index, an index of annually surveyed grazing land lease rates in the Western States. Thus, when beef prices are high and ranchers can afford to pay higher fees, the fee increases. Under this formula, grazing fees increased nearly 9 percent last year.

Make no mistake. The issues of range management are complicated. They require intricate environmental and economic considerations. There is conflicting data and information about nearly every aspect of this entire issue.

For example, we have heard from the proponents of this meat-ax approach that our rangelands are in bad condition. However, according to the "State of the Public Range 1990" published by the BLM:

The current trend is stable to improving on over eighty-seven percent of public range-

lands. According to the report, the "public rangelands are in a better condition than at any time in this century."

The Society for Range Management said in a 1989 report titled "Assessment of Rangeland Condition and Trend of the United States":

Current management practices are adequately protecting the soil and are acceptably maintaining or improving plant species composition and production.

Prof. Thadis Box, of New Mexico State University, supported this conclusion. According to Professor Box:

American rangeland has improved over the past 40 to 60 years and is in much better condition than it was 80 years ago. Today, science is available to use grazing animals as tools to improve the landscape and enhance environmental stability.

The point is, Mr. Chairman, this debate should be returned to a proper forum, a place where testimony can be heard, facts submitted, and a well-thought-out solution can be formulated. That place is the Interior Committee.

In closing I want to say that I have an incredible amount of respect for this institution and its Members and I would urge my colleagues to reject the Synar proposal and allow the germane committees to complete their work. As a Member from a public land State with nearly 38 million acres of Federal land, where cattle represent a larger industry than our famous potatoes, and where nearly 90 percent of the cattle raised spend some time on the public range, I can tell you this legislation is a bad idea and we're going about it in the wrong way.

□ 1520

Mr. VENTO. Mr. Chairman, I reserve the balance of my time.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in opposition to the amendment by the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Ohio [Mr. REGULA].

I thank the gentleman from Ohio [Mr. REGULA] for what he is doing. I think his is more reasonable but still an unnecessary amendment to this bill.

As has been pointed out, we have been over this ground a number of times. There is hardly anything new to say.

Let me summarize some of the things that have been talked about that I guess need to be reviewed. One is, this amendment is unwarranted and an oversimplification. The comparison is always made to private leasing, private land leasing. There is no similarity at all between having a lease, sometimes a joint lease, on public lands and leasing private lands in terms of having water provided, fencing provided, transportation, and those things.

It has also been mentioned that these fees simply help large corporations raise livestock. That has not been raised today, but I am sure it will be before we are through. Eighty-eight percent of the grazing permittees on BLM lands are classified as family operations. Certainly that is the case in my State.

Grazing is beneficial to the resources, particularly for those of wildlife and hunters. Ranchers provide for land-water development, noxious weed control, increased forage growth. These are improvements to that resource that are enjoyed by others in addition to the grazers.

BLM has pointed out in Wyoming that the Wyoming conditions are better than they were a century ago, 6½ percent of the rangelands are in excellent condition; 50 percent are in good condition, and nearly 40 percent in fair condition by their own assessment.

Contrary to the statements made by the sponsors of the legislation, there is a contribution to the public treasury. The Director of the BLM testified before our committee that the cost to administer with the livestock provides some net return when the cost with no livestock would of course be a direct drain.

Finally, I am concerned this is a regional issue. This Congress is here for national policy. Multiple use is good national policy.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. ATKINS], a member of the Subcommittee on Interior of the Committee on Appropriations and active on this issue.

Mr. ATKINS. Mr. Chairman, I rise in support of the Regula amendment to the Synar amendment. Mr. Chairman, we have raised the issue of whether this is a public subsidy or not. Let me just make the record very clear. Not only is this a subsidy, this is one of the richest, sweetest, most narrowly focused subsidies that the Federal Government offers.

It is a subsidy, first of all, because we pay in taxpayer money $60 million more to maintain this rangeland than we take it in the fees each year. It is a subsidy because there is a fair market value established and a market rate established for these leases, and it is $9.22 per animal unit month, and the Federal Government charges only $1.97 per animal unit month.

It is finally a subsidy because the IRS itself has accepted it as a subsidy and indeed the opposition groups in their white paper have established very clearly the fact that if one has land, one has a permit, it has a value. The value is $600 per animal unit month. That is a value that the IRS has set, has been recognized, and a value that the Cattlemen's Association, the Wool Growers, have placed on this in talking about the capitalizations and the capitalization costs and how they affect the cost to private individuals.

Who is getting the subsidy? Is it just the small cattleman? Is it just that poor guy who is making $20,000 or $30,000 a year, his family? It is not.

I have a list here that the gentleman from Oklahoma [Mr. SYNAR] had to virtually drag out of the Bureau of Land Management of 300 of the largest people and who they are who have the bulk, I might add, the bulk of the total acreage, 90 percent of the acreage.

They are large corporations: Union Oil, Getty Oil, Texaco. There are foreign operations, Zenchiku Co., a Japanese-based meat company that leases 41,000 acres of United States taxpayer subsidized Federal ranchland in Montana. And yes, 88 percent of these people are private individuals, but the bulk of that land that is controlled by private individuals is controlled by a small percent of those individuals, people like Mr. Daniel H. Russell, of Santa Barbara, CA. He controls over 5 million acres of public rangelands, according to the BLM records.

This is a person who controls a ranch, a public subsidy, a Government grant in perpetuity virtually of an area that is larger than my State of Massachusetts. So this is not an issue of small ranchers. It is not an issue of destruction of a western way of life.

It is a subsidy that goes to less than 2 percent of the cattlemen in this country, that distorts the market forces for that industry, and it is a subsidy that is going, 90 percent of that subsidy is going to 10 percent of the corporations and individuals who are lessees.

Just to give my colleagues an idea of how sweet this subsidy really is, the gentleman from Ohio [Mr. REGULA] asked the BLM and the Forest Service how many people, if his amendment passes, how many people do they estimate will get out of the program. Not a one. The estimate from BLM and the Forest Service, the people who support this provision, is that they would not lose a single lessee with these increases.

Mr. MARLENEE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we hear so much about the question of subsidy and grazing on public lands. My esteemed colleagues, the gentleman from Massachusetts, surely would support an effort to remove the subsidy from grazing winter wheat in Oklahoma. One of the greatest subsidies in the United States of America, they seed the winter wheat in the fall. They graze it all fall. They graze it during the winter. They graze it in the summer, and then collect a subsidy in Oklahoma on grazing winter wheat.

It would seem to me that if we are going to remove subsidy, that would be one place where the greatest subsidy exists and we could cut.

Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL].

□ 1530

Mr. CAMPBELL of Colorado. Mr. Chairman, I rise in strong support of H.R. 1096, the bill authorizing funding for the Bureau of Land Management.

As many know, the congressional district I represent is comprised of more than 7 million acres of public lands that are managed by the BLM. The programs the BLM administers are crucial to the economic well-being of nearly every community in the district.

Since the Federal Land Policy and Management Act [FLPMA] was passed in 1976, public attitudes toward Federal land management have been radically transformed. While no one can argue that oil and gas development and timber harvesting are unimportant, no one could foresee that the recreation industry would replace natural resource exploitation industries as Colorado's most reliable source of income.

For instance, Grand Junction, CO, promotes Kokepelli's Trail, a 125-mile mountain bike trail that extends from Grand Junction to Moab, UT. In Montrose, Delta, and Gunnison, CO, the communities have united to support the designation of Black Canyon of the Gunnison National Conservation Area to blend hiking, river rafting, and fishing in the Gunnison River with the protection that wild and scenic river and wilderness designation will afford this area. In Cortez, CO, oil and gas development competes with archeological resource protection as the area's highest priority.

This increased attraction to the beauty of the lands BLM manages has increased the scrutiny on BLM management policies. As a result of this scrutiny I believe some fine tuning of the BLM's basic mission is necessary to allow the BLM to keep pace with changing public attitudes and needs.

Unless the BLM is given the authority to address issues that have been raised by the Interior Committee and the General Accounting Office, national environmental groups will continue to blame my constituents for the BLM's shortcomings.

My support is not unconditional, however, and I am adamantly opposed to the amendment by my colleagues Mr. SYNAR and Mr. REGULA to increase grazing fees. If that amendment is accepted, it will tip the scales and make it impossible for the reforms contained in this legislation to reach the President's desk.

In closing, I want to thank Chairman VENTO for being sensitive to my past concerns with respect to this bill, for crafting an acceptable compromise and to urge him and others to oppose any amendments that will hurt this bill's chances for passage.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Synar-Darden-Atkins amendment and the amendment offered by the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, we did debate this amendment just a few short weeks ago, and the House spoke overwhelmingly at that time that it wanted an adjustment to these fees and to this program.

Mr. Chairman, as was mentioned in the general debate and the debate on the rule, the Regula amendment really goes to the issue of fairness. There is a great deal of emotion around this issue, on both sides, around the question of fairness.

But I think it goes to the question of whether or not the taxpayer, the Federal Government, is entitled to a fair return, to fair market value as is put forth in the amendment of the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, I think that fairly states the case, because no private sector landlord would engage in the practices that we are asking the Federal Government to engage in here. He would ask at a minimum he get the cost of doing business, or the fair market value of those lands.

As has been pointed out here time and again, those lands are sublet for much higher fees than the Federal Government receives from the original lessee. Why are we the middleman, the person to enable that? What about the taxpayers that are paying for this program? That is what the Regula amendment goes to, and it is an amendment to Synar-Darden.

Mr. Chairman, I think this is an important piece of legislation. This is a program, mind you, where they have paid in the last decade some $200 million in grazing fees. Half of that money went immediately back to those same ranchers, to the same farmers, for the improvements that have allowed them to continue to ranch and farm this land.

The $112 million did not go to the Treasury, it did not go to offset the deficit, it did not go for any of those public purposes. It went right back into the pockets of the people that paid the Government in the first place.

Mr. Chairman, they paid at a subsidized rate, a less than fair market rate, and then we gave half of it back to them. We rebated half of the rents they paid back to them so they could build the ponds, so they could build fences, so they could build the gates, so they could build the support systems for grazing.

Out of that $112 million that we sent back to these people, they are unable to account for half of it. BLM tells us that they do not know how they spent over half of the money that we rebated to them.

Mr. Chairman, it is a little difficult to have them come in at this hour and cry poor, have them cry unfairness, when over half of the subsidized rates that they paid to the Government was given right back to them for them to determine how to be spent, without any oversight by BLM, without any oversight by this Congress, and now we find out they cannot tell us how they spent the money.

Mr. Chairman, I think the gentleman from Ohio [Mr. REGULA] is on to something, because if they have not spent the money in that fashion, they have sublet it. As the gentleman from Ohio [Mr. REGULA] pointed out earlier, in the private market, the rents are going up. In the public market, the rents are going down. The price of beef at the slaughterhouse is always the same. That is why I think consumers, or the ratepayers, are entitled to this kind of consideration offered by the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, I rise in strong support of the Synar-Darden amendment to bring equity and sanity to the critical public land use issue of grazing fees and ranchland policy.

The Synar-Darden amendment will end the gross and unfair domination of public ranchland decision making by a privileged ranching elite. At a time of tight Federal budgets and a bull market for beef, this amendment couldn't be more welcome—it will save taxpayer's money, improve the management of public lands, and restore the ethic of efficiency and reasonableness to a public resource program that has run amok.

Far from being an objective assessment of the cost of grazing on public lands, the current grazing fee formula is a boondoggle for public land ranchers. The formula overestimates ranchers' grazing costs and underestimates the benefit of the subsidy. The grazing fees are below fair market price, noncompetitive, and do not even cover the Government's operational costs. The Bush administration, unfortunately, supports this taxpayer abuse. The General Accounting Office, however, concluded that the grazing fee formula accomplishes one and only one purpose of the range program—to keep fees as low and stable as possible.

Cattle ranchers and their supporters say that it is hard enough to turn a profit as a rancher these days and that they need these fat subsidies to stay in business. In fact, times couldn't be better for cattle ranchers. As today's Wall Street Journal reports, the Agriculture Department expects cattle revenues to surpass the $40 billion record the industry set last year. The Cattleman's Association says that beef prices last year rose nearly 9 percent. Cattle ranching is the strongest sector of the farm economy. "There's a bull market for beef, returning boom times to cattle country," the Journal reports.

We have all heard of crocodile tears, but this is the first time I have heard of cattle tears. How much more than $40 billion a year do cattle ranchers have to earn before the Nation's taxpayers get some relief? It is time to

pay the going rate for grazing on the taxpayer's land.

Unfortunately, the public land ranchers have had a key accomplice in its crusade to keep grazing fees as low as possible—the Bureau of Land Management, which has failed to play its proper role in managing these public lands. The BLM is supposed to mediate the competing interests on Western lands, but today this Federal agency more closely resembles the ranchers' front office than a trusted public agent.

The Bureau appoints dozens of advisory boards made up exclusively of public land ranchers. These boards are given authority over half of the public revenues that they and other public land ranchers generate by paying these noncompetitive, below-cost fees. The fund that they control is supposed to be used to benefit many public resources. Not surprisingly, this special interest group that controls the boards decides to spend almost all the money on things that directly benefit themselves.

The Bureau and the ranchers do not even have to account to the public for how these public revenues are spent.

Congress terminated the grazing advisory boards in 1986, but they live on by virtue of an Executive order. It is bad enough when they stay within their mandate to tell the BLM how to benefit themselves by spending $10 million of the fees they have paid. Unfortunately, the record clearly shows many instances of the boards knowing no limits and financing lobbying trips to Congress and other unauthorized activities.

The BLM cannot account for at least half of the $10 million annual range betterment fund. It is supposed to be used for wildlife, watershed management, and grazing-related range improvements. From what we can tell, more than 96 percent of it has gone to grazing improvements.

The Synar-Darden amendment substitutes a reasonable formula for the current sweetheart deal. It eliminates the grazing advisory boards. The range betterment fund is left in the hands of the more representative multiple-use advisory boards. And it redirects the fund toward the pressing and grossly underfunded problems of wildlife habitat, riparian enhancement, and management and enforcement of grazing allotments.

The Synar-Darden amendment is the right thing to do and I urge my colleagues to support it.

Mr. MARLENEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, the Synar amendment before us today is ill-considered and more than a little bit dangerous.

It's ill-considered because it assumes that fees returned to the government from grazing should equal the costs of administering the grazing program. Applying this kind of complete-repayment-for-value-provided logic to other uses of public lands leads to some startling conclusions.

I have here a study conducted by Dr. Bruce Godfrey, a professor of economics at Utah State University. He's analyzed public lands management for 13 Western States, and the results are quite interesting.

If we look at the administrative cost of the grazing program, we see that the Government spends about $5.50 on grazing for every dollar received in fees. But that looks good when we look at some of the other ratios for public lands. The National Park System spends $11.60 for every dollar returned. For recreation and wildlife on BLM lands, a stunning $152 is spent for every dollar returned to the Federal Treasury. Mr. Speaker, if our goal here today is to equalize revenue with costs it is clear where the most pressing need for attention lies—and it is not in the area of grazing fees.

My purpose here today is not to suggest prohibitive entrance fees for our national parks. With Arches, Canyonlands, and Zion, Utah contains a number of the crown jewels of our national park system, and I wouldn't for a minute want to limit the access of the average American to these pristine areas. But this kind of logic, complete-repayment-for-value-provided, reflecting a toll-road mentality as my colleague from Montana so aptly called it, just doesn't make sense when you consider the multiple uses we have for public lands.

Consider also the dangerous financial implications of raising grazing fees over 400 percent. For western farm credit associations the impact on loan portfolios is likely to be dramatic.

These farm credit associations have relied upon the value of grazing permits not just for the purpose of borrower financial statements, but also as collateral on loans they have made to the ranching community. Any increase in grazing fees, especially one over 400 percent, will make those assets less valuable. The rancher will face a diminished or negative cash flow. The farm credit association is left holding an under collateralized loan, perhaps even one that is uncollectible.

In Arizona, 16.4 percent of the farm credit services portfolio is in livestock loans to ranchers on public lands. These loans total $27.7 million a year.

Nevada's farm credit system holds over $60.7 million in loans for public lands grazing, for a total of 42.9 percent of the portfolio held by the Production credit Association and the Federal Land Bank Association.

In my home State of Utah, the statistics are even more ominous. Over 60 percent, or approximately $120 million of the portfolio of The Federal Land Bank Association of Utah and Utah Production Credit Association is in livestock loans.

Mr. Chairman, the astronomical increase in grazing fees contained in the Synar amendment would deal a body blow to our farm credit system. It is estimated that under the Farm Credit Administration guidelines, many of these loans will have to be classified as nonperforming-other high risk.

Commercial banks will not escape unscathed either. I have here a letter from the Utah Banker's Association, which reads in part:

> Any increase, let alone the proposal of up to 400 percent, will seriously jeopardize their (Utah's farmers and ranchers) ability to service existing debt. In addition, new or increased financing will be out of the question for many sheep and cattle operations.
>
> Existing loans, in the eye of regulators, may become classified as under collateralized and additional security may be insisted upon to make up the shortfall. If additional security is not available it could force foreclosure proceedings.

Mr. Chairman, I have here today numerous letters describing the impact on western commercial banks and the agricultural community they serve. The picture is grim. A representative sample of those opposing the Synar amendment includes the Utah Banker's Association, the Wyoming Banker's Association, and banks in New Mexico, Nevada, Colorado, North Dakota, and South Dakota.

In short, sharply higher grazing fees will have a devastating impact on our farm credit system including the borrowers and stockholders in the farm credit system. Agricultural credit to ranchers with outside grazing will dry up, and farm credit across the board will become even harder to come by. The economic health of rural communities will suffer yet again.

I urge my colleagues to reject the Synar amendment. It is based on flawed assumptions. And its effects will be devastating to rural communities throughout the West.

Mr. Chairman, I include for the RECORD a letter from the Utah Banking Association:

UTAH BANKERS ASSOCIATION,
Salt Lake City, UT, July 22, 1991.

To: Pam Neal, Public Lands Council, FAX (202) 638-0607.

From: Lawry Alder, President, Utah Banker Association.

Subject: Grazing Fee Increase Legislation.

The proposed grazing fee increase legislation before congress, if enacted, will impose a serious unfair financial burden on Utah's farmers and ranchers.

Any increase, let alone the proposal of up to 400 percent, will seriously jeopardize their ability to service existing debt. In addition, new or increased financing will be out of the question for many sheep and cattle operations.

Another factor often overlooked is the decreased value of permits if costs go up. In these cases, while permits cannot be pledged as security, they are factored into the ranchers ability to service the debt when a loan is applied for. Existing loans, in the eye of regulators, may become classified as under collateralized and additional security may be insisted upon to make up the shortfall. If additional security is not available it could force foreclosure proceedings.

This legislation should be defeated.

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in opposition to the Regula amendment and the Synar amendment, and want to take a moment briefly to show Members this chart.

Mr. Chairman, I know it is difficult to see this. This is not a forest fire out here, all these red dots. These are wells and water tanks that are paid for by the rancher.

This is a ranch in Coconino County, AZ. It shows over 100 wells and water tanks, at a cost of more than $30,000 a year to maintain. In 1989, $50,000 was spent by this rancher just to maintain the water tanks on this particular ranch.

Then look at the green lines here. That is fencing. He spent more than $2,200 to build each mile of those fences, 132 miles of fence, maintained by this rancher, not by the public, not by the taxpayers, not by BLM. It costs $50 a year per mile, over $60,000 per year, to maintain those fences, just to keep them in condition.

Then you have the purple lines, the roads which the rancher maintains. Those are the roads used by the rest of the public, the recreation users, the wildlife people. Those are roads that other people use. But the rancher pays for those and maintains those roads.

Those are the kinds of expenses that a rancher has on these public lands, that someone who is a private leaseholder does not have.

Mr. Chairman, I urge Members to consider these kinds of things when they talk about how ranchers are getting ripped off. It just simply is not true, when they talk about how the public is getting ripped off. It simply is not true.

Mr. MARLENEE. Mr. Chairman, might I inquire how much time remains?

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Montana [Mr. MARLENEE] has 16½ minutes remaining, and the gentleman from Minnesota [Mr. VENTO] has 11½ minutes remaining.

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in opposition to the Synar amendment, and to the Regula substitute. I oppose this amendment for two reasons.

First, I believe it represents an end-run around the authorizing process. The National Parks and Public Lands Subcommittee has held a number of hearings on this issue over the last few years. It has not passed this legislation and the full House should not do so now by writing this legislation on the floor. Second, this amendment would be an onerous burden to western permittees who view it as a raise of some 500 percent over the current price.

I have long maintained that the current fee system that was first mandated by Congress as part of the Public Rangelands Improvement Act of 1978 is fair to both the grazing permittees and the Federal Government.

The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support, including that of the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court.

The current fee is based on market conditions, and goes up or down depending on three market variables that are measured by the Government each year: private lease rates, beef cattle prices, and production costs in 11 Western States.

It is a reflection of market value because of the additional costs incurred by a producer in running cattle on public lands. Federal permittees must bear many additional nonfee costs not borne by private lessees. Public rangelands are less productive for feed, allowing lower carrying capacities. Transportation costs are greater, water hauling, fence repair, doctoring of sick animals and protection from predators all are costs paid by the producer and must be recognized in any comparison of fees for public versus private grazing costs.

Studies show that when these additional costs are added to the Federal grazing fee, the cost of grazing on public lands equals or surpasses private lease rates.

Western States, including my own State of Idaho, can offer substantial proof that the public grazing system is a vital part of their economic vitality, as well as being an organized program to manage public lands.

Mr. Chairman, the vast majority of the 31,000 ranchers who graze cattle and sheep on western public lands run small, family-owned operations. They simply cannot afford this kind of increase. These are not corporations, these are ranches which have been in the family for generations, and this amendment will put them out of business. Let's keep that in mind when we vote to increase the Federal fees more than 500 percent.

Mr. Chairman, I appreciate this opportunity to speak today and I encourage my colleagues to reject this amendment.

I include for the RECORD a study by a University of Idaho livestock specialist.

The University of Idaho livestock specialist believes the fourfold increase in Federal grazing fees now pending in Congress would cause the Idaho cattle industry to contract dramatically and shift calf production out of the West.

Jeff Mosley concedes the result would be a short-term improvement in the condition of public range but problems for migratory wildlife like elk.

With nine of every 10 head in Idaho spending at least some time on Federal range, the House-passed proposal to hike fees for grazing on Federal land from $1.81 to $8.70 a month per animal would drive most Idaho cattlemen out of business, he said. "It would certainly mean fewer cattle and fewer producers," Mosley said. "A significant number of the calves in the Great Plains States come from Idaho and the Mountain States so there would have to be a shift in calf production. * * * There probably wouldn't be much calf production in the West."

An assistant professor of range resources, Mosley said that as a result of reduced grazing prompted by the hike, "in the short term there would be some improvement in conditions" on the range although he maintained most areas are well managed now.

Non-migratory wildlife would probably benefit the most because they would not be competing with as many head of cattle, he said. But for migratory wildlife, the situation would probably worsen.

Now, migratory wildlife can take advantage of winter and summer cattle range while producers tend to tolerate at least some herd loss to depredation.

"But if ranchers are driven off public land, they're going to have to make do with smaller acreages, and they're not going to be willing to tolerate competition from wildlife," Mosley said.

In addition, the contraction of the livestock industry if Federal grazing opportunities become scarce would translate into fewer ranches with the deeded land held by out-of-business ranchers would likely be subdivided or sold off for recreational purposes.

"You're seeing that in the Sun Valley area right now," Mosley said. "Ranching created winter range in the Wood River Valley, but that range has been sold off. Now, Fish and Game has to feed wildlife in the winter."

He also speculated that if grazing declines on the Federal range because of the cost, local governments would suffer financially since the amount of cash raised from grazing would likely decline and with it their share of the take.

□ 1540

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, a carpenter would probably refer to both of these proposals as being a half a bubble off plumb. Surely it cannot be on the level. To say to a rancher in western North Dakota you have had a 46-percent increase in rent since 1987, and now what we propose to do is quadruple it in the coming years, that surely cannot be on the level.

The ranchers I represent in western North Dakota rent the rangelands out there. I grew up in that area. I have ridden a horse across those rangelands. Maybe we ought to have to saddle up before we discuss this, and get a little fresh air so that we will really get the facts on the table.

The fact is this is not a subsidy. The fact is those people out there are good people. They work hard. They do not ask for much and they pay a fair lease.

There are two motives, it seems to me, for these proposals. One is that we will somehow, by quadrupling the rent, increase the revenues to the Federal Government. How many landlords quadruple the rent and find they have more money coming in? What they find

is they have more vacancies, and that is exactly what will happen here. We will drive people off those rangelands and, frankly, that is what some people want to do.

That is the second motive. "No moo in '92; cattle-free in '93," We have all heard that phrase; that is the motive. I am not suggesting it is in these amendments, but some people do not want livestock on rangelands. It seems to me that does not make much sense.

The BLM testified that the rangelands have never been in better shape in this century than now, and part of that is because of the stewardship of those people out there, the ranchers who have used that land in a productive way, in a very responsible way for the grazing of livestock.

No, this is not a subsidy, and I hope we will not find those who want to quadruple the rent for our family ranch operators are on the level. That cannot be on the level. We must insist on a fair deal for the ranchers.

Yes, we can discuss grazing fees, but not on the floor of the House in a quadrupling amendment. That makes no sense.

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman I rise in opposition to Representatives SYNAR'S and REGULA'S amendments. The American cattleman lives on the edge. Working from sunup to sundown, 7 days a week, he hopes to make $20,000 a year. Fixed costs are high. Debt burdens are heavy. Fluctuations in the market are frequent. He's not getting rich.

And that's pretty typical. Most of the 31,000 ranchers who graze cattle and sheep on western lands run small, family-owned operations. They are small family-owned operations who rarely make more than $28,000 annually.

Compound this humble situation with the patchwork ownership patterns of western land. The ranchers have no real choice in between using public or private property. On the contrary, they depend on a balanced mix of adjacent public and private lands if their livestock operations are to be viable.

In States like Colorado, where more than 36 percent of the land is owned by the Government, or Nevada, where 85 percent of the State is owned by the Government, this is especially true.

Because public and private lands are deeply intermingled in the West, cattlemen need both to feed their herds. In the West, a cattleman requires 68.5 acres per animal. This means that a cattleman's herd must be constantly rotated to follow the seasonal availability of forage and water. Many times this situation can force him to drive some 75 miles daily. But there's a limit—cows aren't commuters and land isn't portable. If you price the public lands forage beyond what is reasonable, the cattlemen will be out of business.

Without continued public land livestock grazing, the opportunities for rural economic development will vanish. Please consider: 88 percent of the cattle produced in Idaho, 64 percent in Wyoming, 63 percent in Arizona, and 25 percent in Colorado all depend on public grazing lands. Even the Director of the BLM maintains that significant increases in grazing fees "would result in a devastating impact on the Western States, where the ranching areas have historically low base values."

Let's not cripple the American cattlemen all the more. The existing PRIA formula is fair, predictable, and indexed to market values. It has been pointed out to me by Colorado ranchers that when you add up the total costs, using public rangelands is often as high, or often higher, than the cost of using private lands. Consistent and fairly priced public livestock grazing land is crucial to U.S. cattle and sheep production. No one is more concerned with the viability of western public rangelands resources than the ranchers who are its stewards. All of us, ranchers and nonranchers alike depend on this partnership, one that benefits the Nation as a whole.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I thank the gentleman for yielding some time to me today.

Mr. Chairman, I come from a background of being in the cattle business, growing up in a rural area.

Oklahoma has almost no land involved in this dispute. But I can tell Members from experience that the cattle business in this Nation is largely responsible for the low price of food and the availability of food that we have in America. I can also tell Members with pretty predictable results that if this amendment is passed there will certainly be a lowering in the number of cattle out there, and certainly an increase in the price of food.

I took the opportunity to call some places in Oklahoma and check and see what it would cost to lease land to run cattle. The supporters of the amendment say that the people are being subsidized who are currently running cattle. I can tell Members that is not the case.

In Oklahoma it costs anywhere from $25 to $40 per cow unit per year on an annual basis to graze cattle. On these units on the Federal land it is about $23.97 on an annualized basis, so there is very little difference in this regard.

I can also tell Members with fairly predictable results that if this amendment passes they will see, first off, a lowering in the price of beef because about 20 percent of the cattle in this Nation will go to market. Then we will see about 5 years down the road a tremendous increase in the price of beef and, ultimately, an importation of food.

I know that we do not want to import the energy that we use in this Nation. I can tell Members it will be a catastrophe if we have to start importing the food that we use in this Nation.

So I would urge Members to be realistic. Look at what is fair. Look at what is in the best interests of everybody in this country.

About 20 percent of the cattle in the Nation are grazed at one time or another on public lands. About 20 percent of the public lands currently go unused because no one can break even at today's rates, so an increase of this magnitude will certainly eliminate a lot of the cattle that are out there today and certainly cost the consumer more in the long run.

I would urge Members to oppose this amendment.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the Regula amendment and would urge my colleagues to support it. I think it is a reasoned approach. It is very similar to the Synar amendment in some respects. It does provide for a more gradual phase-in of an increased fee, recognizing that that would be of some help to those holding grazing permits on public lands.

Mr. Chairman, early in our history anyone could graze without cost on public lands. It was looked upon as a public benefit to have people settle and to develop the ranches and the farms across the western part of the United States and other parts of this Nation.

Then in the 1930's, of course, a nominal charge was put in place, and that nominal charge is what remains today.

Clearly there are a host of different problems related to water rights, to grazing permits, and the fact that these are passed on from generation to generation so people develop feelings of ownership to what are public lands, as something to which they are entitled. Congress today should know that the costs are in terms of per animal unit month [AUM], well above the $1.97 per AUM that we receive.

We cannot repeal the laws of supply and demand, and what happens here is that the accumulation of grazing permits by larger and larger corporations results in some 340 corporations controlling 90 percent of the public grazing lands.

I am surprised to hear the gentleman from Oklahoma [Mr. BREWSTER] talk about how many grazing allotments go unbid or unused. That is news to me. I was not aware of that and believe there is some misunderstanding. I know that fewer animal unit months can go on a plot of land during these arid conditions and harsh weather conditions

that have prevailed the past 4 or 5 years.

There has been a lot of change occurring, regarding land use policies. One change we should recognize today and tomorrow is that the National Government need not subsidize the beef production through the grazing formula through the Public Range Improvement Act any longer. We need not do that.

□ 1550

Congress has been led to maintain a policy at the national level where individuals that act as if they own these lands or have these grazing permits in reality turn around and then sublet the land out at significantly higher price than the PIRA $1.97 per AUM.

I think that that should tell us something. There are many producers across this country who have no such advantage in terms of producing beef or producing other products, and that should also tell us that it is about time to make some changes with regard to the grazing formula and charges for grazing fees and restore a level playing field to farmers and ranchers across the country rather than providing for the subsidy to those who should not be receiving such.

This Regula amendment in effect combines parts of the Synar amendment with elements from a bill introduced by our colleague from Georgia, Mr. DARDEN, on which the subcommittee on national parks and public lands has held hearings in this current Congress and in other sessions over the last several years.

This amendment, like that of the gentleman from Oklahoma, would increase public rangeland grazing fees. As would the Synar amendment, it also would replace the present formula used for setting grazing fees with an alternative identified and analyzed by the Interior and Agriculture Departments in their 1986 report on grazing fees.

Unlike the Synar amendment, however, this amendment would phase in the higher fees by limiting annual increases. Under the Regula amendment, next year's fee would be $2.62 per AUM, rather than the $4.35 fee that would be set by the Synar amendment, and future increases would be similarly limited.

Another difference between this amendment and the proposals of Mr. SYNAR and Mr. DARDEN is that this amendment would retain a single grazing fee for all western rangelands, rather than establishing a number of separate pricing areas.

Mr. Chairman, as I have noted before, reform of the present formula is long overdue. While the present fee formula does tend to stabilize the grazing fee—and so works for stability in western rural communities—it has serious flaws.

Those flaws in the present formula keep the fees too low, not only as compared with the rates for private forage but also compared with the grazing fees applicable to lands of other Federal agencies and of the Western States themselves.

The formula in the Regula amendment does not have these flaws. It would eliminate the features of the present formula—especially the double-counting of producers costs—that now skew the outcome and result in excessively low fees.

Like the Synar amendment—and like the Interior appropriations bill passed by the House last month—this amendment would make other important changes in the management of grazing on the public rangelands of the West.

Like the Synar amendment, this amendment would abolish the grazing advisory boards and transfer their functions to the multiple-use advisory councils provided for the FLPMA.

Like the Synar amendment, this amendment would broaden the purposes for which the Federal share of the grazing-fee receipts can be used, to include restoration and enhancement of fish and wildlife habitat, restoration and improved management of riparian areas, and better grazing management, including increased range monitoring, enforcement of allotment requirements, and implementation of land-management plans.

As I said during the debate on the appropriations bill, all of these are problem subjects today with a demonstrated need for increased agency resources. Investments in these things can and should be made, for the benefit of all parties. For example, it has been demonstrated that better management of riparian areas can increase the grazeable forage as well as bettering fish and wildfish and environmental values.

Mr. Chairman, when the House debated Mr. Synar's amendment to the appropriations bill, some of us pointed out that it would be more appropriate for this grazing-fee issue to be addressed in authorizing legislation. Now we have the chance to do just that. The Regula amendment is a good one. Its changes in the grazing fees and rangeland management are sound, balanced, and long overdue. I urge approval for this amendment, to make this good bill even better.

Mr. MARLENEE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the chairman of the subcommittee again brings up the issue of subleasing. It is not an issue in this debate. It is illegal.

He brought up the subject that we no longer need to subsidize livestock operations in the West. Well, let me tell you, I want to go back over this scenario of grazing winter wheat, and perhaps those who are unfamiliar with agricultural programs can understand this, even the folks from Massachusetts.

In the fall, they seed winter wheat in Oklahoma, and then they graze the winter wheat in the fall, and then they graze the winter wheat in the winter, and then they graze the winter wheat in the spring, and then they harvest the winter wheat and collect the wheat deficiency payments, subsidizing grazing, extensive, extensive in the South and Southwest and particularly in Oklahoma.

Nobody is yelling about grazing winter wheat on this side of the aisle. I just wish to point it out that this is, in fact, a subsidy, and there exists a precedent, a precedent for cutting that subsidy; when you graze your conservation reserve program, your CRP, your contract is cut a percentage. When you graze your acreage-reduction program, your deficiency payments are cut. When you graze winter wheat, should you receive a cut in deficiency payments?

I think the gentleman from Oklahoma and some of those who are capitulating to this argument are playing in some very dangerous minefields, and I think that we need to come back together and support our agricultural communities.

With regard now to whether the public is being subsidized, let us remember that there is a difference, there is a big difference between leasing a furnished apartment and leasing an unfurnished apartment. The furnished apartments are the private leases. The unfurnished apartments are those public lands.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think we have got to make sure we keep our facts straight here, and that is, first, I asked the BLM to do a study as to what the impact of this would be on reducing AUM's, and they point out very clearly, and BLM manages this, so they should know, that under the formula put forth in my amendment, there would be no reduction whatsoever over the 4-year period in AUM's, and there would be a substantial increase in revenues, but the important point is no reduction.

Now, under the Synar numbers, there would be a reduction at least as pointed out in the BLM study.

I would also point out that in a study done by the Department of the Interior and the Agriculture Department that in the non-BLM Federal lands, that is, military, refuges, reclamation lands, that the average, when these were done on a bid basis, was $6.53 for grazing permits. So this tells you also that these lands have substantially more value than has been the case on the BLM management in recent times.

Also, they point out in this same study, and this is Interior and Agri-

culture, that the average contribution of the lessee for AUM is 30 cents, not some great number for fencing, water, et cetera, but 30 cents, and that is in the 16 Western States.

Even if you factor in this contribution, it is still a cost under the present formula that is substantially less than is received where it is done on bid basis by non-BLM Federal agencies.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the gentleman has done a very scholarly job and hard-working job. I would just like to point out that recently it has come to my attention that the State of Montana just set its AUM fee for next year at $4.24 for AUM on State lands, and in the same State we are getting $1.97.

Mr. MARLENEE. Mr. Chairman, I yield 2 minutes to my esteemed colleague, the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is always interesting to hear what States charge when States are such a small portion of the entire program. There are only four sections of a township in New Mexico that are so-called State sections that are ceded by the State, so that is not a factor.

We are talking about fair market versus fake market. I want to see, after having been in this business for some 40-odd years, I want to talk to the person who has been paying $8 in AUM, $9, or $10, or whatever over there, because I want to tell you one thing, they lost money, because the cattle market, as I know it, would not support $8, $9, or $10, but I will tell you what we have got.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. If you want to talk to them, they are pumping gas at the 7-Eleven.

Mr. SKEEN. They may be pumping gas, but, on the other hand, they are hobbyists or some other specialized reason, because you cannot make money and pay that much, and I know it for a fact.

But I will tell you what they do do—they do-do-do—they go in there and spend their money on grazing leases and so forth and lose money on the proposition and then write it off. So who is subsidizing who? That is what I would like to know, because that is a very neat writeoff, especially if you are not depending on cattle-raising or grazing to sustain yourself.

I will tell you, folks, you are not going to make it on $8 or $9 or $10 an animal unit. That is why you are going to lose the 38,000 folks who are dependent on that as their sole source of income and their sole occupation, because the market will not take much more than that. That is the fact.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I want to say again that it is unfair for 2 percent of the cattle producers in this country to receive this subsidy while 98 percent of the rest of the cattle producers in the country do not receive it.

Our cattle farmers in Georgia have to pay the market rate for their feed. Those in South Carolina have to pay the market rate. Those in Massachusetts and New York and everywhere else have to pay the market rate. Why should we single out and subsidize 2 percent of the cattle producers in this country with this subsidy worth more than $150 million a year?

Mr. Chairman, today's Wall Street Journal quotes the very high prices in cattle, and they call it, incidentally, a bull market, and quoting from that article, "Lucrative Livestock," it says, "high beef prices have made ranching extremely profitable." It further says, "So all across the Great Plains, ranchers are rounding up profits and plowing them into new pickups, tractors, or more frequent trips to Las Vegas."

All of that is fine, Mr. Chairman. However, the taxpayers should not subsidize a new pickup. They should not subsidize the new tractor or the new more frequent trips to Las Vegas. Private industry ought to do it.

So this is one subsidy that must be eliminated. Support the Regula amendment and the Synar-Darden-Atkins amendment, and let us bring fairness back to the cattle industry.

□ 1600

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Utah [Mr. OWENS].

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, one man's subsidy is another man's public interest program, as we have heard.

The gentleman from Montana, my neighbor, has spelled this out lucidly this afternoon. Sure, there is a soft subsidy here, but if we are concerned with corporate and wealthy ranchers abusing the system, why not craft a measured response which protects the small family rancher and eliminates the alleged subsidy only for wealthier corporate ranchers, as we have done with water subsidy in other debate over reclamation reform.

The Synar-Darden-Atkins amendment, and the Regula amendment, to a lesser degree, although well-intentioned, are the wrong approach to a very complicated issue. I urge their defeat.

This is a draconian increase in grazing fees on public lands. We fight this issue on a regular basis. Mr. Chairman, I have been part owner of a little ranch in southern Utah, and because we had grazing privileges in the past, initially at least, I declined to take part in this vote because I felt it was a conflict of interest. It is not a conflict of interest in the sense I am selling this land and this permit, and therefore, I have chosen to enter into this debate, because it is so distorted.

The arguments made are so unfair to the few ranchers in this country who, in essence, pay this animal unit month fee, and which would have very painful, very unfair increases imposed by these amendments.

I find it very uncomfortable, and it is extraordinary in that sense for me to be on the side of the gentleman from Montana, arguing against the chairman of the subcommittee for whom I have great respect. I have great respect for both of them. However, in this case the gentleman from Montana is right and the chairman of the subcommittee is wrong.

Mr. MARLENEE. Mr. Chairman, I yield 1 minute to my colleague from Montana [Mr. WILLIAMS].

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS], a member of the subcommittee.

Mr. WILLIAMS. Mr. Chairman, I thank both of my friends for their generosity in yielding time to me.

We can always tell when Congress is about to make a mistake. Fingers jab in the air, and fists bang the podium. That makes the herd stampede. The congressional herd is stampeding now and it is headed up the wrong draw.

With the amendment, either Synar, or Synar as amended by Regula, the Congress could be making one of those very big mistakes we make when we start to stampede. Let me give Members an example.

There are 20 million cattle out on ranges out our way in 13 States. We are told the average cost of production per head is about $525 now. If we multiply that out, and if we believe the Society for Range Management that says if this amendment goes forward, we might lose 9 million cattle off the land, we find out that we have a loss in production costs of $4,500 million. That is just in production costs. Out our way, we are having a tough economic time and have been for more than a decade. Add that to it, drop the tax base, increase costs to BLM, watch these local economies in these towns and cities, we begin to decline even further, and this Congress will rue the day, as will those Members in those 13 western States, that this herd ever started to stampede.

Be careful. Do not be pushed into this. Do not start to run too fast in

this direction. Be careful. We have tough economic times out our way. What may sound as a good vote to Members here this afternoon, could keep the 13 Western States that run these cattle, may find very, very difficult and worse economic times ahead as a result.

Mr. MARLENEE. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. SMITH], a renowned expert on grazing and BLM authorization.

Mr. SMITH of Oregon. Mr. Chairman, either Synar of Regula passing is the end of the livestock grazing in the West. The people in the West are on death row. Either with Synar they have a year to live before they are hung, or with Regula they have 6 years before they are hung. Either way, they are done.

Now, I want to address this issue directly with respect to the subsidy. It has been charged over here that there is a subsidy involved in this, and I will prove to Members there is no subsidy whatsoever.

For instance, the Bureau of Land Management testifies that it costs $1.66 per AUM to manage cattle in the public ranges. The cattlemen are now paying $1.97. Where is the subsidy? That is $5 million returning to the Treasury of the United States that people are paying in the West, grazing cattle, to the Treasury.

Second, the comparison between public and private range. We have heard estimates of $9.60 from the gentleman from Massachusetts, or $6.70 from others. The real cost average to the country is $10.41 for the operation under private ranges. It actually costs to run on public ranges more. In fact, it costs $14.29 if we add all the costs. Where is the subsidy?

Finally, if we go to the gentleman from Ohio [Mr. REGULA] in this situation, we are going to now pay $17.57 for the privilege of running on public ranges, when it costs $10.41 to run on private ranges. Where is the subsidy? I do not think there is any subsidy. There never has been. Never was.

If these rangelands are depreciated in value, why is it we have an increase in wildlife? A 112-percent increase in antelope; 435-percent in bighorn sheep; deer are up 30 percent; elk are up 782; moose are up 476 percent. These people are trying to convince Members that the lands that we manage, and ranchers are contributing to it, all but the public range managers, these lands are depreciating.

How is it possible while we are grazing landstock, we can have these increases? It is impossible.

Let me argue and answer every one of the points of the gentleman from Oklahoma. He says 10 percent of the people own 50 percent of the permits. The facts are 27,000 people utilize public lands for grazing, and they are people that earn less than $28,000. Are these the magnates that we have heard about? The oil men and insurance companies? Of course not. This is rural America that built this country, and we will take them out of business.

I suggest if Members vote for Synar, if Members vote for Regula, they will take them out in 1 year or 6 years. Very frankly, why, if there is so much money available as these people maintain, $150 million, $60 million, why is the Office of Management and Budget not supporting this program? Why? Because they see a diminishing return. The Office of Management and Budget says, "We will strongly recommend a veto because there will be no money coming from grazing fees in the future if you pass either one of these proposals." As does, by the way, the President of the United States, who says, "I want to maintain the existing formula." The Secretary of Agriculture says, "I will strongly recommend a veto if the President's formula is changed." The Secretary of Interior says, "I will strongly recommend a veto if the grazing fee is changed."

Therefore, my friends, it is obvious the people that we serve are going to be out of business, and the people that know what is happening in America are urging a veto and no change in the grazing fee formula. Vote against both Regula and Synar.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEHMAN], a member of the committee.

□ 1610

Mr. LEHMAN of California. Mr. Chairman, I thank my good friend for yielding this time to me.

I hope the House paid close attention to the gentleman from Montana [Mr. WILLIAMS] when he spoke here a couple moments ago, because I think he spoke the truth. You can concoct your notions of justice, equity, and fairness, and believe you are doing that no matter how you vote here; but the fact is you will be making a mistake if you support either the Synar amendment or the Regula amendment.

First, this notion that there ought to be parity between public property and private property is a myth. The Federal Government has no mortgage on its land, the private landowner does. The Federal Government is not paying property taxes, the private landholder is. The Federal Government is not supporting the schools, the police, and everything else at the local level; the private landholder is. Of course there is going to be a disparity.

The fact is the Federal Government has a monopoly on most of this land and the cattlemen have to graze it.

There is not going to be any better management if this passes. The best management you have now is when the people who use the land have a stake in the grass continuing to grow and the water not eroding the soil and that property maintaining its vigor and vitality. We are not going to see better management because the Federal Government is all of a sudden going to put more money in here. It is not going to happen.

Reject this amendment.

Mr. MARLENEE. Mr. Speaker, in the last 30 seconds, I am going to close the debate on this side.

I hope my colleague will oppose both the Regula and the Synar amendments.

It is very simple. With public lands, you are leasing an unfurnished apartment. With private land, you are leasing a furnished apartment. It is that simple. That is all the analysis and analogy that I need to make.

Further, I would like to close by saying that if the chairman searched or if I searched this Chamber on those who spoke in favor of Synar and Regula and asked if they had any BLM land in their districts or close to their districts, the answer would be no. These people have no BLM land. They are coming in somewhat around the committee and saying, "Hey we want to increase in grazing fees."

Mr. VENTO. Mr. Chairman, I yield the balance of our time, 2½ minutes, to the gentleman from Oklahoma [Mr. SYNAR], the major sponsor of this proposal.

Mr. SYNAR. Mr. Chairman, first of all, I thank the committee chairman for his excellent support, as well as the chairman of the full committee and I want to commend the gentleman from Ohio [Mr. REGULA] for his excellent work in improving on what has been a mission between the gentleman from Georgia [Mr. DARDEN], the gentleman from Massachusetts [Mr. ATKINS], and I to get the farm market value for natural resources, not only for this generation, but for future generations.

Mr. Chairman, we are down to probably what will be the final debate on grazing I hope, because I hope as we proceed through conference we can finally resolve this issue and move us to other very vital issues which do face the country; but as we begin the last of the debate, let us review really what the objections to the Regula amendment to the Synar amendment have posed to us.

One of our colleagues rose today and said what we need to do is start charging everyone for the use of our public lands, whether it be for recreation, for minerals, of for grazing. I could not agree more. In fact, as chairman of the Oversight Committee on the Environment, Energy and Natural Resources, that is exactly what we are doing. We are not picking on grazing. What we are trying to do is make sure we have fair market value for all our resources throughout this country.

One of our colleagues rose today, in fact a number rose today and said that there is a real difference between pri-

vate land and public land and to try to compare them is like apples and oranges. Well, I have been concerned about that argument for a number of years. In fact, that is what we specifically asked the GAO to do, and the report which we issued less than 30 days ago reviewed it, reviewed it again, and reviewed it one more time, and came to the conclusion that under even the best scenario, the grazing fee on public lands should be raised.

One of our colleagues came foward and said that since the time of the grazing permits being allowed on our lands, wildlife has increased. In fact, they said that it has been better for hunters and our wildlife.

Well, the facts are, Mr. Chairman, according to Frederick H. Wagner, professor of wildlife management at Utah State University, bighorn sheep have declined 454 animals; deer have declined 2 million animals; elk have declined 300,000 animals. In fact, over the last 100 years, every study that has ever been commissioned on public lands shows that we have one-tenth the biological productivity that we had before.

Finally, the most persuasive argument that has been tried to be made today that if we pass this grazing fee increase, whether it is the Regula amendment or the Synar-Darden-Atkins amendment, we will devastate, I think the word was, we will displace, I think the word was used, there will be extinction of the cattle industry. They are on death row and it will be the end of western life as we know it.

Well, as the gentleman from Ohio [Mr. REGULA] pointed out, that is not what the people who we pay in the Reagan and Bush administrations say. They say we will not lose one AUM in the BLM. We will not lose one AUM with the Forest Service. In fact, these people, these opponents, bring no evidence, not one shred of evidence to us today to make that case.

Mr. Chairman, the debate is over. Let us do right for not only the land and our resources, let us do right by our children. Let us support the Regula amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and on a division (demanded by Mr. MARLENEE) there were—ayes 9, noes 12.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that pursuant to clause 2(c) of rule XXIII, the Chair will reduce to not less than 5 minutes the time for any vote that may be ordered on the Synar amendment, without intervening business.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 14, as follows:

[Roll No. 218]

AYES—254

Abercrombie
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Brown
Bruce
Bryant
Byron
Cardin
Carper
Clay
Clinger
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Dannemeyer
Darden
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Goodling
Gordon
Goss
Gradison
Gray
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Hyde
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Moody
Moran
Morella
Mrazek
Murphy
Nagle
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Owens (NY)
Oxley
Pallone
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Pickett
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Ridge
Rinaldo
Ritter
Roe
Roemer
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shuster
Sikorski
Sisisky
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Synar
Tallon
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walker
Waters
Waxman
Weldon
Wheat
Wilson
Wise
Wolpe
Wyden
Yates
Zimmer

NOES—165

Alexander
Allard
Anthony
Armey
AuCoin
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bevill
Bilbray
Bilirakis
Billey
Boehner
Brewster
Browder
Bunning
Burton
Bustamante
Camp
Campbell (CA)
Campbell (CO)
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cramer
Crane
Cunningham
Davis
de la Garza
DeFazio
DeLay
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Edwards (OK)
Edwards (TX)
Emerson
English
Espy
Ewing
Fields
Frost
Gallegly
Gekas
Geren
Gilchrest
Gingrich
Gonzalez
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Herger
Holloway
Horton
Houghton
Hubbard
Hunter
Hutto
Inhofe
Jacobs
Johnson (SD)
Johnson (TX)
Jones (NC)
Kolbe
Kopetski
Kyl
Lagomarsino
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lightfoot
Livingston
Long
Machtley
Marlenee
Martin
McCandless
McCollum
Mfume
Michel
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Myers
Natcher
Nichols
Nussle
Olin
Ortiz
Orton
Owens (UT)
Packard
Panetta
Parker
Paxon
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Pursell
Quillen
Ray
Rhodes
Richardson
Riggs
Roberts
Rogers
Rose
Roth
Sarpalius
Schaefer
Schiff
Schulze
Shaw
Skaggs
Skeen
Slaughter (VA)
Smith (OR)
Solomon
Spence
Staggers
Stallings
Stenholm
Stump
Tanner
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Vucanovich
Walsh
Weber
Whitten
Williams
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Ackerman
Andrews (NJ)
Callahan
Ford (TN)
Hopkins
Kolter
Lowery (CA)
Matsui
Miller (WA)
Swift
Thomas (CA)
Washington
Weiss
Yatron

□ 1639

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman for, with Mr. Thomas of California against.

Messrs. BROOKS, UPTON, KANJORSKI, DYMALLY, LEVIN of Michigan, and TRAFICANT, Mrs. KENNELLY, and Mr. RINALDO changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RHODES: Strike Section 14 of the bill as reported and in lieu thereof insert the following:

"SEC. 14. JUDICIAL REVIEW.

(a) Title VII of the Act is amended by adding at the end thereof the following:

"JUDICIAL REVIEW

"SEC. 708. Any agency action or failure to act to implement this Act, including the whole or part of any agency rule, order, license, sanction, relief, or the equivalent to denial thereof, shall be subject to judicial review in accordance with and to the extent provided by the Administrative Procedure Act (5 U.S.C. 551-559 and 701 et seq). For the purposes of this section, the term 'rule' has the same meaning as such term has in the Administrative Procedure Act (5 U.S.C. 551 (4))."

(b) The Table of Contents of the Act is amended by inserting after the item relating to section 707 the following new item:

"'Sec. 708. Judicial Review.'"

Mr. RHODES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES. Mr. Chairman, I want to thank the gentleman from Minnesota [Mr. VENTO] and his staff for working with us in perfecting this amendment. It is my understanding that he intends to accept the amendment.

This is a refinement and clarification of the judicial review provisions in the bill.

The amendment preserves the intent of the bill to see to it that all agency actions are reviewable under FLPMA and nothing has changed in that regard. It clarifies that all provisions of the Administrative Procedure Act will apply to agency actions under FLPMA. Reaffirmation of the role of the Administrative Procedure Act is particularly appropriate in this context. It is backed up by over 40 years of judicial interpretation and provides a balanced and stable set of rules for all parties.

By specifically referencing the APA, this amendment preserves the requirement that litigants must show specific injury. This requirement ultimately has its roots in the cases and controversies language of article III of the Constitution.

The courts will be able to review an unlawful failure to act as well as an unlawful act when acting on the same basis as provided in the Administrative Procedure Act.

Neither the amendment nor the original bill language overturns the Supreme Court guidance in this area. The amendment does address the concern that the courts remain available to injured parties.

Mr. Chairman, this amendment meets the concerns addressed in section 14 and further ensures that none of the protections of the Administrative Procedure Act will be inadvertently lost or misinterpreted.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the Rhodes amendment is acceptable to me. I commend the gentleman from Arizona for his willingness to work with me on this and for the contribution he is making on this matter.

This amendment would revise section 14 of the bill as reported.

As the Interior Committee's report points out, section 14 was included in response to recent court decisions that have cast doubt on the availability of Judicial review of some agency policies or actions.

For example, as cited in the committee report, the Supreme Court recently stated that unless Congress explicitly provides otherwise, the courts would review only specific agency actions having "an actual or immediately threatened effect."

The purpose of section 14, as reported, is to be just such an explicit provision, and thus to make it clear that full judicial review will apply to all agency actions to implement FLPMA, including actions, such as rulemaking or the adoption of policies, that might not have an actual or immediately threatened effect.

The scope and intent of section 14 of the bill are discussed at length in the Interior Committee's report. The Rhodes amendment, I believe, would cover the same things covered by section 14 as reported, and would achieve the same purposes as that section.

In particular, I note that the amendment specifically refers to judicial review of "The whole or part of any agency rule * * * or the equivalent or denial thereof" and also specifically references the definition of "rule" in the Administrative Procedure Act.

Thus, this amendment would explicitly provide for judicial review of the "equivalent" of the issuance of a rule, which, under the referenced definition of a rule, includes the equivalent of "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy."

This amendment, like section 14 of the bill as reported, would make it clear that Congress intends that Judicial review be available to test agency policies, whether or not they are adopted through formal rulemaking, that will have a future effect even if that effect is not actual or immediately threatened.

In short, the Rhodes amendment does all that section 14 of the bill as reported was intended to do, and therefore it is acceptable to me.

Mr. RHODES. Mr. Chairman, I urge my colleagues to support the amendment.

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a good amendment, and I urge my colleagues on my side to support the amendment and ask that we do support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. RHODES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 31, after line 16, add the following new section:

SEC. 19. BONNEVILLE SALT FLATS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior shall conduct a study to determine the nature and extent of the salt loss from the salt flat crust occurring at Bonneville Salt Flats, Utah, and how best to preserve the resources (including scenic, historic, economic, and recreational resources) threatened by such salt loss. In conducting the study, the Secretary shall consider whether to designate the Bonneville Salt Flats as a national recreation area or a national conservation area. Within 90 days after the completion of the study, the Secretary shall submit a report to the Congress concerning such study, together with recommendations, if any, of the Secretary.

Mr. OWENS of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, the Bonneville Salt Flats in Utah, administered by the BLM, are well known not only for land speed records across the flats, but for the unique and fragile nature of the landscape. But the salt flats are disappearing at a rapid rate. In 20 years, if the process continues unchecked, the crust will be too thin in most places to even support a vehicle, much less be suitable for high-speed tests. The salt flats are disappearing—and we're not even sure why. It may have to do with salt mining depleting the salt content of the flats, or recent highway construction that may have affected drainage, or even long-term changes in the water table.

We need to find out why the salt flats are disappearing before it is too late for their recovery. This amendment was originally presented as a freestanding bill earlier this Congress by my colleague from Utah, Mr. HANSEN. Although he is obviously not comfortable with this particular legislative vehicle to which I attach this amendment, we have agreed that I would offer it today and he will support the amendment because its passage demonstrates the Congress' commitment to preserve this

national treasure from further deterioration. This noncontroversial, bipartisan amendment requires a study within 2 years to determine the nature and extent of salt loss from the salt crust and recommendations on how best to preserve the resource from further deterioration.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I have reviewed the amendment. I think it is a good amendment, and I urge the House to act on this. The gentleman, of course, comes from the great State of Utah. I know there is great concern about the status of the salt flats. This gives some emphasis to review and to come back with some recommendations on what we might do to in fact preserve this resource.

Mr. OWENS of Utah. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] for his comments.

Mr. Chairman, I yield to my colleague, the gentleman from Utah [Mr. HANSEN], who is the original author of this very progressive amendment. I am offering it tonight in his and my own behalf.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding.

I hope the members of the committee will realize that we are talking about a national treasure. I will bet everyone here has watched some car go down there at 400 miles an hour over this speed area. All over the world people have heard of Great Salt Lake Flats and where they race cars. They have got to realize that that has shrunk now to about a fourth of what it was.

At one time there was a salt bed 26 feet deep. Now it is down to inches. How would my colleagues like to drive a car at 400 miles an hour, thinking they are going to go through. This is a treasure that people want.

It is something we should see and we do not know why it is disappearing. All we are asking today is to appropriate an amount of money so that we can determine where it is going, so that this national treasure of the United States can be preserved for future folks. I would urge a yes on this vote.

□ 1650

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to my friend, the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, we have no objection to the amendment on this side, and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONTZ: Page 31, after line 16 (at the end of the bill), add the following new section:

SEC. 19. RANGELAND DROUGHT RECOVERY STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall appoint a team of scientists to conduct a Rangeland Drought Recovery Study. The team shall be appointed from nominations made by the Director of the National Science Foundation and shall include persons expert in the disciplines of arid lands research, meteorology, botany and wildlife biology, fisheries, range ecology, and remote sensing technology and interpretation. The Director of the Bureau of Land Management and Chief of the Forest Service shall cooperate with the study team.

(b) STUDY AND REPORT.—(1) The study team shall compile data and prepare maps concerning the extent and severity of drought conditions on public rangelands and other lands in the 16 contiguous Western States and not later than 2 years after the date of enactment of this Act shall submit a report to the Congress concerning their findings.

(2) In preparing its report, the study team shall utilize remote sensing and other techniques and shall draw upon historical and current data regarding seasonal and other changes to rangelands resulting from the interaction of drought conditions and management regimes. The study team shall prepare maps showing range conditions, utilizing data on forage production, rainfall, and the presence or absence of native species or communities of wildlife and plants.

(3) The study team's report shall identify poor or satisfactory range conditions and recommend additional steps that should be taken to protect range resources, including (but not limited to) adjustments in permitted levels of domestic livestock grazing in areas affected by drought conditions.

Mr. JONTZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JONTZ. Mr. Chairman, this amendment would institute within the Bureau of Land Management a rangeland drought recovery study. As Members know, there is a very significant drought occurring in the Western States, which will have an impact on the range and other resources in public ownership.

Mr. Chairman, I believe the questions will come before the Congress and also before the agency as a consequence of this drought. The purpose of this amendment is to undertake collection of information through satellite imagery and other means.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this amendment would be a free-standing provision, and not an amendment to existing law. It would require the National Science Foundation to assemble an expert team to compile existing information concerning the drought conditions in the Western States and to report concerning the effects of the drought in those States on the public rangelands and other lands.

I understand that information about the effects of the drought on the resources of the rangelands is available, or can be developed fairly quickly through existing methods. But it clearly would be useful for this information to be pulled together in a way that will provide a comprehensive view of the situation. This should be useful to the land managers and to the users of the rangelands as well.

Therefore, I can support this amendment.

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we do not have on this side of the aisle a great deal of opposition to this amendment. However, we do have concerns. I do wish to voice some concern about the amendment.

Mr. Chairman, we do not know the cost of this study. It may be taking resources that we can spend on conservation or other things on public lands that need improvement.

The one thing that I do have concern about is on page 2, "The study team shall report, and then recommend steps to be taken because of drought."

Mr. Chairman, that should be a natural activity of the management and the range management specialists, and is, as a matter of fact, with the range management specialists with BLM.

Mr. Chairman, I do not oppose the amendment, but I do have concern about some provisions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JONTZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHNSTON OF FLORIDA

Mr. JOHNSTON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSTON of Florida: Page 31, after line 16 (at the end of the bill), add the following new section:

SEC. 19. REPORT ON IMPACT OF CERTAIN LEASING PROPOSALS PRIOR TO THEIR IMPLEMENTATION.

The Secretary of the Interior shall not take any action to allow or approve any exploration for or development of any oil, gas, or other leasable mineral resource on any lands in Broward County, Florida, before the date which is 120 days after the date on which the Secretary submits to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning proposals for such exploration and development and the potential impacts of such exploration and development on water and other natural and environmental resources and values.

Mr. JOHNSTON of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. JOHNSTON of Florida. Mr. Chairman, today, I am offering an amendment to the BLM reauthorization that addresses a key concern of millions of Floridians. Oil exploration may commence on the boundaries of the Everglades water conservation area, which recharges the water supply for 4 million people in south Florida. I am asking Congress to review the potential impact of this exploration on our natural and environmental resources, and particularly the unique ecosystem of the Everglades.

Shell Western E&P, Inc., a subsidiary of Shell Oil Co., has a contract to drill on Federal lands in Broward County managed by the Bureau of Land Management. If the exploration is successful, Shell Western will commence drilling for the development of oil at that site.

Currently, the drilling permit is before the Bureau of Land Management for approval. Officials of the Bureau of Land Management have expressed to me that this drilling permit request is unique because of its drilling under a water conservation area and its proximity to the Everglades. I trust that the Bureau will execute its responsibilities in accordance to Federal guidelines that govern them. It is the uniqueness of this drilling site that concerns me.

My amendment requires that the Secretary of the Department of the Interior submit a report to Congress on the potential impact of this oil exploration and development on water and other natural and environmental resources in the Everglades. The Congress would have 120 days to review the proposal.

My amendment does not prohibit oil exploration or its development nor does it restrict it. I am simply asking that before this drilling permit is approved, the committee that has oversight over this matter has the opportunity to review the proposal and its potential environmental impact. The water supply for 4 million people in south Florida deserves no less. The integrity of the Everglades deserves no less.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSTON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I have examined the amendment. I have a question for the gentleman from Florida. I tend to support what the gentleman is doing.

Mr. Chairman, I understand this would simply provide notification to Congress prior to the Secretary taking any action to approve any exploration for development of oil or gas and lease of mineral lands in Broward County, FL. It would just require notification?

Mr. JOHNSTON of Florida. Mr. Chairman, reclaiming my time, that is right. It only requires that they do a study and notify Congress. They cannot issue a permit for 120 days.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, I support the amendment of the gentleman from Florida [Mr. JOHNSTON]. I understand the sensitivity of individuals in that area. The BLM has significant responsibility in the State of Florida. In terms of exercising our responsibilities, we ought to be aware when such actions are taking place.

Mr. Chairman, I commend the gentleman from Florida [Mr. JOHNSTON], a member of the Committee on Interior and Insular Affairs, for his actions and interest in this, and support the amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would seek clarification from the gentleman from Florida [Mr. JOHNSTON]. The land which is being proposed to be exploratory drilled, is it on State land, Federal land, or reservation land?

Mr. JOHNSTON of Florida. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, it is on reservation land that is managed by the BLM. I can show the gentleman from Alaska [Mr. YOUNG] a proposal by Shell Oil Co.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, with all due respect, the BLM does not manage reservation land. The native reservations are under the BIA.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, it is my understanding that this land is native American land, but that the BLM does manage the mineral estate.

Mr. YOUNG of Alaska. Mr. Chairman, a point of information: The BIA, under the trust reservation of an Indian tribe, a very poor tribe, has a right to lease this land for mineral exploration for their benefit, do they not?

Mr. VENTO. Mr. Chairman, if the gentleman would yield further, yes. It is my understanding they do not lease directly. It is an indirect lease that occurs in this instance.

Mr. YOUNG of Alaska. Mr. Chairman, what I am looking for here, we have a small tribe, and, if I am not mistaken, from information I have gotten from their chief council, Billy Cyprus, the chairman, they are probably one of the poorer groups of individuals in Florida. Florida has a very wealthy population, as everyone knows.

Mr. Chairman, this tribe has bingo, one gas station, one small restaurant, and they sell crafts.

Mr. Chairman, what I am looking for here is that we hear a whole lot about wanting to help the poor and downtrodden and impoverished people. If we are going to take and prohibit this tribe, as small as it is, from leasing their land for their benefit, then we ought to be able to pay them.

Mr. Chairman, we should be able to get with Congress and say, "All right, Big Brother With Forked Tongue is speaking again. We are not going to let you lease that land."

Mr. Chairman, that would hurt the water supply, and I support that idea. But in case and fact, if we are going to not reimburse them, again we are taking land from the private sector against an act of the Constitution, against this Congress, are we not?

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, this provides for notification of 120 days. We are not making any determination. The suggestion of the amendment of the gentleman from Florida [Mr. JOHNSTON] is that the Congress receive notification of 120 days before they are issued. We are not barring that. There could be subsequent action in Congress which would do so.

□ 1700

But because of the sensitivity of the issue, the water supply, as the gentleman indicated, and other problems surrounding it, he wants and we would like to have notification. That is the suggestion in this particular instance.

Mr. YOUNG of Alaska. Is there anything in the gentleman's amendment that prohibits, after 120 days, this sale from going forward?

Mr. JOHNSTON of Florida. No.

Mr. YOUNG of Florida. No.

Mr. YOUNG of Alaska. The gentleman would have been happy with just the 120 days?

Mr. JOHNSTON of Florida. That is correct. In fact, it was suggested that it be 260, and I rejected that and contracted it back to 120.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I would have to say to the proponents of the amendment and my friend from Alaska, the thing that bothers me about this amendment is not so much its substance, but this fact: The law under which this reservation exists and the law under which the mineral rights under the reservation were reserved to the Indian tribe, the law which has given this small Indian tribe their rights under this reservation was a law passed by this Congress in the early 1980's, and that law was codification of a negotiated settlement entered into among the Indian tribe, the State of Florida, and the United States. Those negotiations were long and contentious and had many points to them, but it

was a negotiated settlement agreed to by all three of those parties.

Under that negotiated settlement the State of Florida relinquished its right to approve and review mineral leasing on this reservation and left that to the Department of the Interior, specifically the Bureau of Land Management. The process of approving this proposed lease has been followed by the tribe and by the Department of the Interior through the Bureau of Land Management. The law has been followed.

Bear in mind that that law codified a negotiated agreement, and it said nothing about sending such an approved mineral lease application back to Congress for review. That was not negotiated for in that settlement. The Indians were not asked to send such an agreement back to Congress for a review. The State of Florida did not agree to send something back to Congress for a review, and Congress itself at that time did not ask for that review procedure.

Now here we are at the very end of this lease application process, and suddenly Congress is stepping in and saying we are going to change that negotiated agreement unilaterally. I do not think that is the way for us to proceed. I do not think it is right for us to do that.

I do not disagree with the substance of the gentleman's amendment. The reservation is in the gentleman's district, and the gentleman should know, if he does not already know that the gentleman from Alaska and I have a strong rule about not interfering in the business of other Members' districts. But I just have to lodge an objection to what we are doing right now, which is unilaterally changing a previously negotiated agreement.

I thank the gentleman for yielding.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to point out that this does not in any way change the terms of the lease or any type of agreements that are entered into. What the gentleman's amendment calls for is a report concerning proposals and the impact on water and other natural resources, and that is really what it calls for, that the BLM would do and provide that to the House and Senate at 120 days before the issuance of a lease. So it does not change the terms.

Mr. JOHNSTON of Florida. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, I would say to the gentleman from Arizona [Mr. RHODES], I am not objecting to the drilling. I am not submitting an objection. I am not breaking an Indian treaty whatsoever.

The BLM, though, has come forth and said this is unique. This is the first time that they have asked for a permit under a water conservation area that provides water to 4 million people in south Florida. All I am asking for is a report back to the gentleman, to me, and the balance of the Congress what effect this will have on this natural resource under the Biscayne aquifer in south Florida.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I understand what the gentleman is doing. But my biggest concern, like the gentleman from Arizona mentioned, is what if they come back with a report saying if there is drilling there is potential for hurting the water for 4 million people, what do we do then with this tribe? I am saying fine, if you do not want them to drill the oil, then pay them for the water.

Mr. JOHNSTON of Florida. If the gentleman will yield, we will then.

Mr. YOUNG of Akaska. You will then?

Mr. JOHNSTON of Florida. We will then if in effect there is a taking without compensation.

Mr. VENTO. Mr. Chairman, I just think it is an acceptable amendment.

I yield back the balance of my time.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am the Congressman who represents this district, this piece of land, and the Miccosukee Indian Tribe and all of their lands, and frankly I am a little bit dismayed. The gentleman from Palm Beach County, my dear friend, with whom I served in the State legislature as well, notified me yesterday of this amendment. And this amendment is somewhat contentious because, although it is true that he absolutely is not changing the terms of any agreement, he is in fact delaying what might be ultimately the implementation of an agreement that was made with the approval of the BLM to begin with, and I find that difficult.

This is a contentious issue because environmentalists and those who are opposed to drilling on this land—and frankly I am not one of those who would prefer to see this. I would prefer to see no drilling either in the Everglades, on the Outer Continental Shelf, or anywhere else in Florida. But the Miccosukee are a sovereign Indian nation and they control these lands. There are those who want to ban this drilling altogether.

I am sympathetic with wanting to see what would happen with reference to any other ecological problems that might arise from this drilling, and I am distressed that the drilling may be diagonal drilling; that is, it may be drilling which is made on Miccosukee property but in fact winds up, the bores, being off the property into the rest of the Everglades. This is a problem.

By the same token, I am rather distressed that No. 1, I have not at all had a chance to discuss this with the Miccosukee, since I was only notified yesterday; and No. 2, and more importantly, I do not know what effect this will have.

Frankly, what I would prefer to do, if the gentleman from Florida would be willing to do this, is to withhold on this amendment because it does cause a delay, which is to some degree a variation of terms of an original agreement, and hopefully try to strike some kind of a balance with the tribe itself. They have already indicated that they would not proceed with drilling if there was any indication that there was going to be a problem ecologically. But I would prefer not to have anyone else brought into this picture.

This amendment, although it is only delaying for 120 days, provides that there is going to be a report which the Secretary has to submit to the Committee on Interior and Insular Affairs and the Committee on Energy and Natural Resources of the Senate. We are dealing with an issue that has a much broader reach than it once upon a time had, and I would suggest that we can do this without this amendment. I am sympathetic to the thrust of it. I do not really want to see drilling either.

□ 1710

By the same token, the Indians are entitled to discharge on their sovereign land an agreement that was made with the consent of the BLM and with the BLM looking over their shoulder at this time.

There have already been investigations ecologically into what may happen here from the State of Florida. So I am caught, frankly, between a rock and a hard place, and I would urge that this amendment be withdrawn and some kind of other accommodation be sought to guarantee no ecological damage rather than just this delay, because, frankly, it is an unexplained delay. It may come to naught and may be a delay for no reason whatsoever.

Mr. JOHNSTON of Florida. Mr. Chairman, I ask unanimous consent to withdraw my amendment, and I remind my colleague from Broward County that I am in the phone book, and all he has to do is call me.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there other amendments to be offered?

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONTZ: Page 31, after line 16 (at the end of the bill) add the following new section:

SEC. 19. MANAGEMENT OF PUBLIC LANDS RELATING TO NATURAL PRODUCTIVE CAPACITY.

Section 302(a) of the Act (43 U.S.C. 1732(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall manage the public lands to maintain and restore their natural productive capacity and shall take no action to diminish the long-term sustainability of the biological resource as measured by the variety within and among the native species and communities of which it is comprised, except that where a tract of such public land has been dedicated to specific uses according to any other provision of law it shall be managed in accordance with such law.".

Mr. JONTZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JONTZ. Mr. Chairman, I think all the Members of this House accept the idea that we ought to be managing our Nation's resources in such a way that we leave them in better shape than we found them.

In fact, when you turn to the laws that govern the Bureau of Land Management, we find the idea of sustained yield, which at least suggests that concept.

Today, however, our scientific understanding of resources conservation suggests that we need to add to the idea of sustained yield. We understand better today than we did 15 years ago when FLPMA was written that the long-term productivity of our resources depends on how well we can maintain the biological systems of which they are constituted.

Another way of putting it is that trees, grass, and wildlife do not exist as separate entities but, rather, as parts of biological communities or ecosystems, if you prefer.

We now understand that our ability to produce timber or graze cattle on public lands over the long run depends on how well we can sustain these biological systems on which these commodity components depend and of which they are a part. Regrettably, this idea, our current scientific understanting of resource conservation, is not found anywhere in the law regarding BLM.

The basic idea that we leave things in better shape than we found them in a biological sense just is not there when you read FLPMA. My amendment would correct this shortcoming by saying, very simply, in addition to managing lands on a multiple-use, sustained-yield basis, the BLM would also be responsible for maintaining and restoring the long-term productivity of the biological resources under their jurisdiction, and that no actions would be allowed which would impair that productivity as measured by the variety within and among native plant and animal species and communities.

Mr. Chairman, this is the best way that scientists know how to determine the health of a biological system. A viable, functioning system has all of its components, and the first rule of intelligent tinkering, of course, is not to throw away any of the parts.

This concept of biological diversity really gets back to the idea of the balance of nature that a certain equilibrium must be maintained for the productivity of natural systems to be realized.

This amendment, in one sentence, adds that direction to the existing direction in the law for multiple use and sustained yield.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JONTZ. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this amendment would affect section 302(a) of FLPMA, which is BLM's general mandate to manage the public lands under principles of multiple use and sustained yield and in accordance with the land-use plans required by the act.

The amendment would add a requirement that BLM's management be aimed at maintenance and restoration of the natural biological productive capacity of the lands, and that BLM focus on the variety of native plants and animals as the measure of the biological resources of the lands.

The amendment would leave intact the existing language of section 302(a) of FLPMA, while adding this additional requirement. BLM would still be required to manage its lands for multiple uses, while at the same time giving special attention to maintenance and restoration of their ability to support native species.

While the amendment was not discussed in the committee's deliberations on the bill, I believe that it is consistent with the purposes and intent of the bill as reported, and therefore is acceptable.

Mr. JONTZ. I thank the chairman.

Madam Chairman, I do believe that the BLM does want to properly manage our Nation's public lands not just for use today but also for future generations. The agency does understand that we cannot harm the resource if we are going to meet our commitment to those who come after us.

My amendment does not change the existing direction in the law so far as the directive for management by the sustained-yield, multiple-use principle which I support, and I believe we all support it. It simply adds the idea that we must manage our lands to maintain and restore their long-term productivity.

Mr. YOUNG of Alaska. Madam Chairman, I rise in opposition to this amendment.

Madam Chairman, it is too bad this House is not in order. I know there is a ballgame on, and it is too bad nobody is listening to what this amendment does.

Madam Chairman, let me just read what the amendment does:

The Secretary shall manage the public lands to maintain and restore their natural productive capacity and shall take no action to diminish the long-term sustainability of the biological resource.

Home, home on the range, where the buffalo roam.

Can you see what is going to happen with this? This is so bad it is hard for me not to do what a buzzard does when they eat too much. This is a sick amendment.

I am shocked that my chairman over there would accept this amendment with no hearings at all, no concept, no requests from anybody, and, you know, think about it a moment, and I am supposed to be a little calm about this.

But would livestock grazing be prohibited because they have to maintain the natural biological level? Yes. Would there be any changing of the species over the years? Yes, if those species have changed, they would have to maintain it as it was naturally before.

The BLM land would have no use other than the way it is and was before.

Madam Chairman, as I mentioned, the term "natural biological productive capacity": What is the capacity? Can you see what is going to happen when someone is out trying to do anything on this land? Nothing.

You know, there is one good thing about it. This amendment is so gagging, it is so gagging that I might support it, because I will guarantee you, as I said before, this bill already has no wings, no feet, no beak. It is not going to fly. It is a disgusting piece of legislation, and this is so much worse, and I am saying, as we say on the farm, you pile it on, and you pile it on and pile it on, and this is the biggest pile I have seen today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JONTZ].

The amendment was agreed to.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, after that last outlandish barrage from the gentleman from Alaska, I feel constrained to say that this amendment is a moderate amendment, a thoughtful amendment, and tells us to do what every one of us knows we ought to do, that we ought to protect our natural heritage.

We are not the owners of this land. We are trustees. We inherited it from our forebears, and we are trustees for a while, and then we hand it down to our kids and our grandchildren.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Chairman, was the amendment adopted or not adopted?

The CHAIRMAN. The Chair announced that the amendment was agreed to.

The gentleman from New York may continue.

Mr. SCHEUER. Mr. Chairman, I did not hear.

The CHAIRMAN. The amendment was agreed to, but the gentleman may continue under the 5-minute rule.

□ 1720

Mr. SCHEUER. Mr. Chairman, I rise in support of the gentleman's management of public lands amendment. The honorable Member from Indiana has identified a crucial deficiency in the management of the Federal lands portfolio.

This amendment addresses a problem that the Science, Space, and Technology's Environment Subcommittee has been working on since 1985. The fact is that the Government should be managing public lands for many purposes, including the preservation of biological diversity.

The fact is, the long-term sustainability of biological resources is critical to our survival.

The conservation of ecosystems, with their naturally diverse components, is necessary to ensure continued ecological processes such as: climate modernization, production and conservation of soils, nutrient cycling, and degradation of wastes and pollutants.

Byproducts of these processes provide us with the raw materials for: the air we breathe, the food we eat, the clothing we wear, the shelters that house us, and most of the pharmaceuticals that heal us.

Certain critical habitats in this country are vanishing at an alarming rate.

Wetlands are being destroyed at a rate of 250,000 acres per year.

The U.S. Forest Service clear-cuts about 60,000 acres of old growth temperate forests annually in the Pacific northwest.

Hawaii, the national jewel of biological diversity, is also the capital of endangered tropical diversity. Hawaii represents less than 1 percent of U.S. land area, but 25 percent of the endangered species list.

I could stand here for hours and give you the rational arguments for why we must act now to preserve our biological resources. However, no argument is more powerful or moving than that given by Chief Seattle in a letter to President Franklin Pierce in 1854. I quote:

What is man without the beasts? * * * For whatever happens to the beasts soon happens to man * * * All things are connected * * * Man did not weave the web of life, he is merely a strand in it * * * Whatever he does to the web, he does to himself * * * For when the buffalo are all slaughtered, the wild horses are all tamed, the sacred corners of the forests heavy with the scent of man, and the view of the ripe hills blotted by talking wires * * * Where is the thicket? * * * Gone! * * * Where is the Eagle? * * * Gone! * * * The end of living and the beginning of survival!

Within the next few weeks it is my hope to bring before this House further legislation—currently before the Committees on Science, Space, and Technology and Merchant Marine and Fisheries—on biological diversity. In addition, Senator MOYNIHAN has introduced a similar measure in the Senate that will make the preservation of biological diversity a national goal and priority.

The Jontz amendment to H.R. 1096 addresses one important aspect of preserving biological diversity—improved focused management of Federal lands to maintain these priceless natural biological resources.

I urge my colleagues to support this amendment.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page , after line , insert the following section:

SEC. . BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the Trade Representative and the Secretary of Commerce, determines that the public interest so desires, the Secretary shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an internationl agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this act (including the amendments made by this act) to be more available; and

(2) solicitation for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991 and shall report to the Congress on the number of Contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement to which the United States is a party. The Secretary shall also report to the Congress on the number of contracts covered under this Act (including the amendments made by this Act) and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) DOMESTIC FIRM.—The term "Domestic Firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(2) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a Buy American amendment that requires a report to the Congress on procurement activities within appropriations of the bill.

Mr. VENTO. Will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this is a Buy American amendment with regard to the BLM. We think there is some application. The gentleman has removed some of the objectionable parts of it. I have no problem with it. I understand he has added it to a number of other measures.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield.

Mr. TRAFICANT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to compliment the gentleman on his amendment, but I would also like to suggest to this body that they keep taking away the jobs of American workers. They keep putting them away in the areas of the parks and wildlife refuges, and take away the minerals and oil, and take away the steel and the coal. Pretty soon we will not have any jobs.

The gentleman from Oregon just the other day came here. As he said, they lost 14,000 union jobs in 2 years in Oregon. My State alone, we lost 5,000 jobs because we took the jobs away.

I know everybody said we need it for the environment. The gentleman from New York spoke eloquently a moment ago, after the amendment had been adopted. That is really what we would call being up to speed. We need people to understand that the United States is built on productivity of our resources. Our coal, our steel, our energy, and we have none of that going on now.

I support Buy American, but if we do not build anything, or do not have any-

thing to build it out of it, we will not have anything.

I hope the gentleman understands my support others amendment. We pass this amendment every time, but every time we take out one oil well, one coal mine, one steelmill, one tree out of production, 1 acre, be it wetland or a refuge, we are taking a job away from an American. Not from a foreign country, but away from an American.

For some reason, there is sort of a ball over there around certain individual's heads that they think we will save the world and take jobs away from Americans. We passed the Clean Air Act. It will cost 130,000-some-odd jobs. Every time we pass one of these pieces of legislation, we are taking a job away from an American. I support the gentleman and compliment him for his amendments. But it is time we start saying, "Let's think of American workers." There may be only a few, but if we cut a tree down, we should cut it down and replant it. Let Members do what is right.

Mr. TRAFICANT. Mr. Chairman, I agree with the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, the question is on 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 CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1096) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS of New Jersey. Mr. Speaker, I left Washington in order to testify before a Federal judge in Philadelphia regarding the future of the Philadelphia Naval Shipyard. By order of the House, I was given leave to attend this event. Had I been present, I would have voted "no" on rollcall vote No. 218.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1096, BUREAU OF LAND MANAGEMENT AUTHORIZATION FOR FISCAL YEARS 1992 THROUGH 1995

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 1096, to include corrections in spelling, punctuation, section numbering, and cross-referencing.

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

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1096, the bill just passed.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow.

AGRICULTURAL DISASTER ASSISTANCE ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2893) to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended.

The Clerk read as follows:

H.R. 2893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EMERGENCY CROP LOSS ASSISTANCE TO 1991 CROPS.

(a) EXTENSION OF ASSISTANCE TO 1991 CROPS.—Chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 note; 104 Stat. 3962) is amended to read as follows:

"CHAPTER 3—EMERGENCY CROP LOSS ASSISTANCE

"SEC. 2240. SHORT TITLE.

"This chapter may be cited as the "Agricultural Disaster Assistance Act".

"Subchapter A—Annual Crops

"SEC. 2241. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

"(a) DISASTER PAYMENTS.—

"(1) PAYMENT ACRES.—Effective only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) within the payment acres for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to 65 percent of the established price for the crop for any deficiency in production greater than 40 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent) for such crop.

"(2) FLEXIBLE ACRES.—Payments shall be made available for a crop of a commodity planted for harvest in accordance with section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464), and for which prevented planting credit was provided for such crop, on the same terms and conditions as provided for such commodity under section 2242, 2243, or 2244, as applicable. Such payments shall be based on the reduction in the quantity of the crop of the commodity that producers are able to harvest on such acres.

"(3) LIMITATIONS.—

"(A) ACREAGE IN EXCESS OF PAYMENT ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the payment acreage (or permitted acreage in the case of the 1990 crop) for the farm for the commodity.

"(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 2247.

"(4) REDUCTION IN DEFICIENCY PAYMENTS.—The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the

quantity on which a payment is made to the producers for the crop under paragraph (1).

"(5) ELECTION OF PAYMENTS.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph shall apply for a crop year, effective only for the crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, to producers on a farm who—

"(i) had failed wheat, feed grain, upland cotton, extra long staple cotton, or rice acreage during such crop year; or

"(ii) were prevented from planting acreage to such commodity because of damaging weather or related condition.

"(B) ELECTION.—The Secretary of Agriculture shall (within 30 days after the date on which assistance is made available under this subchapter for a crop year) permit producers referred to in subparagraph (A) to elect whether to receive disaster payments for such crop for such crop year in accordance with this section in lieu of payments received for such crop under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural Act of 1949 (or the corresponding provision in the case of the 1990 crop).

"(6) SPRING WHEAT AS REPLACEMENT CROP FOR WINTER WHEAT.—In providing assistance under this section or section 2242 for a crop of winter wheat, the Secretary shall disregard spring wheat that is planted as a replacement crop for such winter wheat.

"(b) ADVANCE DEFICIENCY PAYMENTS.—

"(1) APPLICATION OF SUBSECTION.—This subsection shall apply only for a crop year for which the producers on a farm elect to participate in the production adjustment program established under the Agricultural Act of 1949 for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year.

"(2) FORGIVENESS OF REFUND REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if because of damaging weather or related condition the total quantity of such crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter in this section referred to as the 'qualifying amount'), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) (or, in the case of 1990 crops, section 107C of such Act as in effect on November 27, 1990) with respect to that portion of the deficiency in production that does not exceed—

"(i) in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act, 35 percent of the qualifying amount; and

"(ii) in the case of other producers, 40 percent of the qualifying amount.

"(B) CROP INSURANCE.—Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(3) ELECTION FOR NONRECIPIENTS.—The Secretary shall allow producers on a farm who, before the date on which assistance is made available under this subchapter for a crop year, elect not to receive advance deficiency payments made available for the crop for such crop year under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) (or, in the case of 1990 crops, section 107C of such Act as in effect on November 27, 1990) to elect (within 30 days after such date) whether to receive such advance deficiency payments.

"(4) DATE OF REFUND FOR PAYMENTS.—If the Secretary determines that any portion of the advance deficiency payment made to producers for a crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice under section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) (or, in the case of 1990 crops, section 107C of such Act as in effect on November 27, 1990) must be refunded, such refund shall not be required prior to July 31 of the year following such determination for that portion of the crop for which a disaster payment is made under subsection (a).

"SEC. 2242. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES AND PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES ON FLEXIBLE ACRES.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective only for a crop year for which the producers on a farm elect not to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and for such crop on flexible acres as provided under section 2241(a)(2)), if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 60 percent (or in the case of producers who obtained crop insurance for such crop, 65 percent) of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 40 percent for the crop (or in the case of producers who obtained crop insurance, 35 percent).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted to the commodity for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATIONS.—

"(1) ACREAGE LIMITATION PROGRAM.—The amount of payments made available to producers on a farm who elect not to participate in the production adjustment program for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

"(2) CROP INSURANCE.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"SEC. 2243. PEANUTS, SUGAR, AND TOBACCO.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—Effective for a crop year only for crops of peanuts, sugar beets, sugarcane, and tobacco in such crop year, if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 60 percent (or, in the case of producers who obtained crop insurance for such crop of the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent) of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planted credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

"(2) PAYMENT RATE.—The payment shall be made to the producers at a rate equal to 65 percent of the applicable payment level under paragraph (3), as determined by the Secretary, for any deficiency in production greater than—

"(A) in the case of producers who obtained crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 35 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 35 percent of the farm's effective marketing quota for such crop for such crop year; and

"(B) in the case of producers who did not obtain crop insurance for the crop of the commodity for such crop year under the Federal Crop Insurance Act—

"(i) 40 percent for the crop; or

"(ii) with respect to a crop of burley tobacco or flue-cured tobacco, 40 percent of the farm's effective marketing quota for such crop for such crop year.

"(3) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall be equal to—

"(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

"(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 2244(a)(2); and

"(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for crops of sugar beets and sugarcane for the crop year involved, and that, insofar as is practicable, shall reflect no less return to the producer than under the price support levels in effect for such crop year.

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting

to such crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying for a crop year the limitations contained in paragraph (2) to take into account crop rotation practices of the producers and any change in quotas for crops of tobacco for such crop year.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

"(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

"(2) payments made under this section shall be made taking into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

"(3) the quantity of undermarketings of quota peanuts from a farm for a crop that may otherwise be claimed under section 358–1 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1) (or, in the case of 1990 crops of peanuts, section 358 of such Act as in effect on November 27, 1990) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

"(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

"(1) the quantity of undermarketings of quota tobacco from a farm for a crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c or 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

"(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445–1(d)).

"(f) SPECIAL RULE FOR SUGARCANE.—For purposes of determining the total quantity of a crop of sugarcane that the producers on a farm are able to harvest, the Secretary shall make the determination based on the quantity of recoverable sugar.

"SEC. 2244. OILSEEDS AND NONPROGRAM CROPS.

"(a) DISASTER PAYMENTS.—

"(1) IN GENERAL.—

"(A) ELIGIBILITY.—Effective for a crop year only for the crops of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a)) and nonprogram crops, the Secretary shall make a disaster payment under this section available to the producers on a farm if the Secretary of Agriculture determines that, because of damaging weather or related condition, the total quantity of such crop of the commodity that the producers are able to harvest is less than—

"(i) with respect to oilseeds, the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent of the State, area, or county yield, adjusted for adverse weather conditions during the three immediately preceding crop years, as determined by the Secretary, for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(ii) with respect to nonprogram crops (other than as provided in clauses (i), (iii), (iv)), the result of multiplying 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent of the yield established by the Commodity Credit Corporation under subsection (d)(2) for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b);

"(iii) with respect to crops covered in section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) (or, in the case of 1990 crops, section 201(b) of such Act as in effect on November 27, 1990), 60 percent (or in the case of producers who obtained crop insurance, if available, for such crop year for the commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 65 percent of the historical annual yield of the producers for such crops, as determined by the Secretary; and

"(iv) with respect to fish or seafood, 60 percent of the historical annual yield of the producers of such crops, as determined by the Secretary.

"(B) PAYMENT RATE.—The payment shall be made to such producers at a rate equal to 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 40 percent for oilseeds and other nonprogram crops for the crop, except that in the case of producers who obtained crop insurance, if available, for such crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 35 percent.

"(C) SPECIAL RULE FOR 1990 CROPS.—In the case of 1990 crops, assistance under this section shall be available only to the extent that assistance was not made available under the Disaster Assistance Act of 1989 (Public Law 101–82; 103 Stat. 564) for the same losses of such crops.

"(D) LIMITATION ON ASSISTANCE FOR AQUACULTURE.—The total amount of payments made available to all producers under subparagraph (A)(iv) shall not exceed $30,000,000 in any year.

"(2) PAYMENT LEVEL.—For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during the marketing years for the immediately preceding 5 crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"(3) CALCULATION OF PAYMENTS FOR DIFFERENT VARIETIES.—

"(A) CROP-BY-CROP BASIS.—The Secretary shall make disaster payments under this subsection on a crop-by-crop basis, with consideration given to markets and uses of the crops, under regulations issued by the Secretary.

"(B) DIFFERENT VARIETIES.—For purposes of determining the payment levels on a crop-by-crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity, and commodities for which there is a significant difference in the economic value in the market.

"(C) DOUBLE CROPPING.—

"(i) TREATED SEPARATELY.—In the case of a crop that is historically double cropped (including two crops of the same commodity) by the producers on a farm, the Secretary shall treat each cropping separately for purposes of determining whether the crop was affected by damaging weather or related condition and the total quantity of the crop that the producers are able to harvest.

"(ii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply in the case of a replacement crop.

"(D) NAVEL AND VALENCIA ORANGES TREATED AS SEPARATE CROPS.—For the purpose of programs administered under this chapter and the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), navel oranges and valencia oranges shall be considered separate crops.

"(4) EXCLUSIONS FROM HARVESTED QUANTITIES.—For purposes of determining the total quantity of a nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude—

"(A) commodities that cannot be sold in normal commercial channels of trade; and

"(B) dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

"(b) PREVENTED PLANTING CREDIT.—

"(1) IN GENERAL.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage for a crop year that producers on a farm were prevented from planting to the crop of the commodity for harvest because of damaging weather or related condition, as determined by the Secretary.

"(2) MAXIMUM ACREAGE.—Such acreage may not exceed the greater of—

"(A) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the immediately preceding crop year minus acreage actually planted for harvest in the crop year involved;

"(B) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in the three immediately preceding crop years minus acreage actually planted to the commodity for harvest in the crop year involved; or

"(C) with respect to flexible acres as provided under section 2241(a)(2) for which no such planting history is established, a quantity of acreage determined to be fair and reasonable by the Secretary.

"(3) ADJUSTMENTS.—The Secretary shall make appropriate adjustments in applying the limitations contained in paragraph (2) to take into account crop rotation practices of the producers.

"(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance to the extent required under section 2247.

"(d) SPECIAL RULES FOR NONPROGRAM CROPS.—

"(1) NONPROGRAM CROP DEFINED.—

"(A) INCLUDED IN DEFINITION.—Except as provided in subparagraph (B), for purposes of this section, the term 'nonprogram crop' means—

"(i) all crops for which crop insurance through the Federal Crop Insurance Corporation was available for a crop year; and

"(ii) other commercial crops for which such insurance was not available for such crop year, including but not limited to—

"(I) ornamentals, such as flowering shrubs, flowering trees, field or container grown roses, or turf;

"(II) sweet potatoes; and

"(III) fish or seafood produced in established freshwater commercial aquaculture operations.

"(B) EXCEPTION.—The term 'nonprogram crop' in subparagraph (A) shall not include a crop covered under section 2241, 2242, or 2243, or oilseeds.".

"(2) FARM YIELDS.—

"(A) ESTABLISHMENT.—The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops to carry out this section.

"(B) PROVEN YIELDS AVAILABLE.—If the producers on a farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years, the yield for the farm shall be based on such proven yield.

"(C) PROVEN YIELDS NOT AVAILABLE.—If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity, or by using other data available to it.

"(D) COUNTY AVERAGE YIELDS.—In establishing county average yields for nonprogram crops, the Commodity Credit Corporation shall use the best available information concerning yields. Such information may include extension service records, credible nongovernmental studies, and yields in similar counties.

"(3) RESPONSIBILITY OF PRODUCERS.—It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of crop losses for a crop year resulting from damaging weather or related condition in order for such producers to obtain disaster payments under this section.

"(e) SPECIAL RULE FOR VALENCIA ORANGES.—For the purposes of this section, the 1990 crop of valencia oranges shall include any crop of valencia oranges, regardless of the year in which those oranges would be harvested, that was destroyed or damaged by damaging weather or related condition in 1990.

"SEC. 2245. CROP QUALITY REDUCTION DISASTER PAYMENTS.

"(a) IN GENERAL.—To ensure that all producers of crops covered under sections 2241 through 2244 are treated equitably, the Secretary of Agriculture shall make additional disaster payments to producers of such crops for a crop year who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition, as determined by the Secretary.

"(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 2241, 2242, 2243, or 2244, as appropriate).

"(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, except that such rate shall not exceed 10 percent, as determined by the Secretary, of—

"(1) the established price for the crop, for commodities covered under section 2241;

"(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 2242;

"(3) the payment level under section 2243(a)(3), for commodities covered by section 2243; and

"(4) the payment level under section 2244(a)(2), for commodities covered under section 2244.

"(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster, as determined by the Secretary.

"SEC. 2246. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

"In the case of producers on a farm who obtained crop insurance for a crop of a commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Secretary of Agriculture shall reduce the amount of payments made available under this subchapter for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this chapter for such crop exceeds the amount determined by multiplying—

"(1) 100 percent of the yield used for the calculation of disaster payments made under this chapter for such crop; by

"(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 2241, the eligible acreage established under paragraphs (1) and (3)(A) of section 2241(a)); by

"(3)(A) in the case of producers who participated in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year, the established price for such crop of the commodity;

"(B) in the case of producers who did not participate in a production adjustment program for the crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice for such crop year (and, with respect to flexible acres as provided under section 2241(a)(2), in the case of those producers who did participate in such program for such year), the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for such crop of the commodity;

"(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 2243(a)(3); and

"(D) in the case of producers of oilseeds or a nonprogram crop (as defined in section 2244(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"SEC. 2247. CROP INSURANCE COVERAGE FOR NEXT CROP YEAR.

"(a) REQUIREMENT.—To be eligible to receive for a crop year a disaster payment under this subchapter, an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) for crop losses due to damaging weather or related condition, or forgiveness of the repayment of advance deficiency payments under section 2241(b), the producers on a farm shall agree to obtain multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the first crop year that begins after the producer receives the payment, loan, or forgiveness for the crop of the commodity for which such payments, loans, or forgiveness are sought.

"(b) LIMITATIONS.—Notwithstanding subsection (a), producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

"(1) unless such producers' deficiency in production, with respect to the crop for which a disaster payment under this chapter otherwise may be made, exceeds 65 percent;

"(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment, loan, or forgiveness is sought;

"(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the preceding crop year in the county in which the producers are located;

"(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment, loan, or forgiveness received; or

"(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or to the county committee established under section 332 of the Consolidated Farm and Rural Development Act (17 U.S.C. 1982), as appropriate, that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

"(c) IMPLEMENTATION.—

"(1) COUNTY COMMITTEES.—The Secretary of Agriculture shall ensure (acting through the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 2241 through 2245 are implemented, and through the county committees established under section 332 of the Consolidated Farm and Rural Development Act in counties in which emergency loans, as described in subsection (a), are made available) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

"(2) OTHER SOURCES.—Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

"(3) COMMISSIONS.—The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into under this section sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

"(d) REPAYMENT OF BENEFITS.—Notwithstanding any other provision of law, if (before the end of the crop year for which multiperil crop insurance is obtained pursuant to subsection (a)) such crop insurance coverage is canceled by the producer, the producer—

"(1) shall make immediate repayment to the Secretary of any disaster payment or forgiven

advance deficiency payment that the producer otherwise is required to repay; and

"(2) shall become immediately liable for full repayment of all principal and interest outstanding on any emergency loan described in subsection (a) made subject to this section.

"SEC. 2248. CROPS HARVESTED FOR FORAGE USES.

"Not later than 45 days after funds are appropriated to carry out this subchapter for a crop year, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish a yield for that crop year with respect to crops that were, or will be, harvested during such crop year for silage and other forage uses.

"SEC. 2249. PAYMENT LIMITATIONS.

"(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive for a crop year under one or more of the programs established under this subchapter may not exceed $100,000.

"(b) NO DOUBLE BENEFITS.—No person may receive disaster payments for a crop year under this subchapter to the extent that such person receives a livestock emergency benefit for lost feed production in that year under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d).

"(c) COMBINED LIMITATION.—

"(1) IN GENERAL.—No person may receive any payment under this subchapter or benefit under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.) for livestock emergency losses suffered in a crop year if such payment or benefit will cause the combined total amount of such payments and benefits received by such person in such year to exceed $100,000.

"(2) ELECTION.—If a producer is subject to paragraph (1), the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949 (7 U.S.C. 1471g) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

"(d) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

"SEC. 2250. SUBSTITUTION OF CROP INSURANCE PROGRAM YIELDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary of Agriculture may permit each eligible producer of a crop of a commodity who has obtained multiperil crop insurance for such crop for a crop year or, as provided in subsection (c), the preceding crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) to substitute, at the discretion of the producer, the crop insurance yield for such crop, as established under such Act, for the farm yield otherwise assigned to the producer under this subchapter, for the purposes of determining such producer's eligibility for a disaster payment on such crop under this subchapter for the crop year involved and the amount of such payment.

"(b) ADJUSTMENT OF ADVANCED DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, if an eligible producer of wheat, feed grains, upland cotton, extra long staple cotton, or rice for a crop year elects to substitute yields for such producer's crop under subsection (a), the producer's eligibility for a waiver of repayment of an advance deficiency payment on such crop under this chapter shall be adjusted as provided in paragraph (2).

"(2) AMOUNT.—The amount of production of such crop on which the producer otherwise would be eligible for waiver of repayment of advance deficiency payments under this subchapter shall be reduced by an amount of production equal to the difference between—

"(A) the amount of production eligible for disaster payments under this subchapter using a substituted yield under this section; and

"(B) the amount of production that would have been eligible for disaster payments using the farm program payment yield otherwise assigned to the producer under this chapter.

"(c) MULTIPERIL CROP INSURANCE NOT AVAILABLE.—A producer may use the crop insurance yield for the producer's crop of a commodity for the preceding crop year for purposes of substituting yields under subsection (a) if the producer demonstrates to the Secretary that, through no fault of the producer, multiperil crop insurance under the Federal Crop Insurance Act was not made available to the producer for the producer's crop of the commodity for the crop year involved.

"(d) DEFINITION OF ELIGIBLE PRODUCER.—For purposes of this section, the term 'eligible producer' means a producer of a crop of wheat, feed grains, upland cotton, extra long staple cotton, rice, or oilseeds.

"SEC. 2251. DE MINIMIS YIELDS.

"The Secretary of Agriculture may determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subchapter. The de minimis yield shall be set at a level that will minimize any incentive (because of the prospect of disaster payments) for a producer to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subchapter.

"SEC. 2252. SEPARATE TREATMENT OF EACH PRODUCER ON A FARM.

"A producer on a farm who produces any crop of a commodity for which disaster payments are made available under this subchapter shall qualify for a disaster payment if the total quantity of the commodity that the producer is able to harvest on that farm is reduced as a result of damaging weather or related condition in an amount that meets the criteria of section 2241, 2242, 2243, or 2244, even though the producers on the farm, collectively, may not meet such criteria.

"SEC. 2253. DEFINITIONS.

"For purposes of this chapter:

"(1) DAMAGING WEATHER.—The term 'damaging weather' includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind (or any combination thereof) that occurs during the calendar year in which the crop involved is intended to be harvested or the preceding calendar year.

"(2) RELATED CONDITION.—The term 'related condition' includes but is not limited to insect infestations, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

"(3) PERSON.—The term 'person' shall have the meaning given such term by the Secretary in regulations, which shall conform, to the extent practicable, to the regulations defining such term issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note).

"Subchapter B—Orchards

"SEC. 2255. ELIGIBILITY.

"(a) LOSS.—The Secretary of Agriculture shall provide assistance under section 2256 to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of damaging weather or related condition occurring in a calendar year after 1989, as determined by the Secretary.

"(b) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if such orchardist's tree mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

"SEC. 2256. ASSISTANCE.

"The assistance provided by the Secretary of Agriculture to eligible orchardists for losses described in section 2255 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting trees lost and rehabilitating or restoring trees damaged as a result of damaging weather or related condition in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

"SEC. 2257. LIMITATION ON ASSISTANCE.

"(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subchapter for a calendar year may not exceed $25,000, or an equivalent value in tree seedlings.

"(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

"SEC. 2258. DEFINITION.

"For purposes of this subchapter, the term 'eligible orchardist' means a person who produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees.

"SEC. 2259. DUPLICATIVE PAYMENTS.

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

"Subchapter C—Forest Crops

"SEC. 2261. ELIGIBILITY.

"(a) LOSS.—The Secretary of Agriculture shall provide assistance, as specified in section 2262, to eligible tree farmers that planted tree seedlings in a calendar year or the next calendar year for commercial purposes but lost such seedlings as a result of damaging weather or related condition occurring in such next calendar year, as determined by the Secretary.

"(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the damaging weather or related condition, exceeds 35 percent (adjusted for normal mortality).

"SEC. 2262. ASSISTANCE.

"The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 2261 shall consist of either—

"(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to damaging weather or related conditions in the calendar year involved in excess of 35 percent mortality (adjusted for normal mortality); or

"(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

"SEC. 2263. LIMITATION ON ASSISTANCE.

"(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subchapter may not exceed $25,000 for a calendar year, or an equivalent value in tree seedlings.

"(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

"SEC. 2264. DEFINITION.

"For purposes of this subchapter, the term 'eligible tree farmer' means a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees.

"SEC. 2265. DUPLICATIVE PAYMENTS.

"The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subchapter and the forestry incentives program, agricultural conservation program, or other Federal program.

"Subchapter D—Administrative Provisions

"SEC. 2266. INELIGIBILITY.

"(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this chapter.

"(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

"(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

"(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

"SEC. 2267. TIMING AND MANNER OF ASSISTANCE.

"(a) TIMING OF ASSISTANCE.—

"(1) ASSISTANCE MADE AVAILABLE AS SOON AS PRACTICABLE.—Subject to paragraph (2), the Secretary of Agriculture shall make disaster assistance available under this chapter for a crop year or a calendar year, as applicable, as soon as practicable after the date on which appropriations are made available to carry out this chapter for such year.

"(2) COMPLETED APPLICATION.—No payment or benefit provided under this chapter shall be payable or due until such time as a completed application for such payment or benefit for a crop of a commodity has been approved.

"(b) MANNER.—The Secretary may make payments available under subchapter A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

"SEC. 2268. COMMODITY CREDIT CORPORATION.

"(a) USE.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this chapter.

"(b) EXISTING AUTHORITY.—The authority provided by this chapter shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

"SEC. 2269. EMERGENCY LOANS.

"Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply for a calendar year to persons who otherwise would be eligible for an emergency loan under subtitle C of such Act, if such eligibility is the result of damage to an annual crop planted for harvest in such year.

"SEC. 2270. REGULATIONS.

"The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement this chapter as soon as practicable after the date on which appropriations are made to carry out this chapter, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

"Subchapter E—Appropriations

"SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.

"Any benefits or assistance (including the foregiveness of unearned advanced deficiency payments or any emergency loans) made available under this chapter shall be provided for a year only to the extent provided for in advance in appropriations Acts. To carry out this chapter, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1991 and 1992. Sums appropriated under this section shall remain available until expended.

"SEC. 2272. PRORATION OF BENEFITS.

"Any funds made available for carrying out this chapter for a calendar year in appropriations Acts shall be prorated to all producers eligible for assistance under this chapter in such year.

"Subchapter F—Application of Chapter

"SEC. 2273. APPLICATION OF CHAPTER.

"(a) ANNUAL CROPS.—Subchapter A and section 2269 shall apply only with respect to 1990 and 1991 crops.

"(b) ORCHARDS AND FOREST CROPS.—Subchapters B and C shall apply only with respect to calendar years 1990 and 1991.".

(b) APPLICATION FOR ASSISTANCE.—

(1) PRODUCERS AFFECTED BY AMENDMENTS.—In the case of agricultural producers of 1990 or 1991 crops who are affected by the amendments made by this section, the Secretary of Agriculture shall allow those producers to submit applications for initial or additional assistance under chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) until the later of—

(A) the date established by the Secretary under section 2267(a) of such Act for final submission of applications;

(B) the end of the 60-day period beginning on the date of the enactment of this Act; or

(C) the end of the 60-day period beginning on the date on which funds are appropriated to provide assistance for losses resulting from disasters as provided under chapter 3 of subtitle B or subtitle C of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990, or under this Act.

(2) NOTICE OF DETERMINATION.—Not later than 60 days after the date on which the Secretary receives an application for assistance under subsection (a), the Secretary shall inform the producer submitting the application of the Secretary's determination with regard to the application.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended—

(1) by inserting after the item relating to the chapter heading of chapter 3 of subtitle B of title XXII of such Act the following new item:

"Sec. 2240. Short title.";

(2) by striking the item relating to section 2242 and inserting the following new item:

"Sec. 2242. Payments to program nonparticipants for target price commodities and payments to program participants for target price commodities on flexible acres.";

(3) by striking the item relating to section 2244 and inserting the following new item:

"Sec. 2244. Oilseeds and nonprogram crops.";

(4) by striking the item relating to section 2247 and inserting the following new item:

"Sec. 2247. Crop insurance coverage required for next crop year.";

(5) by striking the item relating to section 2251 and inserting the following new items:

"Sec. 2251. De minimis yields.

"Sec. 2252. Separate treatment of each producer on a farm.

"Sec. 2253. Definitions."; and

(6) by inserting after the item relating to section 2272 the following new items:

"SUBCHAPTER F—APPLICATION OF CHAPTER

"Sec. 2273. Application of chapter.".

SEC. 2. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

(a) INCLUSION OF PERMANENT FARMWORKERS AND PACKINGHOUSE WORKERS.—Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) by inserting ", permanent," after "migrant" each place it appears; and

(2) in subsection (b)—

(A) by inserting "(including a packinghouse worker)" after "an individual"; and

(B) by inserting "or packinghouse work" after "farm work" both places it appears.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The section heading of such section is amended to read as follows:

"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.".

(2) TABLE OF CONTENTS.—The item relating to such section in the table of contents in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended to read as follows:

"Sec. 2281. Emergency grants to assist low-income farmworkers and packinghouse workers.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

□ 1730

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some people think that the only time we have full-fledged disasters is when Dan Rather and Tom Brokaw are walking through a drought-stunted cornfield in Iowa.

The truth of the matter is that Mother Nature has dealt a cruel blow to many farmers and farmworkers around the country this year.

Agricultural producers throughout much of California have had to deal with a devastating freeze this past winter on top of the continuing drought. The freeze put thousands of low-income farmworkers out of work for months in some areas.

Severe flooding delayed planting and destroyed crops for thousands of farmers from Louisiana and Mississippi up the Mississippi River Valley to Iowa and Minnesota.

Disasters of smaller but equally devastating magnitude have fallen upon many other agricultural producers around the country. In my own district in South Texas we have it all—drought, flooding, and now even the Africanized honeybee.

I will admit that this year's lengthy list of disasters has not captured the national media's attention for longer than a 90-second blurb. But that doesn't make the physical and financial losses for the affected farmers and farmworkers any less real.

In fact, in 1990, nearly 1,400 counties out of the 3,000 rural counties in the United States were declared disaster areas. This year, 559 counties have already been declared disaster areas.

Unfortunately, less than half of the Nation's eligible producers carry crop insurance, and for others crop insurance is not even available.

Mr. Speaker, for all these reasons and until we are able to create a crop insurance program that will cover a large majority of agricultural producers, H.R. 2893 is needed.

This bill basically extends through 1991 a disaster assistance program for crop producers that was authorized in the 1990 farm bill, the Food, Agriculture, Conservation and Trade Act of 1990.

H.R. 2893 would extend the same threshold loss levels and payment rates as were included in the 1989 and 1990 disaster assistance laws.

H.R. 2893 continues the general requirement that a producer applying for disaster benefits for 1991 crop losses must agree to obtain crop insurance for the 1992 crop.

The bill also continues the limit on total payments a person may receive through disaster assistance programs—including livestock emergency benefits—to not exceed $100,000. A person with a qualifying gross revenue of over $2 million per year is not eligible to receive any disaster payments.

I am pleased to report that H.R. 2893 contains a provision clarifying that low-income permanent farmworkers and packing house workers are eligible for assistance under the low-income migrant and seasonal farmworker provisions of the 1990 farm act. This will provide much-needed assistance to workers in fruit and vegetable growing areas that lost their jobs due to crop disasters, such as the devastating California freeze.

Mr. Speaker, this bill, if enacted into law, is still subject to a separate funding measure being approved.

Although action to fund this bill is uncertain at this time, it is necessary that the House act on this bill now so that the parameters of a disaster payment program are clearly defined if funding becomes a reality.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I support the adoption of H.R. 2893, a bill extending the disaster assistance provisions of the Food, Agriculture, Conservation and Trade Act, the 1990 farm bill.

Mr. Speaker, many of America's farmers and producers need disaster assistance now. They include California producers whose crops were destroyed or damaged in the 1990 freeze, flooding in Southern States and drought in other parts of the Nation.

We have seen the devastation caused by flooding in the Mississippi Delta this spring. We heard testimony in committee from farmers in the delta who could water ski across their fields this spring. Disaster damage in Mississippi and Louisiana alone may total nearly a half billion dollars. In Texas, damage in 1990 and 1991 totals more than $2 billion.

And just as some producers are reeling in the aftermath of floods, farmers in central Illinois are wondering what kind of assistance, if any, may be forthcoming as they watch their crops burn up in the fields.

Although it still is too early to determine the extent of damage to spring planted crops in north Missouri, our soft red winter wheat crop was severely damaged, both in yields and quality. Farmers have been turned away at the elevators because of low test weight on their wheat, in some cases less than 50 pounds per bushel, as measured by University of Missouri extension agronomists. In addition, the various disease problems associated with the poor crop make the wheat in many cases unsuitable for animal feed. Extension agronomists estimate that 55 to 85 percent of Missouri's soft winter wheat crop is not marketable.

To compound the problems, these disasters are coming on the heels of a recession in the farm economy that many producers are just now recovering from. Those who barely made it through the mid 1980s are operating on the thinnest of margins. Without assistance, bad weather will put many of them over the edge into bankruptcy or foreclosure.

The committee has made some minor, technical changes in the legislation to reflect new policies written in the 1990 farm bill. Generally, those changes include recognition of oilseed producers instead of solely soybean farmers and payments that account for flexible acres that were a part of last year's farm and omnibus budget bills. Payment rates and beneficiaries otherwise are the same as contained in the 1990 farm bill.

This legislation also authorizes appropriations for fiscal years 1991 and 1992.

Mr. Speaker, assuming funds are appropriated, this legislation will provide disaster assistance to farm program participants as well as those producers whose crops are not included in the commodity programs: orchards and forest crops, ornamentals and turf, and fish produced in freshwater commercial aquaculture operations.

Although the committee considered eliminating a provision to require assisted producers to buy crop insurance next planting season, the legislation continues the policy that producers must obtain multiperil crop insurance for their 1992 crops with the exceptions that are enumerated in the bill. The members reluctantly kept it in the bill, even though passage of this ad hoc disaster assistance actually negates the intent of the Agriculture Committee to make crop insurance a viable risk management tool for American farmers. I am concerned about the message we send to agricultural producers, and I hope this is an issue the committee may address in the coming months.

Finally, the legislation continues the payment limitations that were included in previous disaster bills.

Mr. Speaker, although the administration opposes this bill, I urge adoption of H.R. 2893.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I hope that the Members will support this legislation. The 1990 act authorized such appropriation. We have gotten no money. We do not know what happened in 1991; but at least this sends a message to our farmers.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise today to express my strong support of this bill to direct the Secretary of Agriculture to provide disaster assistance to producers of 1991 crops on the same terms and conditions as provided for 1990 crops under the 1990 farm bill. I want to take this opportunity to thank Chairman DE LA GARZA for his leadership in the efforts to promptly address the devastating impact of disasters on our agriculture industry.

As you know, California has suffered particularly harshly because of the freeze, and more recently, with a drought that has been ongoing for several years. With the passage of this legislation, we will be able to effectively assist farms and farmworkers. I was pleased that several provisions of my legislation, H.R. 1550, the Agriculture Disaster Assistance Act, were incorporated as part of this committee bill, in addition to an amendment that was accepted during the full committee markup.

The basics of my Agriculture Disaster Assistance Act were designed to address the very unique needs of California farmers. A number of areas were covered including crop insurance, emergency loans, and water development projects. Those provisions of my bill ultimately accepted in this committee bill include expanding a direct-payment program for orchard growers to include the cost of tree rehabilitation and restoration. If trees cannot be rehabilitated, it often means the orchardists must start their groves from scratch which has bankrupted many farmers in previous disasters. Also, Valencia crops were damaged primarily in the 1990 freeze but would normally be harvested in the summer of 1991. Valencia orange crop growers will now be eligible for assistance for the damage they incurred because of the freeze.

Of important note is the expansion of the emergency grant program for migrant workers to include permanent farmworkers as well as packinghouse workers. This provision helps to ensure that the Government takes into account the needs of those who have a harder

time securing their livelihood outside of farm-related labor.

In addition, the committee adopted report language I authored regarding Farmers Home Administration to look specifically at the needs of California. Currently, Farmers' Home Administration rules prevent most California farmers from receiving assistance. All of this assistance for farmers and farmworkers is so critical for my district as most of them do not benefit from Federal price supports and subsidies.

Mr. Speaker, I urge my colleagues to support this much needed legislation which takes into account all regional differences in trying to best help our farmers and workers. I believe that this legislation does reflect the individual needs and concerns of the States and is an important step in expediting the dire help necessary.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise in support of this legislation, which is gravely needed.

Heavy rains in Arkansas did serious damage to our wheat crop, with losses estimated at about $140 million. Farmers not only harvested less wheat than normal, but much of what was harvested was of poor quality and did not bring good prices.

One farmer near Hughes, AR, recently told me that his wheat crop was short by about two-thirds. This presents a significant problem for farmers since they use the money from the wheat crop to operate until they harvest their other commodities in the fall, without that money, they are in a real bind.

This situation is so serious that it threatens the ability of some farmers to continue operating.

I believe that the threat by the Bush administration to veto funds for disaster relief is ill advised and shows a lack of understanding as to the seriousness of the problem.

We will continue to work on a solution to this problem, but our job would be made much easier if the administration did not throw roadblocks in the way.

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 2893, the Agriculture Disaster Assistance Act of 1991.

This is an important bill. It's the first step to getting some very concrete assistance to the tens of thousands of farmers across the country that have suffered severe weather-related crop losses in 1990 and 1991.

And, I'd like to point out, Mr. Speaker, that this bill has been brought before this body without any leadership from the President. The President continues to turn his gaze toward the problems on distant shores, rather than focusing on those who are suffering here at home, those who need the aid of this Government to enable them to once again contribute to the economic strength of this Nation.

To date, the President has asked Congress for an additional $1.14 billion to respond to international emergencies, and he has said that every dime of that is for "emergency requirements" and therefore exempt from the discretionary spending limits set in the budget summit agreement.

The President has also asked Congress to exempt an additional $43.9 billion for Desert Storm under this procedure.

For domestic emergencies, the President has sought a mere $39 million in supplemental funding under the emergency requirements procedure. That's less than 3-percent of what the administration has sought for international emergencies.

The President has turned a deaf ear to the pleas for assistance from growers and farmworkers alike. And, in my own State of California, which was hit by a recordkeeping freeze last December—the third worst natural disaster in our State's history—that decision has meant that an estimated 70,000 agricultural workers and their families are still in danger of going hungry each day because there is no work in the fields.

For California, this bill promises help to some 4,500 citrus growers so they can get back on their feet and, in turn, reemploy tens of thousands of farm workers in the San Joaquin Valley.

The bill also authorizes emergency assistance to low-income farmworkers in California and other States who are out of work due to the freeze or other natural disasters.

Mr. Speaker, this is a sound bill, and I urge its adoption.

Mr. CONDIT. Mr. Speaker, I rise today in strong support of H.R. 2893, the Agricultural Disaster Assistance Act. This bill will extend disaster assistance to farmers who experienced disasters in 1990 or 1991 crop years. To farmers and farmworkers in California this bill represents a major step toward some relief for losses experienced in back to back disaster.

California is experiencing a fifth year of drought this year. In response to the massive shortage of water throughout the State, water deliveries have been cut from 25 percent to 100 percent in the State and Federal water projects. These cutbacks have resulted in many farmers not planting crops this year and using their small allocations to keep their orchards alive.

To compound the hardships caused by the drought, California was hit with a devastating freeze in December 1990. This freeze damaged orange, lemon, artichoke, strawberry, and avocado crops. Obviously, the farmers who grow these crops experienced losses because of the freeze. In addition, the large farmworker population in the San Joaquin Valley has suffered very significant economic devastation.

While many farmers and farmworkers believed that they would be able to get some assistance from the Federal Government to get them through a difficult time, the reality has been that very few, if any, farmers or farmworkers have qualified for or received assistance. The bill that we are considering today, while only providing for the authorization for disaster assistance, does make some minor changes in the disaster authorization that was included in the 1990 farm bill that will make limited assistance available.

What the farmers and farmworkers of the San Joaquin Valley really need is for Congress to pass an appropriations measure to fund the disaster programs that are already authorized. The House Appropriations Committee has taken the first step in addressing this need, but this action is now stalled. We have appropriated over $50 billion this year for emergency purposes including Operation Desert Storm/Shield, relief for the Kurds, forgiveness of debt to Egypt and other international needs. Less than $50 million has been appropriated for domestic needs.

While I recognize the need for funding for the crisis in the Middle East, I find incomprehensible that the administration has granted an emergency designation for other purposes, but refuses to provide a small amount of assistance to U.S. citizens who are facing a true crisis. The House Agriculture Committee held hearings earlier this year where the mayor of a small town in the San Joaquin Valley testified that the citizens of his community did not have enough food to eat, could not pay for medical care, and could not pay their rents or mortgages because of a lack of work caused by the freeze.

Mr. Speaker, I recognize that our Nation is facing a budget crisis that demands strict restraints on spending. I support stricter restraints on spending than many others. However, I believe that this is a question of equity. Citizens of our own country need assistance to get them through a bad time. It is disgraceful that the administration cannot make this funding available. I commend Chairman DE LA GARZA for acting on this important legislation. I also commend Chairman WHITTEN for taking action to address these needs.

I urge my colleagues to support this measure and the funding measure that is needed to accompany this bill.

Mr. KANJORSKI. Mr. Speaker, I rise in strong support of this legislation. This bill is necessary if we are going to pursue one of the foremost goals of our Nation—to help our citizens in times of dire need.

This bill will extend the Agriculture Disaster Assistance Program to cover 1991 crop losses. By approving this legislation, we are giving both relief and hope to farmers from every corner of this country—from California to Pennsylvania, from Minnesota to Texas.

The farmers who will benefit from this bill are those who, due to conditions beyond their control, have been unable to plant or harvest their crops in 1990 or 1991. These people are victims, and this bill will enable them to weather the conditions that have threatened to ruin their livelihood.

This bill has a special meaning for me and the people of my district. As many of my colleagues know, Pennsylvania has been stricken this year with a disastrous drought.

Two of the counties in my district—Sullivan and Montour—will together sustain an estimated crop loss of almost $6 million. This amount is devastating, considering the combined population of these counties is less than 24,000 people.

Many of the farmers who are affected by the drought, and who would benefit from this bill, are not millionaires who can afford to miss the proceeds brought in one season's harvest. These are people who work day in and day out, at one of the most noble and necessary professions, usually just to make ends meet.

These are people who not only need, but deserve our help.

H.R. 2893 extends a program that has proven to be of vital assistance to those who need

it the most. Thus I urge my colleagues to support this legislation.

Mr. WEBER, Mr. Speaker, I rise in strong support of H.R. 2893, legislation which authorizes disaster assistance to farmers. I want to commend the chairman of the Agriculture Committee, Mr. KIKA DE LA GARZA, for recognizing the need to compensate farmers for the financial losses suffered due to a host of weather problems around the country.

In Minnesota alone, Mr. Speaker, 18 counties have been declared disaster areas with an additional 22 contiguous counties qualifying for assistance due to unprecedented rainfall. It is estimated that 15,000 acres in Minnesota may lie idle this year, since farmers were unable to plant a crop. Furthermore, Minnesota farmers that were able to plant a crop now find their fields under water. Without this legislation, Mr. Chairman, many farmers will find themselves on the brink of financial disaster.

This legislation, Mr. Speaker, authorizes disaster payments to producers of program and nonprogram crops who suffered production losses due to damaging weather or related conditions in 1990 or 1991. The bill also mandates payments in reductions in crop quality. It is a fair and equitable program which seeks to assist farmers through this difficult time.

I must remind my colleagues that this is only the first step in this important process. Congress will need to pass an appropriations bill to fund this disaster relief program. Two weeks ago the Subcommittee on Agriculture Appropriations, of which I am a member, reported out a bill which would provide $1.75 billion in disaster relief. I want to thank the chairman of the subcommittee, Mr. WHITTEN, for his work on this matter. It is my hope that the administration will realize the magnitude of the disaster and work with our committee in an effort to develop a bill which the President will sign.

Mr. BROWN. Mr. Speaker, the bill before us this afternoon, H.R. 2893—the Agriculture Disaster Assistance Act of 1991—is, like so many items that the House of Representatives considers, better late than never. Although we may be sweltering under a massive heat wave, let us not forget the December 1990 freeze that crippled the agriculture industry in the State of California.

Two weeks of subfreezing temperatures wrought havoc on the agriculture industry, ruining the year's crops for thousands of farmers, snapping citrus trees, closing packing plants, and forcing thousands of families into unemployment. This disaster, one of the worst natural calamities ever visited on the State of California, is far from over. The assistance the Federal Government provides in this bill will help ease the burden placed on too many farmers.

With so many current problems to face, it is all too easy to forget about the recent past. We tend to have short memories—moving from one tragic episode to the next.

Unfortunately, I suspect that had the 1990 California freeze interrupted the playing of a World Series game or the Superbowl, Congress would have focused its attention on the problem long before these sizzling days of July. If the damage done to California agriculture had occurred in a 3-hour time span, I am sure Congress would have moved quickly to assist those in need.

Unfortunately—for the workers, families and businesses of California—the freeze was an extended disaster. It did not happen overnight. It happened over a period of several days and nights. During that time, the heightened tensions in the Persian Gulf, Operation Desert Storm, and our mounting economic problems, left us little time to concentrate on addressing the very real problems that thousands of Californians were facing. Again, this bill may be late, but I can assure you that the needs of the people in my home State are indeed very real.

As all of us know well, the tight budget conditions that this Congress and this Nation face make it increasingly difficult to offer disaster assistance. But I also know, just as you do, that we cannot turn our backs on the people in our country, who, through no fault of their own, are forced to turn to public assistance. Californians have banded together in support these past few months to help each other make it through these difficult times. But private assistance is wearing thin and now is not the time for the Federal Government to forget the natural disaster that struck our farm communities during those cold days in December.

I applaud the work of the Agriculture Committee in fashioning a modest proposal to help the communities throughout this Nation which have been struck by natural disasters. The assistance we provide through this bill is greatly needed, make no mistake about that fact, and I urge you to join with me in supporting the Agriculture Disaster Assistance Act of 1991.

Mr. LEHMAN of California. Mr. Speaker, I rise today in support of legislation which will bring much needed relief to farmers and farmworkers alike in California. My State has been hard hit by a painful, 5-year drought as well as a devastating freeze last winter. The combination of these disasters has left both growers and workers without much needed income and little assistance has been provided to help remedy the problem.

In the meantime, damage to California farmers has been estimated at more than $900 million. The December 1990 freeze devastated almost all of the 1990 citrus crop, damaged several other crops in the Central Valley and accelerated unemployment to 50 percent in some areas. Because farming is a seasonal industry, with different crops ready for harvest at different times, the damage to a variety of crops has long-term effects. This is especially true for workers who are dependent on this cycle for year-round employment. In addition, industries related to the farm community such as packing sheds have also been severely affected.

Fortunately, the Congress is responding by authorizing an extension of 1990 agriculture disaster assistance provided for in last year's farm bill to crop losses incurred in 1991. For my district, where several counties have been declared disaster areas, producers will receive disaster payments aimed at helping them recover from their losses. This disaster assistance bill also authorizes assistance, in the form of cash payments or replacement seedlings, to orchardists and tree farmers who lose more than 35 percent of their trees due to damaging weather.

Assistance for farmworkers is also provided in the form of grants to public agencies and nonprofits that provide emergency services to low-income migrant and seasonal farmworkers. Because many are ineligible for unemployment benefits, this type of temporary aid is vital. This aid also extends to permanent farmworkers and packinghouse workers who meet the income eligibility standards.

Of course, the next key step is to come up with the necessary funding. The emergency supplemental appropriations measure being considered by the House Appropriations Committee will include $1.75 billion to fund agricultural disaster assistance, approximately $435 million of which will go to California farmers. I understand this bill is under a veto threat by the President. Regrettably, while the administration is on record as strongly supporting emergency assistance abroad in recent months, it does not see the need for the same compassionate relief at home.

I am confident that the administration's objections can be overcome and that this measure will be enacted into law with the greatest urgency. I urge my colleagues to support both the authorization and appropriations measures which will bring aid to hard-hit disaster areas both in my area and around the country.

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to express my strong support for the chairman's disaster assistance legislation.

Farmers in my district have suffered significant losses from Colorado's notoriously severe weather. Mesa County, located on the Colorado/Utah border, faces the possibility of losing $15 million in economic benefits stemming from a late April freeze that devastated many of the fruit orchards in the valleys surrounding Grand Junction.

The USDA, in its preliminary report, has estimated apple and pear growers suffered damages as high as 40 percent of their crops, while many of the apricot, peach, and cherry growers lost 100 percent of their fruit.

These growers are being particularly hard hit because, after having their crops destroyed, they now realize funds are not available for disaster assistance payments, a program they have relied on in the past to help through these tough times.

Growers in my district have repeatedly told me they are enthusiastic about the crop insurance program but have thus far found it unworkable. Under the current crop insurance program, the price paid per bushel for Colorado peaches does not come anywhere near the average price paid for the State's peaches on the wholesale market. The amount of paperwork and technicalities involved in the program also prevent many growers from participating in the program. These shortcomings need to be addressed before growers can realistically be expected to rely on the crop insurance program.

I am pleased that Congress has begun to address this very crucial issue. I sincerely believe that the future of the U.S. agricultural industry is at stake. Our commitment to helping our agriculture producers can be clearly demonstrated by supporting H.R. 2893.

Mr. HUCKABY. Mr. Speaker, there have been some very adverse weather conditions throughout the country this year and these weather problems have caused some very serious difficulties for agriculture. We have endured record flooding in the Mississippi Delta

area, record drought in California, as well as extensive disasters in other areas of the country. In fact, in my State of Louisiana alone, it is estimated that there is approximately $178 million in crop damages and many millions more in lost farm labor wages and lost processing revenues.

There are minor provisions in existing law intended to provide some relief from the effects of inclement weather conditions and the Secretary of Agriculture and his staff have worked to help relieve some of the hardship. However, this has not been sufficient and we do need additional assistance.

Today, we bring a bill to the floor, H.R. 2893, to provide disaster assistance in the form of direct payments to eligible producers of all 1990 and 1991 crops who have experienced a disaster due to damaging weather or related condition. I think it is imperative that we provide assistance to those who have suffered great losses due to conditions beyond their control.

In addition, Mr. Speaker, I believe that we must make it a priority to take care of those here at home first before we give to those in need overseas. Of the funds that the administration has requested this year under the heading of "emergency spending", more has gone overseas than has stayed within our own borders. We have spent roughly $39 billion here at home and roughly $41 billion overseas.

Let me say that I do not object to offering assistance to other countries, I simply believe that we have a dire emergency here at home in rural America and we must quickly provide this assistance to those farm families throughout the country that have been adversely affected by devastating drought, flood, freeze, and other damaging weather.

Mr. EWING. Mr. Speaker, I rise in support of H.R. 2893, agriculture disaster assistance authorization. I return this morning from Illinois where I spent a good portion of the weekend talking with small farmers who are suffering the devastating effects of drought.

Farmers in different parts of America are hard hit with drought. One need look no further than the front page of this morning's Washington Times to see how drought is hurting farmers in the Washington, DC area. In parts of Illinois, farmers report that they've had no rain since June 1. With no weather relief in sight, farmers are facing a crisis of calamitous proportions.

This emergency comes on the heels of devastating droughts in 1983 and 1988, which thousands of farmers are still reeling from. The new drought will hurt the most those farmers who are less established and able to survive. We could lose a whole generation of young farmers because of serious drought conditions over the past decade, then who will operate the farms that feed the Nation and the world?

Without this legislation, many farmers will be driven out of business and our economy will suffer. Many American farmers are facing disaster, and this legislation is desperately needed.

I strongly support H.R. 2893 and urge my colleagues to vote in favor of this important legislation.

Mr. HERGER. Mr. Speaker, I rise in strong support of this legislation. One thing is clear—our rural communities in northern California are currently experiencing two particularly devastating natural disasters simultaneously. First, our farmers are suffering through a fifth consecutive year of drought. Second, the destruction to agricultural production from the freeze of late 1990 is estimated to be the third largest natural disaster in the history of California, after the earthquakes of 1906 and 1989. Statewide, it is estimated that damage to citrus crops alone will reach $500 million. We must act now in addressing these needs.

A large number of growers in northern California have had their Federal water supplies reduced by 75 percent in 1991. This is on top of reductions of 50 percent in 1990. A good illustration of what the drought means to people in rural areas is provided by the case of Colusa County, CA, in my district. This small, rural county, which is heavily dependent on agriculture, led all California counties with a March unemployment rate of 25.6 percent. This unusually high level of unemployment is attributed to the drought and the recession.

Our budgetary constraints are great, and certainly our top priority must be to put our fiscal house in order. It should be noted that it may indeed be more fiscally responsible to provide effective, efficient disaster assistance to growers than relying on increased outlays for Federal unemployment, food stamps, and other benefits.

I urge my colleagues to support this legislation today.

Mr. WEBER. Mr. Speaker, I rise in strong support of H.R. 2893, legislation which authorizes disaster assistance to farmers. I want to commend the chairman of the Agriculture Committee, Mr. KIKA DE LA GARZA, for recognizing the need to compensate farmers for the financial losses suffered due to a host of weather problems around the country.

In Minnesota alone, Mr. Speaker, 18 counties have been declared disaster areas with an additional 22 contiguous counties qualifying for assistance due to unprecedented rainfall. It is estimated that 15,000 acres in Minnesota may lie idle this year, since farmers were unable to plant a crop. Furthermore, Minnesota farmers that were able to plant a crop now find their fields under water. Without this legislation, Mr. Chairman, many farmers will find themselves on the brink of financial disaster.

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I must remind my colleagues that this is only the first step in this important process. Congress will need to pass an appropriations bill to fund this disaster relief program. Two weeks ago the subcommittee on agriculture appropriations, of which I am a member, reported out a bill which would provide $1.75 billion in disaster relief. I want to thank the chairman of the subcommittee, Mr. WHITTEN, for his work on this matter. It is my hope that the administration will realize the magnitude of the disaster and work with our committee in an effort to develop a bill which the President will sign.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2893, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 2893, the bill just considered.

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

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2942, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-159) on the resolution (H. Res. 200) waiving certain points of order during consideration of the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and order to be printed.

RESEARCH NEEDED ON ADOLESCENT BEHAVIOR

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

Mr. MCDERMOTT. Mr. Speaker, recently the administration decided to just say no to a proposed study of adolescent sexual behavior. This study is badly needed.

Adolescents today face increasingly serious health hazards. Teenage pregnancy, which had begun to decline in the 1980's, is on the rise. Young women are especially vulnerable to sexual assault and abuse. We are seeing a dramatic increase in the spread of sexually transmitted diseases—especially among adolescents. And teenagers are not immune to AIDS—according to one report, more than 20 percent of all AIDS patients may have become infected in their teens.

Adolescents need candid information and education to make informed decisions about their sexual behavior. Health professionals need accurate information to determine the education and prevention efforts that are most needed and most likely to be effective with teenagers.

No one wants to promote sexual activity among teenagers. But we cannot deny that it already is happening. A recent survey indicated that 84 percent of respondents said it is appropriate to talk to children about sexually transmitted diseases; 78 percent said they wanted more information on AIDS prevention for their children. These parents know that children are at risk and need help. In the era of AIDS, when people's behavior can prove fatal, we must understand what behaviors they are engaging in and why.

Ignorance and denial about our teenagers' sexual behavior will cost lives. This is no time to put ideology above public health. I urge the administration to reconsider its decision and promote research that provides honest answers for our children. I also want to share with my colleagues an editorial in today's New York Times that succinctly discusses this issue.

(The article is as follows:)

[From the New York Times, July 23, 1991]

SILENCING TEENS ABOUT SEX

The United States is a country that's still shy about talking about sex. But it is also a country in which 15-year-old mothers are common, and thousands of young men are dying of a sexually transmitted disease contracted in their teens.

A five-year nationwide study to determine the causes of behavior in adolescents that puts them at risk of unwanted pregnancy and AIDS sounds—quite literally—like a lifesaver. But not to Gary Bauer, president of the Family Research Council who says it's an "invasion of privacy." Nor to Representative William Dannemeyer, who calls its $18 million price tag "wasteful government spending." And not, perhaps, to the Secretary of Health and Human Services, Dr. Louis W. Sullivan, who has suddenly blocked its funding.

It's easy to see why the questions might rile some conservative and "family values" groups. Several questions about practices like oral and anal sex that some people consider unmentionable. But the privacy of participants in the study, to be conducted by researchers at the University of North Carolina, will be protected. The youngsters would need their parents' informed permission before taking part, and wouldn't have to answer questions they didn't want to. As for that $18 million, it's tiny compared with the financial consequences of teen-age pregnancy.

The Public Health Service laudably seeks a reduction in the rate of unwanted pregnancies and a rise in the age of first intercourse by the year 2000. (At present 27 percent of American girls and 33 percent of American boys are sexually active by 15.) But that goal won't be reached without the kind of information the North Carolina study can provide. Dr. Sullvian says he wants to become more familiar with the study. His department's efforts to understand teen-age sexuality deserve the same staunch support he has given the campaign to reduce tobacco and alcohol abuse.

□ 1740

ORDER OF BUSINESS

Mr. PEASE. Mr. Speaker, I ask unanimous consent to allow the majority leader, the gentleman from Missouri [Mr. GEPHARDT] to precede me with his 5-minute special order.

The SPEAKER pro tempore. (Mr. GEREN of Texas). Is there objection to the request of the gentleman from Ohio?

There was no objection.

REWARDS FOR RESULTS ACT OF 1991

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

Mr. GEPHARDT. Mr. Speaker, as I rise to introduce new legislation to refashion the way we encourage learning and fund schools, I remind my colleagues of the historic commitment to education that is the hallmark of the Democratic Party.

Nearly half a century ago, at the height of World War II, President Franklin Roosevelt convened a White House Conference on Children.

Even though he was prosecuting a world war in two theaters on opposite sides of the globe, and even though we were only beginning to emerge from the Great Depression, FDR knew that if we lose our children, we lose our all. He said:

It will be very bad economy to save money at the cost of the minds and the bodies of the children of this country. We cannot afford to let things rest as they are.

These courageous and visionary words are just as true today as they were almost 50 years ago. Today we truly cannot "afford to let things rest as they are."

That the minds and bodies of our young people are at risk is by now a truism. But the facts underpinning this truth shock us still:

One third of American babies borne by women who have not received adequate prenatal care; 7 million children who do not receive routine health care; only 14 percent of American eighth graders with an average proficiency in junior high school math; between 25 and 50 percent of our high school students dropping out of school; nearly 2 million young people leaving school each year deficient in basic and marketable skills; and employers spending more than $200 billion each year on training for their employees.

I could go on. And on.

It has become too easy simply to talk about problems; today, I want to talk about solutions.

My legislation provides solutions to the problems that shackle the minds and bodies of our children and threaten the future of our country.

I call it the Rewards for Results Act of 1991—a bill that provides Federal payments for actual improvements in the health and educational status of our children.

Simply put, no American taxpayer will spend a single dollar under this plan unless there is a measurable improvement in the educational and health status of the children it is designed to help.

The Rewards for Results Act of 1991 takes two of the national education goals, readiness to start school and excellence in student performance, specifies measurable criteria for achieving the goals, and pays the States and the schools for meeting those criteria.

It does not tell the States or the schools how to meet the criteria.

It does not design programs intended to meet the criteria, nor does it pay others for good intentions.

Rather, it specifies results and pays for them once they are achieved.

Every child registering for first grade having had health care, proper nutrition, and early childhood education will earn a reward of greater resources for his or her State.

Every high school senior who matches or beats the average math and science scores of the highest scoring nation on an international test will earn a reward for his or her school and school district—and a scholarship for postsecondary education or training.

These Federal rewards will provide incentives to States, schools, parents, and students to get the job done. The payments are adjusted to provide greater rewards for those who produce results starting from a disadvantage.

There will be no competition between States or schools.

All those who improve their own performance in achieving the specified results will earn their reward.

This system of incentives will supplement, not supplant, current Federal, State, and local efforts.

It will encourage those responsible for the health and education of our children to use all their resources efficiently and effectively, while increasing those resources when the necessary results are achieved.

The Rewards for Results Act of 1991 is a new kind of Federal commitment

to American children, a commitment based on performance and contingent upon results. It will cost money—in the short term.

But children who are ready to learn when they start school, and young people who graduate from high school with math and science skills second to none in the world and then go on to postsecondary training or education are worth paying for.

And they will pay us back many times over—with gains in productivity, health status, citizen confidence in our education system, and national pride.

Confronted as we are with the stiffest competition in the world market that we have ever known, we cannot afford not to make this investment in the health and education of our children.

We must commit ourselves to this approach, and to other ideas, to fulfill the American dream, enabling all Americans to develop to their full potential, earn a good living, and provide for their children the opportunity to do even better.

We must do these things because America, to become a high wage economy, must become a high performance economy.

That will require additional investments in the skills of our people, in the areas of high school and postsecondary academic performance, school-to-work transition, worker training, and high performance workplaces.

And I will be introducing legislation in this area, as well, this coming September, because this cause must be America's cause as we head into the next century.

As I began these remarks by quoting Franklin Roosevelt, let me close by making reference to the founder of my political party, Thomas Jefferson, and by making an observation that has been made by others before me.

Jefferson had a number of outstanding careers—a genius who invented things besides a revolution; a Vice President and President who literally shaped the country's geographic and economic future. But in designing the tombstone beneath which he was laid to rest, he asked people to remember most his defense of liberty and commitment to education. He wrote:

> Here was buried Thomas Jefferson, author of the Declaration of Independence and of the Statute of Virginia for Religious Freedom and father of the University of Virginia.

Like Jefferson before us, America must focus its creative energies on enlarging the educational achievement of our people.

It is the greatest opportunity they will have for realizing the destiny of their lives; it is essential for keeping this Nation as strong and as good as Jefferson meant it to be.

□ 1750

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. GEREN of Texas). Is there objection to the request of the gentleman from Ohio?

There was no objection.

UPDATE ON UNITED STATES-MEXICO FREE TRADE AGREEMENT

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

Mr. PEASE. Mr. Speaker, the Mexican Government reportedly spent $100 million this spring for lobbyists in Washington, DC, to present Mexico's best face to the United States Congress. Nevertheless, President Bush had to pull out all of the stops, culminating with the issuance of a carefully polished action plan, just in order to win narrow approval to negotiate a proposed North American Free-Trade Agreement [NAFTA] on a fast-track basis.

Hyperbole became the norm too often in the weeks leading up to the fast-track vote 2 months ago. But it is not too late to get the facts for our Federal Government to deal with the trade and investment distortions certain to flow from any NAFTA because of vastly different labor and environmental standards and enforcement regimes in Mexico in contrast with the United States. Let me illustrate my point.

To date, when I asked President Bush and United States Trade Representative Carla Hills about respect for basic labor rights such as freedom of association in Mexico, I heard a standard refrain. They are quick to point out that a much higher percentage of the Mexican workforce belongs to unions than do American workers. They are quick to assert that the Mexican Constitution and Mexican labor laws are stronger than our own. They even went so far as to circulate to every member of the Congress a 15½-page document to convince us that Mexico "has strong labor protections which are integral to its Constitution and laws."

But what you see is not what you get when it comes to Mexican labor laws. Whether Mexico has an exemplary labor code on the law books is not what matters in relation to the NAFTA or othewise. In practice, the Mexican Government has dominated and effectively controlled attempts to organize Mexican workers into independent trade unions throughout much of the 20th century. More importantly, the Bush administration will find that cynical efforts to manipulate Mexican workers continue as I speak if they care enough to scratch beneath the legal sophistry.

Last May 15, three trade unionists, supported by the Minnesota Fair Trade Coalition, the International Labor Rights Education and Research Fund, and Minnesota Attorney General Hubert Humphrey III, filed a 39-page GSP petiton with the United States Trade Representative, pursuant to existing United States trade law, urging that Mexican imports be denied duty-free access to the United States market because of the systematic denial of fundamental worker rights in Mexico.

The U.S. Trade Representative has not yet decided whether to accept this petition for review, even though she is already a week beyond her own self-imposed deadline for announcing those decisions. I urge the Bush administration to take up the Mexico GSP petition and to investigate all of the allegations therein thoroughly and fairly. It paints a very disturbing picture of widespread, systemic labor repression throughout Mexico.

PETITION TO REVIEW THE ELIGIBILITY OF MEXICO AS A BENEFICIARY DEVELOPING COUNTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES

[Submitted to the Trade Policy Staff Committee by William McGaughey Jr., Thomas J. Laney, and Jose L. Quintana, May 15, 1991]

I. INTRODUCTION

Mexico is currently designated as a Beneficiary Developing Country under the Generalized System of Preferences (GSP) program. We, the undersigned, hereby request that Mexico's eligibility status as a beneficiary under this program be reviewed. We further request that Mexico's designation as a beneficiary developing country be revoked if the review confirms violations of GSP eligibility criteria. We make this request because Mexico has consistently violated internationally recognized worker rights. The respect of such rights is a criterion of eligibility for status as a beneficiary developing country under the GSP program.

II. LEGAL BASIS FOR REVIEW AND REVOCATION OF ELIGIBILITY STATUS

This petition is being submitted to the Trade Policy Staff Committee for review by William McGaughey Jr., Thomas Laney, and Jose Quintana, whose addresses appear as follows:

William McGaughey, Jr., 1618 Glenwood Ave. #11, Minneapolis, MN 55405; Thomas Laney, 59 Battle Creek Pl., St. Paul, MN 55119; Joes Quintana, 1425 Terrace Dr. #5C, Roseville, MN 55113.

The petition is supported by the Minnesota Fair Trade Coalition (821 Raymond Ave., #160, St. Paul, MN 55114), by the International Labor Rights Education and Research Fund (100 Maryland Ave., N.E., Washington, DC 20002), and by Hubert Humphrey III, Attorney General, State of Minnesota (State Capitol, St. Paul, MN 55155).

The Republic of Mexico is the beneficiary developing country subject to this GSP annual review.

The petitioners request a review of Mexico's GSP status with respect to the designation criteria listed in Section 502(b) of the Trade Act of 1974 as amended. According to the statute, the President shall not designate any country a beneficiary developing

country under the GSP trade law "if such country had not taken or is not taking steps to afford internationally recognized worker rights to workers in the country." 19 U.S.C. 2462(b)(7).

The term "internationally recognized worker rights" is defined as follows:

"(a) the right of association;

(b) the right to organize and bargain collectively;

(c) a prohibition on the use of any form of forced or compulsory labor;

(d) a minimum age for the employment of children; and

(e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." 19 U.S.C. Section 2462(a)(4)

The Republic of Mexico has repeatedly and consistently violated several types of worker rights as defined by U.S. trade laws. Therefore, Mexico should be ineligible to be designated by the President as a beneficiary developing country under the GSP program. We respectfully request that the Trade Policy Staff Committee review Mexico's eligibility status to the end that it recommend to the President termination of GSP benefits if significant violations of worker rights are found in that country.

III. EVIDENCE OF WORKER-RIGHTS VIOLATIONS

(A) Types of violations

The government of the Republic of Mexico has engaged in certain activities which effectively prevent Mexico workers from exercising their "right of association" and "right to organize and bargain collectively." In addition, this government has effectively condoned violations regarding "a minimum age for the employment of children" and "acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health."

The "right of association" and "right to organize and bargain collectively" refer to the right of Mexican workers to form free associations of workers for the purpose of bargaining collectively with employers. An essential element in the right of association is that the associations be truly representative of the workers which they comprise. Specifically, these associations should be democratically elected. As trade unions, they should conduct honest elections of officers and negotiate with employers on the basis of demands brought forth on behalf of the workers through their duly elected union representatives. Union policy should also be free of coercion from the government or other outside groups except within the context of law.

In theory, Mexican workers enjoy good constitutional and legal protections regarding their right of free association and power to bargain collectively. Article 123 of the Mexican Constitution gave workers the right to organize labor unions and the right to strike, and implied their right to bargain collectively for labor contracts. In addition, Article 123 of the Constitution provided for minimum labor standards as regards a minimum wage, overtime pay, daily work hours, profit sharing, protection of child and women workers, night work, forms of payment, and health and safety standards. Article 123 established a Federal Board of Conciliation and Arbitration, made up of management, labor, and government representatives, which had the power to resolve industrial disputes. Subsequent laws or court rulings made in 1924, 1927, 1929, 1931, and 1970 have tended to dilute these constitutional protections given to Mexican workers. In addition, Mexico signed Convention 87 of the International Labor Organization in 1950, which guaranteed workers the right of free association and trade-union activity.

Despite these legal protections, the government of the Republic of Mexico and trade-union organizations controlled by this government have engaged in certain practices which tend to negate workers' legally protected rights with respect to free association and collective bargaining. In the discussion which follows, we will identify specific techniques that have been used in Mexico to deny internationally recognized worker rights in practice.[1]

(B) Government influence upon Mexico's official trade unions

Most of Mexico's union workers are affiliated with government-controlled labor organizations under the umbrella of the "Congress of Labor" (Congreso de Trabajo) which is, in turn, associated with Mexico's ruling party, PRI. This structure was created when President Lazaro Cardenas of Mexico reorganized the ruling party in 1938 and merged the trade-union organizations which had supported him into what LaBotz calls the "'labor sector' of the ruling party." The Congress of Labor is comprised of several major labor federations, the most important of which is called the Confederation of Mexican Workers or "Confederacion de Trabajadores Mexicanos" (CTM). The general secretary of CTM is a 91-year-old man named Fidel Velazquez, who has been in this position since 1940. CTM is not a democratically elected union. Its sympathies often lie more with management than with the workers whom it nominally represents. This "trade-union" organization has, in fact, been controlled by the Mexican government. Since the Mexican government has historically been Mexico's principal employer and more recently has become closely allied with foreign corporations investing in Mexico, the interests of CTM, the government-controlled union, have been antithetical to those of the represented workers. Consequently, membership in CTM does not reflect Mexican workers' right of free association.[2]

As evidence of these assertions, we cite an article which appeared in the Wall Street Journal on February 12, 1991 on page 8a regarding the practices of Fidel Velazquez and CTM. With considerable understatement, the article declared: "Mr. Velazquez has always displayed at least as much sympathy for the government as for the rank and file. But during Mexico's debt crisis, he has looked the other way while workers endured hardship unmatched since the Great Depression. The number of strikes has dwindled as a result of government intimidation tactics, including the use of the army against recalcitrant unions." Elsewhere, the Wall Street Journal article called CTM a "government-loyal labor umbrella group", admitting that "businesses often benefit from repression, corruption, and lax work standards" linked to this labor group. Implying government approval of such tactics, Mexico's President Salinas himself was quoted in the article to the effect that "he (Fidel Velazquez) plays a very important role in the process of economic stabilization." In short, CTM, Mr. Velazquez's organization, functions more as a branch of the Mexican government to ensure labor peace through various strong-armed tactics than it does as an authentic trade union representing workers' interests. Indeed, CTM has been known to employ armed thugs who use violence against uncooperative groups of workers aspiring to elect their own union leaders.

C. Specific techniques used in Mexico to violate workers' rights of association, organization, and collective bargaining

The second chapter in Daniel LaBotz's book identifies the various ways that the Mexican government has consistently thwarted workers' rights to associate in democratically elected unions and to bargain collectively against employers. They may be summarized as follows:

(1) Denial of Legal Registration (El Registro).—The Federal Labor Law of 1931 required unions to register with the government in order to be legally recognized. It set certain requirements for registration, and gave the authorities the power to decide whether those requirements were met. Over the years, this provision has been converted into a requirement that the Mexican government give its approval to the formation of unions or to changes in union leadership. Practically speaking, this provision has posed a serious obstacle to democratically elected unions or union leadership seeking to replace the official unions affiliated with CTM or similar organizations. If a union is not registered with the government, then it cannot lawfully negotiate contracts or strike. Between 1982 and 1988, the Mexican government allowed only two independent unions to be registered. LaBotz concluded: "Clearly the Mexican labor authorities use the denial of the registro to deny Mexican workers their most fundamental labor union right, the right to free association and organization."[3]

(2) Denial of Contract to the Workers' Elected Union.—The Mexican government has actively obstructed the process of union democracy by denying "title" to the union contract to unions which a majority of workers favor. The federal Board of Conciliation and Arbitration typically has stalled worker petitions for election to certify a new union or confused the process by bringing in at the last moment previously uninvolved unions to participate. This happened, for instance, when the Ford workers at the Cuautitlan assembly plant sought to sever their ties to CTM and associate instead with COR, another government-affiliated union. Three other unions filed a petition for title to the contract, so that the matter has remained unresolved. In addition, the Mexican Secretary of Labor and the Federal Board of Conciliation and Arbitration removed the leadership of COR, replacing them with party loyalists. When certification elections

[1] A student of Mexican industrial relations, Daniel LaBotz, has written a soon-to-be-published book concerning Mexico's recent labor history. Chapter 2, entitled "Mexican Workers, the State and the Law", explains precisely how the Mexican government violates workers rights. A photocopy of this chapter is provided as supporting evidence for this petition. Mr. LaBotz's book also describes several major cases of workers-rights violations pertaining to workers at the Ford Motor Company's Cuautitlan assembly plant, the Tornel Rubber Company, the Modelo Brewery, the Petroleum Workers' Union at PEMEX, the Cananea Mining Company, and Aeromexico. We are including with this petition a summary of events pertaining to each set of incidents except the last. This book was written as a research project of the International Labor Rights Education and Research Fund, based in Washington, D.C.

[2] CTM's identification with the Mexican government through its ruling political party is documented in certain books cited at the end of Chapter Two of Daniel LaBotz's book. See Frank Brandenburg, The Making of Modern Mexico (Englewood Cliffs, N.J.: Prenctice-Hall, Inc., 1964) and L. Vincent Padgett, The Mexican Political System (Boston: Houghton Mifflin Co., 1966).

[3] See LaBotz, Chapter Two, Evidential Documents, Item 1, pp. 6-8.

have been held, the elections have sometimes been disrupted by goon squads connected with the official unions as in the case of the Tornel Rubber Company elections. Sometimes workers are asked to cast their ballots on company time cards or identification cards, making it possible to retaliate against workers who support independent unions.[4]

(3) Employer Firing of Union Activists or Dissidents.—Although Article 123 of the Mexican Constitution forbids employers to fire union activists without cause, the Mexican government has tolerated abuses of this sort. Ford of Mexico fired members of the worker-elected negotiating committee. More than one hundred union activists still do not have their jobs back.[5]

(4) Exclusion of dissident Union Members.—A provision in the Federal Labor Law of 1931 required employers to fire workers who had been expelled from the legally recognized union. In some cases, a worker's refusal to join the ruling political party, the Institutional Revolutionary Party (PRI), has been grounds for expulsion from the union and resulting loss of a job. In the case of the Miners and Metal Workers Union (STMMRM), union rules forbid members "to propose or two propogate ideas foreign to the union." In other words, workers can be fired for having the wrong political beliefs.[6]

(5) Denial of the Right to Strike.—Although the Mexican Constitution guarantees workers the right to strike, the Federal Board of Conciliation and Arbitration has declared strikes to be illegal on the grounds that only the union that held title to the contract could conduct strikes. This provision has made it difficult for democratically elected insurgent labor groups to call strikes. The Secretary of Labor has reported that strikes were carried out in only 2.3% of the cases where a strike notification was filed. Also, Mexican workers are not allowed to strike against unions, although the desire to rid themselves of undemocratic unions has become a major labor grievance in Mexico. Some cases of abuse in this area would be the 1990 strike at the Modelo Brewery and the 1988 strike at Aeromexico.[7]

(6) Special Laws Restricting Unionization.—Special labor laws have denied certain groups of workers the right to form unions and bargain collectively. In 1937, the Cardenas government denied this right to bank employees. In 1960, workers were divided into two categories with respect to the rights of free association. Private-sector employees generally retained the right to organize, while the right of public-sector employees was curtailed. Daniel LaBotz observed: "Sometimes it is possible to have an unruly union previously covered by Apartado A declared to be a public service employer, moving to workers to Apartado B, and thus removing them of their collective bargaining rights and limiting their strike action." University workers are divided into three groups, and are not allowed to form a single union.[8]

(7) Military Seizure of the Work Place.—A law enacted during World War II, the Law of General Routes of Communications, gave the Mexican government the right to seize the means of communications and transportation in order to prevent "possible sabotage provoked by foreign agents." This power has been used repeatedly as a means of avoiding or obstructing strikes by public-sector employees—in particular, by employees of the state-owned telephone company. Its exercise is usually accompanied by violence and has an intimidating effect on the labor movement in Mexico. In August 1989, the Mexican army took over a copper mine operated by the state-owned Cananea Mining Company in order to block a strike.[9]

(8) Protection Contracts.—There is a widespread practice in Mexico for employers to have so-called "protection contracts" with government-affiliated unions, which are negotiated without the consent or even the knowledge of the represented workers. The Board of Conciliation and Arbitration will accept such contracts without the workers even being informed that they exist. The contracts "protect" the employer from charges of operating a non-union shop, but the terms of the contract provide for substandard wages and benefits. A staff member of the Congress of Labor told Daniel LaBotz that "a majority of labor union contracts (in Mexico) are protection contracts." Sometimes these contracts are sold to businesses by corrupt union officials, contributing to the gangster-like character of state-affiliated unions such as CTM. They are an obvious violation of worker rights.[10]

(9) Pattern Contracts.—Sometimes the heads of large labor organizations such as CTM negotiate contracts for entire sectors of industry without the participation of local unions or their members. Raul Escobar, a member of the worker-elected negotiating committee at the Ford Cuautitlan plant, reported overhearing a telephone conversation between Fidel Velazquez, head of CTM, and the Governor of Chihuahua in which Mr. Velazquez promised to sign an agreement that very evening. Presumably it had not been approved by the workers.[11]

(10) Manipulations by the Boards of Conciliation and Arbitration.—The Federal Boards of Conciliation and Arbitration act to block trade-union democracy by refusing to certify independent unions. Their tripartite structure is, in effect, dominated by the government. A frequent practice of the boards is to delay and postpone action on worker petitions to the point that the workers become frustrated or employers replace union activists with newly hired workers. Manuel Fuentes Muniz, an attorney who represented the Cuautitlan Ford workers, said: "As I see it, the Board of Conciliation and Arbitration is a kind of freezer where labor rights arrive and are frozen. The process is prolonged and the rights cannot be exercised." When the Cuautitlan Ford workers petitioned this board to switch their contract from CTM to COR, the board simply filed the request without taking action. The Board of Conciliation and Arbitration also postponed an election five times which workers at the Tornel Rubber Company has requested.[12]

(11) Extra-legal Interference in Union Activities. The government sometimes becomes involved in labor affairs in extra-legal ways. During the strike at the Modelo Brewery, the Governor of the Federal District pushed for a settlement of the strike which involved terminating the strike leaders. The government also put pressure on the Modelo strikers by arresting their attorney on petty charges resulting from a dispute in a bar a year and a half earlier. A judge required the striking Modelo workers to post an exorbitantly large bond against possible damage to the employer's property before ruling their strike to be illegal. The extra-legal approach includes the use of violence by police officers and thugs thired by government-affiliated unions such as CTM against recalcitrant unions. In the case of the Cuautitlan Ford workers, several hundred armed men entered the Ford plant on the morning of January 8, 1990, and shot seven workers, one of whom died. Dozens of others were beaten with fists and clubs. The workers captured three men belonging to this gang, who confessed that they had been hired by CTM. In the case of the Tornel workers, an armed gang of 200 men, some wearing CTM tee shirts, attacked workers arriving at the polling place on August 4, 1990. The mayor of the town of Tultitlan and several local police officers were seen accompanying this gang. Finally, on January 10, 1989 the Mexican army and police units attacked the home of Joaquin Hernandez Galicia, head of the Petroleum Workers Union who had backed President Salinas' opponent in the 1988 presidential election.[13]

(12) Employers Ignoring the Law.—Presumably due to lack of government enforcement, some employers simply ignore the law with respect to paying the Christmas bonus, profit sharing, and vacations.[14]

(13) The Underground Economy.—Workers in Mexico's "underground economy" work without the protection of labor laws, and enjoy few rights.[15]

In general, workers in Mexico's unionized industries are denied the right of free association and the right to bargain collectively because they are usually represented by government-controlled unions such as CTM who often go along with employers' plans to reduce wages and benefits or even encourage employers to reduce wages and benefits. Ford of Mexico, for instance, initially proposed to pay above-average wages to its employees, but CTM insisted that the wage offering be reduced lest it create dissatisfaction among workers at other CTM-represented firms. When workers attempt to elect more responsive leaders or to switch to another union, governmental agencies refuse to recognize their authority.[16]

Sometimes, as in the case of the Cuautitlan Ford plant, the government-affiliated unions employ thugs to use violence against workers seeking more democratic representation. Sometimes, as in the case of the Cananea copper mine, the courts use questionable bankruptcy proceedings to shield employers from contract demands made by workers threatening to strike. Sometimes, as in the case of the Modelo Brewery, police units are used to disperse workers on the picket line. Sometimes, as in the case of the Cananea copper mine, soldiers of the Mexican army seize company property in order to intimidate workers and head off a strike. The ability to declare constitutionally permitted strikes illegal gives the

[4] See LaBotz, p. 8. See also Evidential Documents, Item 2, pp. 3-4.

[5] See LaBotz, pp. 8-9.

[6] See LaBotz, pp. 9-10.

[7] See LaBoltz, pp. 10-11. See also Evidential Documents, Item 2, p. 5.

[8] See LaBotz, pp. 12-13.

[9] See LaBotz, pp. 13-14. See Also Evidential Documents, Item 2, p. 7.

[10] See LaBotz, pp. 14-15.

[11] See LaBotz, pp. 15-16. The reported remark by Raul Escobar, member of Cuautitlan Ford plant negotiating committee, was made at a conference held at Macalester College in St. Paul on Jan. 26, 1991.

[12] See LaBotz, pp. 16-18. See also Evidential Documents, Item 2, p. 2, p. 3.

[13] See LaBotz, pp. 18-19. See also Evidential Documents, Item 2, p. 1-6. See Evidential Documents, Items 3, 4, and 7.

[14] See LaBotz, pp. 18-19.

[16] See LaBotz, p. 8. See Evidential Documents, Item 2, pp. 6-8 and pp. 16-18; Item 3, p. 4. Also personal recollection of Jose Quintana.

government license to disrupt strike activity.[17]

D. Violations of acceptable work conditions and the minimum age for employment of children

Besides the rights of association and collective bargaining, two other types of "internationally recognized worker rights" include: "a minimum age for the employment of children" and "acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." In these respects also the government of Mexico has permitted and perhaps even condoned worker-rights violations.

(1) Wages, Hours, Occupational Safety and Health.—Although Mexican law includes a minimum wage, this wage of 10,080 pesos per day, or about $3.60, is insufficient to support a single wageearner at a humane standard of living, let alone an entire family. Maria Barcenas, director of the Mexican Center for the Rights of Children, has said: "One million (children) under 5 years died between 1982 and 1988 because of malnutrition and 11 million suffered physical and mental damages that are irreversible. Daily 500 children die due to malnutrition in all the country, and daily 5,000 under the age of 5 survive with damages." It may be claimed that Mexico's level of economic development does not afford higher wages. Yet, real wages in Mexico, expressed in U.S. dollars, have fallen from $1.38 per hour in 1982 to an estimated $.51 per hour in 1991 in part because of policies deliberately pursued by the Mexican government. In the maquiladora plants at Cuidad Juarez, the normal work day is nine hours, but most work an hour or two extra. Work is repetitive and hard.[18]

Maquiladora workers face occupational health and safety problems as a result of exposure to toxic chemicals and fast production schedules. An article in the Wall Street Journal on September 22, 1989 described the border region as "a sinkhole of abysmal living conditions and environmental degradation." The same article declared that "some maquilas resemble sweatshops more than factories. They lack ventilation, and workers may pass out from the heat and fumes. Production demands can put them at risk; Edwviges Ramos Hernandez, a teacher in Juarez, worked at one factory where in a year three workers had fingers sliced off. The machines, she said, were set at a maddening pace."[19]

According to Leslie Kochan, Mexican workers are frequently denied basic health and safety protections against occupational illness or disease, and they risk the loss of their jobs if they protest these dangerous conditions. Gustavo de la Rosa Hickerson, a Juarez attorney, told Daniel LaBotz that, in LaBotz's words, "there are illnesses which are caused by the chemicals that are used in the plant . . . but what happens is that they are not reported. And in practice, Social Security does not recognize occupational illnesses."[20]

According to LaBotz, "Emma C. de Arche also accused the Mexican Institute of Social Security and the maquiladora industry with 'a kind of collusion' so that workers industrial accidents were not correctly reported and workers were not fully compensated for their injuries. In addition, she said, IMS refused to recognize the occupational illnesses of the workers, and did not give workers their full maternity leave subsidy."[21]

(2) Child-labor Violations.—Child labor is common throughout Mexico, although the legal age for working is 16. Teresa Almada, a social worker in Ciudad Juarez, told Daniel LaBotz: "When they are young they go to work at the maquiladora. Supposedly they can go to work at 16 years at age, but many of them begin at 14 or 15. In fact a study was done about two years ago here in this city, and it indicated that 15 percent of the workers in the maquiladora were between 14 and 16 years of age when they went to work, that is they could not legally work, or would have to work with a special permission and work fewer hours. However, it is very common that they change their birth certificates. I had the experience when we had a program in a high school, and we asked the students for their birth certificates that they said, 'Okay, but which one shall we give you, the good one or the one for the maquiladora? I changed the date.'" Deborah Bourque, vice-president of the Canadian Postal Workers, wrote of her visit to Ciudad Juarez: "The legal working age is 16 but employers and unions routinely turn a blind eye to this legal requirement. 'About 10% of the workforce is underage,' Enrique Lomas, a Mexican labor activist, told us. We talked with a group of young women who, when asked their ages, answered in unison 'dieciseis' (sixteen). They were obviously much younger and had been working in the maquila plant, some said, 'for more than one year.'"[22]

The Wall Street Journal cited other evidence of child-labor abuse in Mexico in its front-page article, "Working Children: Underage Laborers Fill Mexican Factories, Stir U.S. Trade Debate", which appeared on April 8, 1991. The article told of a 12-year-old boy, Vincente Guerrero, who had been a promising grade-school student but was forced to quit school to work in a shoe factory. In the course of his work, the boy was obliged to put his hand into a can of glue containing toluene, "a petroleum extract linked to liver, lung, and central nervous system damage." As a result, he was "home in bed with a cough, burning eyes, and nausea" just weeks after starting work. He also stank "as bad as a bicycle tire" at soccer games. The article observed more generally: "It's illegal in Mexico to hire children under 14, but the Mexico City Assembly recently estimated that anywhere from five million to 10 million children are employed illegally, and often in hazardous jobs. 'Economic necessity is stronger than a theoretical prohibition,' says Alfredo Farit Rodriguez, Mexico's Attorney General in Defense of Labor, a kind of workers' ombudsman." The state of Guanajuato had just five child-labor inspectors to cover 22,000 businesses. Enforcement of child-labor laws was therefore totally ineffective.[23]

E. Concerning the murder at Ford's Cuautitlan Assembly Plant

The struggle of Ford workers at the Cuautitlan Assembly Plant brings into focus a number of worker-rights violations including the explicit denial of workers' right to affiliate with a union of their choice and the use of violence against workers. The bloody incident which occurred inside the plant on the morning of January 8, 1990, has attracted worldwide attention. We are attempting to document the worker-rights abuses in various ways. In addition to the summary of this dispute based on Daniel La Botz's book, we are providing as evidence relating to it certain printed articles and a videotape including an interview with Raul Escobar and Jose Santos Martinez, two elected members of the Cuautitlan workers' negotiating committee, and a speech delivered by Jose Santos Martinez at a conference held at Macalester College in St. Paul, Minnesota, on January 25th and 26th, 1991. A printed transcript of the English-language translation of remarks pertinent to workers' rights violations is also included with the evidence. Finally, we are including a photocopy of a letter addressed to William McGaughey, Jr., one of the petitioners, from Peter D. Olsen, manager of Ford of Mexico's public-affairs unit, stating that the Ford Motor Company had no knowledge whatsoever that violent acts would be committed against workers in its plants. If we take this statement at face value, the evidence is even stronger that government-sponsored unions—namely, CTM—were prime perpetrators of this violence.[24]

The evidence is indisputable that a Ford worker, Cleto Nigno, was shot to death inside the Cuautitlan plant on January 8, 1990. Mr. Nigno died in a hospital two days later. Eight other workers were shot during this incident, but were not fatally wounded. About one hundred other workers sustained wounds not inflicted by gunshot. Three assailants were apprehended in the plant, who subsequently made statements that they had been hired by Hector Uriarte and J. Guadalupe Uribe, leaders of CTM's local union at the Cuautitlan plant. This evidence appears on page 5 of the newspaper, Excelsior, on January 10, 1990. In the videotaped interview, Raul Escobar and Jose Santos Martinez give other details of the violent incident that took place inside the Cuautitlan plant on January 8, 1990. According to attorney Manuel Fuentes Muniz, the government police failed to appear on the scene during the attacks against workers. A possible motive for the attack is given by the fact that the attack followed by three days the distribution of literature calling for Ford workers to assemble at CTM's national headquarters, and that a group of thugs linked to the government police attacked and beat the democratically elected union leaders on the same day. Ultimately, the Cuautitlan workers' demand to replace Hector Uriarte with someone else through election may have triggered the attack.

F. Some similarities between incidents

We can see a consistent pattern here that attempts to choose local union leaders through democratic elections arouse the ire of Fidel Velazquez. The same situation developed in the dispute at the Modelo Brewery, even though the new union local general secretary, German Renglin, professed complete loyalty to CTM. In that case, Fidel Velazquez dissolved the union local itself, and appointed a new union with a new execu-

[17] See LaBotz, pp. 13–14, pp. 18–19. See Evidential Documents, Item 2, pp. 5, 7, 8.

[18] The Pro-Canada Dossier, Jan.–Feb. 1991, p. 28, "The Two Faces of the Maquiladoras" by Tony Wohlfarth; "Dominant Trends of Mexico's Conjunction" by Comision de Informacion, Frente Autentico del Trabajo, Sept. 1990, p. 8; LaBotz book, chapter on maquiladoras, p. 4, based on figures supplied by the Mexican Secretary of Commerce.

[19] Wall Street Journal, September 22, 1989, pp. R26–R27.

[20] LaBotz book, chapter on maquiladoras, pp. 6, 12. See Leslie Kochan, The Maquiladoras and Toxics (Washington: AFL–CIO, 1989).

[21] LaBotz book, chapter on maquiladoras, p. 18.

[22] LaBotz book, chapter on maquiladoras, pp. 13–14; Pro-Canada Dossier, "Women in the Maquiladoras" by Deborah Bourque, p. 33.

[23] Wall Street Journal, April 8, 1991, pp. 1,14 Submitted in Evidential Documents as Item 6.

[24] See La Botz, p. 7–9, 16–18. See also Evidential Documents, Items 2 (pp. 1–3), 3, 4, 7, 8, 9. The videotaped interview and the talk by Jose Santos Martinez may be heard in their entirety in both Spanish and the English-language translation.

tive committee. The Cuautitlan Ford workers, however, petitioned the federal Board of Conciliation and Arbitration to affiliate with another national union, COR, instead of with CTM. In this respect, the Ford workers' struggle parallels that of workers at the Tornel Rubber Company, who likewise petitioned the Board of Conciliation and Arbitration to affiliate with a union other than CTM. The Tornel workers likewise sustained violent attacks by armed thugs obviously linked to CTM. Again, the Board of Conciliation and Arbitration kept stalling on the petition, and, in both cases, have succeeded in preventing workers from switching to a union of their choice. The same tactic of bringing in several other unions, including ones affiliated with CTM, was used by the federal board to delay and confuse the certification election. Even though an overwhelming majority of workers at both the Ford and Tornel plants voted in favor of another union, violence combined with governmental obstacles has prevented that option from being effectively exercised.

IV. CONCLUSION

Clearly, workers' rights of free association have been violated by the Mexican government. Whatever legal protections may exist in theory, their right to form independent unions has been consistently frustrated in practice. Child-labor laws have likewise been widely ignored. Occupational health and safety violations are rampant. Furthermore, there does not appear to be any substantial improvement in the respect for workers rights. On the contrary, ongoing efforts to attract foreign investment to Mexico have as a prime feature the maintenance of low wages and suppression of union democracy. Mexico's disguised totalitarian power structure makes it unlikely that the situation will change.

That is why we are petitioning for Mexico's eligibility to be reviewed as a beneficiary developing country under the Generalized System of Preferences. We believe that a thorough and impartial review of its status will determine that Mexico is ineligible to continue to benefit under that trade program because of clear and systematic violations of internationally recognized worker rights. We request that the review be made and that Mexico's eligibility to receive trade benefits under the GSP program be terminated if the violations cited in our petition are found to be valid and real.

WILLIAM MCGAUGHEY, JR.
THOMAS J. LANEY.
JOSE QUINTANA.

[From the Wall Street Journal, Feb. 12, 1991]

MEXICO'S UNION BOSS, ALLY OF SALINAS, IS A STUMBLING BLOCK IN TRADE TALKS

(By Matt Moffett)

MEXICO CITY.—Political cartoonists here have never quite agreed on how to render Fidel Velazquez, Mexico's 90-year-old union czar. Playing up his dark glasses and slicked-back hair, some draw the labor boss as a sinister gangster. Other artists emphasize Mr. Velazquez's baggy suits and cigar to sketch him as a grandfatherly vaudevillian.

The question of whether Mr. Velazquez is sinister or not is one question in the complex negotiations over a free trade agreement between the U.S. and Mexico.

The biggest opposition to the pact is coming from U.S. unions. They say free trade could depress U.S. wages and send jobs fleeing to Mexico, where businesses often benefit from repression, corruption and lax work standards linked to Mr. Velazquez's government-loyal labor umbrella group, the Confederation of Mexican Workers. "Fidel Velazquez is the Al Capone of Mexico's labor relations," says Daniel La Botz, an analyst for a U.S. worker rights group that has assailed the free-trade push.

U.S. proponents of free trade—big business and administration officials concerned about keeping a stable Mexico—emphasize the role of Mr. Velazquez's organization in maintaining tranquility during Mexico's debilitating debt crisis. "It's very easy to look at this in simplistic terms and say this is wrong," says Nicholas Scheele, director of Ford Motor Co. in Mexico. "But is there any other country in the world where the working class . . . took a hit in their purchasing power of in excess of 50% over an eight-year period and you didn't have social revolution?"

As head of a vast labor network that doubles as the last redoubt of an increasingly unpopular ruling political party, Mr. Velazquez stands at the crossroads where economic reform and political reform converge. On one hand, the government needs tight control of labor to buy time for its market-oriented economic reforms to flourish. On the other hand, it needs to dismantle the labor apparatus to make Mexico more democratic.

President Carlos Salinas de Gortari has been quite clear about which of the two reform projects he considers more urgent. "We established economic reform as the priority, and to be able to realize it, we have used mechanisms of the political system that permit this dialogue and this consensus-building," President Salinas said in an interview. "I think the least convenient thing is to try to do everything at the same time, because the result can be zero."

Mr. Salinas took another incremental step toward political opening yesterday when we met with populist Sen. Porfirio Munoz Ledo in what analysts called Mr. Salinas's first public encounter with a top leader of the leftist opposition since he took Mexico's highest office amid charges of electoral fraud in 1988.

Of Mr. Velazquez, the president says:

"He's a labor leader with whom it's possible to converse and to reach an agreement, and he has the ability to fulfill it. Thus, he plays a very important role in the process of economic stabilization."

Mexico's ruling elite feels its choice of priorities has been vindicated by the growing economic chaos, not to mention the rollback in political freedoms, that's occuring in the Soviet Union. They say Soviet leader Mikhail Gorbachev had it backwards when he placed a full-bore political overhaul before a relatively limited economic overhaul.

"Politically, if it's possible to have an evolution rather than a revolution, it's much more effective and better for all," says Alberto Santos, a leading industrialist, who has served as a ruling party congressman "Fidel Velazquez has been a very important factor in political stability during economic changes."

Mr. Velazquez has always displayed at least as much sympathy for the government as for the rank and file. But during Mexico's debt crisis, he has looked the other way while workers endured hardship unmatched since the Great Depression. The number of strikes has dwindled as a result of government intimidation tactics, including the use of the army against recalcitrant unions. Mr. Velazquez forbore pushing for an immediate recuperation of purchasing power and signed onto the government anti-inflation program.

One incentive for labor officials who keep the rank and file in line is the well-refined system of graft, a system that even offends some businessmen who benefit from tame unions. The union system "has its good points," says Fernanado Canales, a steel executive and member of the conservative opposition, "but in my opinion, the corruption has been carried to excess." He cites the case of a local union boss who has amassed a real estate empire.

Whatever the excesses of his subordinates, Mr. Velazquez's own style is spartan. The former milkman arrives at bargaining sessions without the retinue that accompanies most officials. At the negotiating table, he doesn't take notes but never forgets a detail, say those who have dealt with him. "He has a razor-sharp mind," says Ford's Mr. Scheele.

But for Mexican workers, the results of Mr. Velazquez's loyalty to the government have been mixed. A leading business chamber this week said that some 77,000 businesses, employing hundreds of thousands of workers, had closed since the government began tearing down trade barriers and opening the economy to foreign competition in 1986.

On the other hand, workers have benefited from the growth Mexico has recorded in each of the last two years. And a program that cut inflation to 29 percent last year from 170 percent in 1987 "has helped bring an important recuperation in purchasing power," says Jorge Vazquez Costilla, an economist at Grupo Visa, a conglomerate. He points out that some workers in service industries now earn as much as they did before the debt crisis, and that most manufacturers must now pay double the minimum wage to attract help.

The government is banking on free trade as the last step to recovery. But to even start talks, Mexico must overcome criticism of its political system, especially of the leader known as Don Fidel. "It's an odd irony," says a diplomat here. "This old man who was the government's greatest ally for a decade may in this case be one of its greatest liabilities."

[From the Wall Street Journal, Apr. 8, 1991]

WORKING CHILDREN—UNDERAGE LABORERS FILL MEXICAN FACTORIES, STIR UNITED STATES TRADE DEBATE

(By Matt Moffett)

LEON, MEXICO.—When Vicente Gurrero reported for work at the shoe factory, he had to leave his yo-yo with the guard at the door. Then Vicente, who had just turned 12 years old, was led to his post on the assembly line: a tall vertical lever attached to a press that bonds the soles of sneakers to the uppers.

The lever was set so high that Vicente had to shinny up the press and throw all his 90 pounds backward to yank the stiff steel bar downward. It reminded him of some playground contraption.

For Vicente this would have to pass for recreation from now on. A recent graduate of the sixth grade, he joined a dozen other children working full time in the factory. Once the best orator in his school and a good student, he now learned the wisdom of silence: even opening his mouth in this poorly ventilated plant meant breathing poisonous fumes.

Vicente's journey from the front-row desk of his schoolroom to the factory assembly line was charted by adults: impoverished parents, a heedless employer, hapless regulators, and impotent educators. "I figure work must be good for me, because many older people have helped put me here," says Vicente, shaking his hair out of his big, dark eyes. "And in the factory I get to meet lots of other boys."

Half of Mexico's 85 million people are below the age of 18, and this generation has been robbed of its childhood by a decade of debt crisis. It's illegal in Mexico to hire children under 14, but the Mexico City Assembly recently estimated that anywhere from five million to 10 million children are employed illegally, and often in hazardous jobs. "Economic necessity is stronger than a theoretical prohibition," says Alfredo Farit Rodriguez, Mexico's Attorney General in Defense of Labor, a kind of workers' ombudsman.

Child labor is one of several concerns about standards in the Mexican workplace clouding the prospects for a proposed U.S. Mexico free trade agreement. It is being seized upon, for example, by U.S. labor unions, which oppose free trade and fear competition from Mexican workers.

Recently, Democratic Sen. Lloyd Bentsen of Texas, the chairman of the Senate Finance Committee, and House Ways and Means Committee Chairman Dan Rostenkowski of Illinois warned President Bush in a letter of the major hang-up: "the disparity between the two countries in . . . enforcement of environmental standards, health and safety standards and worker rights." Mr. Bush yesterday reiterated his support for the trade pact.

Free-trade advocates argue that investments flowing into Mexico would ameliorate the economic misery that currently pushes Mexican children into the work force. Partisans of free trade also point to the aggressiveness Mexican President Carlos Salinas de Gortari has lately shown in fighting lawbreaking industries: Mexico added 50 inspectors to regulate foreign plants operating along the U.S.-Mexico border and shut down a heavily polluting refinery in Mexico City.

LITTLE FOXES

Young Vicente Guerrero's life exemplifies both the poverty that forces children to seek work and the porous regulatory system that makes it all to easy for them to find jobs. In the shantytown where Vicente lives and throughout the central Mexico state of Guanajuato, it is customary for small and medium-sized factories to employ boy shoemakers known as zorritas, or little foxes.

"My father says I was lucky to have so many years to be lazy before I went to work," says Vicente. His father, Patricio Guerrero, entered the shoe factories of Guanajuato at the age of seven. Three decades of hard work later, Mr. Guerrero lives in a tumbledown brick shell about the size and shape of a baseball dugout. It is home to 25 people, maybe 26. Mr. Guerrero himself isn't sure how many relatives and family friends are currently lodged with him, his wife and six children. Vicente, to get some privacy in the bedroom he shares with eight other children, occasionally rigs a crude tent from the laundry on the clotheslines crisscrossing the hut.

School was the one place Vicente had no problem setting himself apart from other kids. Classmates, awed by his math skills, called him "the wizard." Nearly as adept in other subjects, Vicente finished first among 105 sixth-graders in a general knowledge exam.

Vicent's academic career reached its zenith during a speaking contest he won last June on the last day of school. The principal was so moved by the patriotic poem he recited that she called him into her office to repeat it just for her. That night, Vicente told his family the whole story. He spoke of how nervous he had been on the speaker's platform and how proud he was to sit on the principal's big stuffed chair.

After he finished, there was a strained silence. "Well," his father finally said, "it seems that you've learned everything you can in school." Mr. Guerrero then laid his plans for Vicente's next lesson in life. In a few weeks, there would be an opening for Vicente at Deportes Mike, the athletic shoe factory where Mr. Guerrero himself had just been hired. Vicente would earn 100,000 pesos a week, about $34.

At the time, money was tighter than usual for the Guerreros: Two members of the household had been laid off, and a cousin in the U.S. had stopped sending money home.

After his father's talk, Vicente stowed his school books under a junk heap in a corner of the hut. It would be too painful, he thought, to leave them out where he could see them.

Last August Vicente was introduced to the Deportes Mike assembly line. About a dozen of the 50 workers were underage boys, many of whom toiled alongside their fathers. One youth, his cheek bulging with sharp tacks, hammered at some baseball shoes. A tiny 10-year-old was napping in a crate that he should have been filling with shoe molds. A bigger boy was running a stamping machine he had decorated with decals of Mickey Mouse and Tinker Bell. The bandage wrapped around the stamper's hand gave Vicente an uneasy feeling.

Showing Vicente the ropes was the plant superintendent's 13-year-old son, Francisco Guerrero, a cousin of Vicente's who was a toughened veteran, with three years' experience in shoemaking.

When a teacher came by the factory to chide school dropouts, Francisco rebuked her. "I'm earning 180,000 pesos a week," he said. "What do you make?" The teacher, whose weekly salary is 120,000 pesos, could say nothing.

Vicente's favorite part of his new job is running the clanking press, though that usually occupies a small fraction of his eight-hour workday. He spends most of his time on dirtier work: smearing glue onto the soles of shoes with his hands. The can of glue he dips his fingers into is marked "toxic substances . . . prolonged or repeated inhalation causes grave health damage; do not leave in the reach of minors." All the boys ignore the warning.

Impossible to ignore is the sharp, sickening odor of the glue. The only ventilation in the factory is from slits in the wall where bricks were removed and from a window near Vicente that opens only halfway. Just a matter of weeks after he started working, Vicente was home in bed with a cough, burning eyes and nausea.

What provoked Vicente's illness, according to the doctor he saw at the public hospital, was the glue fumes. Ingredients aren't listed on the label, but the glue's manufacturer, Simon S.A. of Mexico City, says it contains toluene, a petroleum extract linked to liver, lung and central nervous system damage. The maximum exposure to toluene permitted under Mexican environmental law is twice the level recommended by recently tightened U.S. standards. And in any event, Deportes Mike's superintendent doesn't recall a government health inspector coming around in the nine years the plant has been open.

When Vicente felt well enough to return to work a few days later, a fan was installed near his machine. "The smell still makes you choke," Vicente says, "but *el patron* says I'll get used to it."

El patron, the factory owner, is Alfredo Hidalgo. "These kinds of problems will help make a man of him," Mr. Hidalgo says. "It's a tradition here that boys grow up quickly." Upholding tradition has been good for Mr. Hidalgo's business: Vicente and the other zorritas generally are paid less than adult workers.

Mr. Hidalgo doesn't see that as exploitation. "If it were bad for Vicente, he wouldn't have come back after the first day of work," he says. "None of the boys would, and my company wouldn't be able to survive."

The system makes protecting the zorritas very, very difficult," says Teresa Sanchez, a federal labor official in Guanajuato state. The national labor code gives the federal government jurisdiction over only a limited number of industries that make up just 3% of businesses in the state. "The important industries, like shoes," she says, "are regulated by the states, and the states * * *." She completes the sentence by rolling her eyes.

At the state labor ministry, five child labor inspectors oversee 22,000 businesses. The staff has been halved in the decade since Mexico's economic crisis erupted, says Gabriel Eugenio Gallo, a sub-secretary. The five regulators make a monthly total of 100 inspections. At that rate it would take them more than two decades to visit all of the enterprises under state jurisdiction. Because child labor violations weren't even punishable by fines until very recently, state regulators say they have a hard time getting the tradition-bound employers they do visit to take them seriously. "Ultimately, the schools must be responsible for these kids," Mr. Gallo concludes.

Located just four blocks from where Vicente Guerrero labors, the Emperador Cuauhtemoc school employs two social workers to reclaim dropouts. (Children are required by law to stay in school through the sixth grade.) One-third of the students at Cuauhtemoc never finish the Mexican equivalent of junior high. With their huge caseloads, the two social workers certainly have never heard of Vicente Guerrero. "Ultimately, it's the boy's own responsibility to see to it that he gets an education," says Lourdes Romo, one of the counselors.

Vicente is still getting an education, but it's of a different sort than he would be getting in school. On a factory break, the superintendent puts a zorrita in a headlock to act out the brutal murder of a member of a local youth gang. This pantomime is presented to Vicente and a rapt group of boys as a cautionary tale. "Boys who don't work in the factory die this way on the street," the superintendent warns.

Vicente hasn't missed work again, though he always has a runny nose and red eyes. "One gets accustomed to things," he says. It's lucky for him that he is adaptable. The plant was expanded recently and Vicente's window, once his source of fresh air, now swings open onto a sewing room where several new boys labor.

The zorrita tradition is unlikely to fade any time soon. "We eat better now that Vicente works," says Patricio Guerrero, watching his wife stir a skillet of chicken in sweet mole sauce. "And Vicente has few pesos left over so he can enjoy being a boy."

But Vicente doesn't have the time. Even though he's the captain, he recently missed an important Saturday match of his soccer team. A rush order of soccer shoes had to be filled at Deportes Mike. His friends tell him that "I stink as bad as the patch on a bicycle tire," he says. "But I know that's just the smell of work."

Mr. BRUCE. Mr. Speaker, I rise today to urge the U.S. Trade Representative to inves-

tigate charges that the Government of Mexico acting to systematically repress worker movements independent of government control.

During the recent debate over the extension of the fast track procedure, there were numerous reports that the Mexican Government was acting directly, and indirectly through government controlled unions, to deny the Mexican people the right to associate, organize, and bargain collectively.

There were allegations that the government refused to register unions indpendent of its control; thereby rendering them illegal. There were further allegations that the government disrupted certification elections for democratically elected unions with groups from government controlled unions or refused to hold elections entirely. When independent unions have struck, their strikes have then been declared illegal despite provisions in the Mexican constitution which guarantee their right to strike. Finally, it is alleged that there have been military seizures of the workplace to break up strikes.

Because of the limited timeframe of the fast track debate, we were unable to thoroughly investigate these charges. The Trade Policy Committee has now filed a petition with the U.S. Trade Representative which thoroughly examines these charges and requests that the U.S. Trade Representative review Mexico's status under the generalized system of preferences.

Mr. Speaker, this petition provides an excellent forum in which to investigate these allegations. The administration has assured Congress that Mexico fully respects worker's rights and has pledged to work with Congress to resolve questions concerning them. In the spirit of these assurances to consult and to work with us, I strongly urge the U.S. Trade Representative to grant the Trade Policy Committee's request for a review of Mexico's labor practices and a hearing on the merits of these allegations.

□ 1750

TRIBUTE TO THE VALIANT PEOPLE OF THE REPUBLIC OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, before I begin my remarks, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, today I rise with many others of my colleagues to pay tribute to the valiant people of the Republic of Cyprus on this, the 17th year of the occupation and division of that island nation. July 20 marked that 17th year, and this is a day of both sadness and embitterment for the Cypriot people. I am proud to extol the steadfast spirit of the Cypriots, a national spirit that has been strained for more than half of the years Cyprus has known independence. Indeed it remains a dark and lonely spot at a time when freedom is in fact raging across the world's landscape like a wild fire, and, therefore, on this day I stand with my colleagues in calling for peace and resolution of this crisis.

Mr. Speaker, at this point I am proud to yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS].

Mr. Speaker, the rich history of Cyprus can be chronicled by the number of times its soil has been trampled on by foreign invaders. For 27 centuries, armies of Phoenicians, Persians, Romans, Greeks, Ottomans, and British have laid claim to this small island in the Eastern Mediterranean.

It is no different today. In 1960, Cyprus gained its independence from British colonial rule through the London-Zurich Agreements negotiated with Great Britain, Greece, and Turkey. They were presented as a package to both Greek and Turkish Cypriots to be agreed to without modification. The agreements barred both union with Greece and partition of the country.

On July 20, 1974, the Greek Cypriot National Guard, acting on instructions from the military junta ruling Greece, overthrew the Government of Cyprus. Five days later, Turkey, using the illegal Greek-initatied coup as a pretext, invaded Cyprus, a sovereign nation and U.N. member, and occupied the northern part of the island in violation of U.N. Charter Article 2(4). Over 5,000 Greek Cypriots lost their lives. At present, Turkey is the only nation to formally recognize the regime they created, the self-proclaimed Turkish Republic of North Cyprus. Turkish Cypriots comprise only 18 percent of the country's population, but occupational forces have usurped nearly 40 percent of the territory.

For the last 17 years, the United Nations has repeatedly passed resolutions calling for the removal of Turkish troops. Several times, the U.N. has initiated dialog between the two sides, only to have the talks stall, be postponed, or collapse.

Turkey is in clear violation of the NATO Charter by failing to settle the Cyprus situation "by peaceful means in such a manner that international peace and security and justice are not endangered." Although Turkey continues to violate the North Atlantic Treaty by its presence in Cyprus, NATO continues to ignore this transgression. Nor has the United States required compliance with the rule of law as a condition for U.S. aid.

The histories of partitioned countries usually extend beyond internal squabblings into political issues controlled by distant governments, who see gains for themselves by resolving, or not resolving, particular conflicts. Cyprus is no different. The final act of this political drama may not be written by either Greece or Turkey, but by 12, not so geographically distant, governments—the members of the European Community. Turkey wants badly to join this exclusive club, and as the applicant waiting in line the longest, risks seeing Poland, Hungry, and Czechoslovakia being admitted before itself unless they withdraw from Cyprus.

The occupation of Cyprus is not the sole obstacle to Turkey's acceptance in the European Community, however. Turkey has engaged and continues to engage in a consistent pattern of gross violations of internationally recognized human rights. Over 35,000 Greek Cypriot homes and property have been confiscated. 1,614 Greek Cypriot citizens have been subject to prolonged detention. Their homes, shops, villages, and farms have been sold or given to Turkish settlers and members of the occupied forces without proper legal authority. These are issues that must be addressed before Turkey's application receives serious consideration.

Turkey and Greece are key United States allies. They are strategically located. Both were instrumental in the allied effort to free Kuwait. The President has gone on record that he is firmly committed to breaking this impasse and emphasized in Greece late last week that he hoped to resolve their long-standing differences with Turkey this year. Unfortunately, talks with both leaders made little apparent progress.

A solution is not difficult if the will to act is strong. Cyprus is the acid test for the new world order. Are we to continue a double standard for Turkey or do we apply the same rules to our friends and foes alike? Resolving this situation, sooner than later, would alleviate great tensions in that corner of the world. A solution that is mutually beneficial to both countries provides the ground work for future cooperation in other areas. The advantages of cooperation are vast and far-reaching, not only ensuring the stability of the Middle East, but the world at large. And the real winner is Cyprus.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New York [Mr. FISH]. I appreciate, on behalf of myself, my fellow Hellenic Americans, in the United States and throughout the world, and Cypriots, those kind remarks, and I would remind the people throughout America that the gentleman serves as the ranking Republican on the Committee on the Judiciary, has served America and his people for many, many years, as did his father and grandfather before him. His re-

marks certainly are very profound and very much appreciated.

Mr. Speaker, at this point I would yield to the gentleman from Ohio [Mr. FEIGHAN], a gentleman who has been at the forefront on the issue of Cyprus, and I might add the issue of Greece, for many, many years, and I would also ask that at the tail end of his remarks that a particular column that he wrote and submitted in one of the newspapers here in the country be made a part of the RECORD, and I would submit it as a part of that RECORD.

Mr. FEIGHAN. Mr. Speaker, I appreciate the gentleman from Florida [Mr. BILIRAKIS] yielding to me, and I thank him particularly for all that he has done in this Congress on the very difficult and contentious issue of Cyprus. Mr. BILIRAKIS has been one of the most responsible and forceful voices in this Congress on that issue for the past several years, and it is an honor for me to join him, and the gentlewoman from Maryland [Mrs. BENTLEY], and so many of our other colleagues today who are coming to the floor or submitting their statements for the RECORD on the issue of Cyprus.

Mr. Speaker, I am pleased to join my colleagues, Mr. BILIRAKIS from Florida and Mrs. BENTLEY from Maryland in sponsoring this special order on Cyprus.

Tonight, our special order serves a twin purpose. Each year we recall the 1974 Turkish invasion of Cyprus, the forced division that took place, and the occupation of the northern third of the island that continues to this day. We remember the 200,000 refugees created by the conflict as well as those 1,614 missing and still unaccounted for by the authorities in Ankara. And we remember that this statistic includes five missing Americans—U.S. citizens whose families still do not know the fate of their loved ones.

At the same time, our special order comes at a time of unprecedented focus on the Cyprus issue. President Bush's trip to Greece and Turkey last week was the first by an American President since 1959. The visit follows several months of preliminary discussions between President Bush and President Ozal of Turkey and President Vassiliou of Cyprus.

President Bush clearly recognizes the important role that he can play. While he stated last week that he has no ready-made solution to the Cyprus problem, he has said that "The status quo is not an answer" and that he wants to play a "catalytic" role in solving the Cyprus issue.

These statements bring to mind the experience of the Camp David accords. That achievement remains a hallmark of United States diplomacy and holds an interesting object lesson for application to the Cyprus conflict: namely that the President of the United States can use his good offices to help create the necessary atmosphere for peacemaking.

To see a solution on Cyprus, we need to see political leadership that is willing to take risks for peace. Again, President Bush has helped set the stage by acknowledging the exceptional leadership that we have in President Mitsotakis of Greece, President Ozal and President Vassiliou. I must commend the President for a highly successful visit and for fully engaging the prestige and the power of the American Presidency in the search for a Cyprus solution.

Now, it's time for the parties themselves to get down to business. President Vassiliou has put forward proposals that would create a unitary, federal republic in which Turkish-Cypriots, now 18 percent of the population, would enjoy political power greater than their numbers alone would warrant. In exchange, Mr. Vassiliou seeks freedom for all Cypriots to move freely throughout the island, to hold property and to enjoy the bounty of the entire island—in partnership with the Turkish-Cypriot community.

It's now up to the Turkish-Cypriot community to respond to these proposals. And it's up to the leadership in Ankara to move the process forward.

Turkey continues to keep an occupation force of 35,000 troops on the island. Turkey remains the only country to recognize the breakaway state on northern Cyprus. And Turkish troops and their dependents regularly encroach on the city of Famagusta, an area that the Turks had pledged to leave unoccupied. Each of these actions has been condemned by U.N. Security Council resolutions.

It's time for Turkey to end its occupation of the northern part of Cyprus. In the past 2 years, we have witnessed the fall of the Berlin Wall; the parting of the Iron Curtain—even the crumbling of the apartheid system in South Africa.

Surely it's time for the people of Cyprus to join in the promise of this new era in international politics.

Surely it's time for Cyprus, once again, to be made whole and free.

Surely it's time for peace and justice to come to Cyprus.

□ 1800

Mr. BILIRAKIS. Mr. Speaker, I had referred earlier to the article, the column by the gentleman from Ohio [Mr. FEIGHAN] in a prominent newspaper. This is the column, "A Chance for Peace in Cyprus," in the New York Times Op-Ed section on Saturday, July 20, 1991, where he says in effect it is time for President Bush to get tough with the Turks.

I very much commend and appreciate the leadership that the gentleman from Ohio [Mr. FEIGHAN] has shown on this issue. It is certainly easy for a person like myself, who is a proud Greek-American, to try to show interest and leadership in an issue such as this, but much more difficult for the gentleman from Ohio, but I know it comes from the heart and I appreciate it so very much, ED.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN] for his remarks on this subject.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me. I want to commend the gentleman from Florida [Mr. BILIRAKIS] for bringing us together on this important issue this evening.

Mr. Speaker, on July 20, 1974, Turkish troops invaded the island of Cyprus. Since that time, Ankara has maintained an occupation force, 30,000 to 40,000 strong, in northern Cyprus. The United Nations, with U.S. support, has been promoting an intercommunal negotiating process aimed at creating a new federal republic on the island. Such a federal republic would be a bicommunal, bizonal, nonaligned, and independent state.

Since late 1988, Greek Cypriot President, George Vassiliou, and Turkish Cypriot leader, Rauf Denktash, have been meeting with United Nations Secretary-General Perez de Cuellar. After a June 1979 meeting in New York, U.N. officials circulated a draft outline to the two sides, outlining points of possible mutual understanding on such issues as territorial concerns, security guarantees, and the nature of the new constitution.

The United States Government has closely monitored developments in Cyprus. Our House Foreign Affairs Committee annually authorizes $15 million to Cyprus with the intent of promoting bicommunal projects, and to provide scholarship money to Cypriot students. Our executive branch has also played an important role in the quest toward a peaceful resolution to the Cyprus problem. To that end, I commend Ambassador Nelson Ledsky for his outstanding efforts.

Despite the many frustrations which we have encountered in Cyprus, there is some reason to be hopeful. President Bush has stressed the importance of the Cyprus issue during his recent talks with President Turgut Ozal of Turkey. We all hope and pray that a U.N. conference may soon take place, with all concerned parties participating.

Mr. Speaker, July 20, 1991, marked the tragic 17th anniversary of Turkey's illegal presence on the island of Cyprus. The invasion itself killed thousands of Cypriots, and displaced an additional 150,000 from their homes. The division of Cyprus has resulted in violent confrontations along the so-called green line for the last 16 years.

I commend our colleagues, the gentleman from Ohio [Mr. FEIGHAN], the gentleman from Florida [Mr. BILIRAKIS], and the gentlewoman from

Maryland [Mrs. BENTLEY] for their diligent work and leadership in sponsoring this special order on Cyprus. We join together in urging President Bush, and Secretary Baker to place the resolution of the division of Cyprus at the top of our Nation's foreign policy agenda. The executive and legislative branches of our Government must join together, in sending the strongest message possible to Ankara to "Get those occupying troops out now" and to both the Greek Cypriots and Turkish Cypriots to continue to confer and work for a peaceful, unified island.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New York. He, too, has been a very stellar supporter of, I would say Greeks, but the issues of Greeks, the issues of Cyprus, but more than anything else the issues of justice and fairness.

Ben, it has been wonderful to work with you through all these years.

Mr. Speaker, I yield to the gentleman from New York [Mr. MANTON], who represents, in addition to other areas, the Astoria section of New York, a very much-loved individual there. I know that personally because I visit there often.

□ 1810

Mr. MANTON. Mr. Speaker, I am proud to join my colleagues on the floor today to mark the 17th anniversary of the Turkish invasion of Cyprus. At the outset, I want to thank my colleague, MIKE BILIRAKIS, for reserving this time to call for a peaceful resolution to the strife which has gripped this island nation for nearly 20 years.

Unlike most of the world's longstanding geopolitical disputes, it is important to note there is no international disagreement about the genesis of the Cyprus conflict. The historical record is clear. On July 20, 1974, in an act of unprovoked aggression, Turkish troops invaded and seized 37 percent of the territory of the Republic of Cyprus. As a result, 200,000 Greek Cypriots were forcibly expelled from their homes. Perhaps most devastating, the fate of 1,619 other Greek Cypriots, missing since the invasion, has never been determined. The Turkish invasion violated the U.N. Charter and the NATO Treaty. I believe it is telling that Turkey is the only nation ever to recognize the Turkish Republic of Northern Cyprus.

Mr. Speaker, the people of Cyprus have suffered the division of their country for too long. Since 1974, the so-called green line which separates one-third of the island from the rest of the nation has separated Cypriots from their homes and land. I am hopeful the time has come for the occupation to come to an end.

In June, several of my colleagues and I met with Cyprus' President George Vassiliou during his visit to the United States. At that meeting, it was apparent that President Vassiliou is an energetic man devoted to bringing peace to his divided country. As a result of his efforts, I believe we have cause for optimism. The United Nations Security Council has endorsed U.S. Secretary General Javier Perez De Cuellar's plan to convene a U.N. conference on Cyprus.

Unfortunately, the stumbling block on the road to peace continues to be the Government of Turkey. Already this year Turkey has stubbornly refused to respond in a meaningful way to overtures from Secretary of State Baker and the European Community.

Mr. Speaker, how much longer is the world going to allow Turkey to ignore the rule of law? Now that the attention of the international community is focused on Cyprus, we in the United States must exert pressure on Turkey to withdraw all of its troops from Cyprus. Earlier this year, the United Nations worked in concert to free Kuwait from the grip of Saddam Hussein. If the United Nations can achieve this kind of success with an imperialist dictator, surely we should be able to achieve peace in Cyprus when all parties to the conflict are United States allies. Currently all hope for peace in Cyprus rests with Turkish President Turgut Ozal. It is up to the Turkish President to clear the way for the U.N. talks. I urge Mr. Ozal to cooperate fully with the U.N. effort. The time has come for Turkey to take the first step. In the face of international concern about widespread and persistent human rights abuses within Turkey, the Cyprus issue presents Turkey with an opportunity to improve its tarnished reputation among the nations of the world. It's time for Turkey to seize the opportunity. Failure to do so would jeopardize United States military assistance to Turkey and further undermine Turkey's status in the international community.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his willingness to participate in this special order. The gentleman has been one of the leaders, along with a number of other Members who will participate here today.

Mr. Speaker, I might add that I have a long list here of participants, Members who will participate personally this evening, and others who are submitting their remarks into the RECORD. I know there are many other Members that I do not even know about who will be doing the same thing. I think it speaks for itself in terms of the interest in the Congress of the United States on the need, the strong need, to resolve this issue.

Mr. Speaker, I add for the RECORD a New York Times op-ed from Saturday, July 20, 1991.

[From the New York Times, July 20, 1991]

A CHANCE FOR PEACE IN CYPRUS

(By Edward F. Feighan)

WASHINGTON.—Tuesday's car bombings in Athens, which wounded the Turkish Ambassador to Greece, illustrated the continuing strife between the two countries. Two days later, President Bush told the Greek Parliament, "None of us should accept the status quo in Cyprus." To reach a settlement, he should live by his words and risk fraying his excellent relationship with Turkey's President, Turgut Ozal.

Mr. Bush has several reasons to get involved in Turkey's 17-year-old occupation of the northern third of Cyprus. The most dramatic is to avert the possibility of full-scale hostilities between two NATO allies. Greece and Turkey almost went to war in 1974 and 1987. The eruption of the Cyprus conflict could destabilize a region that sits uneasily between the Middle East and Balkans.

Fortunately, compared to other regional conflicts, the Cypriot situation appears solvable. The Greek Cypriot President, George Vassiliou, has promoted a reasonable settlement in which Turkish Cypriots (18 percent of the population) would enjoy greater political power than their numbers would warrant. In exchange, Mr. Vassiliou wants freedom for all Cypriots to move freely and hold property throughout the island.

However, the Turkish Cypriot leader, Rauf Denktash, appears content to be "president" of a state recognized only by Turkey rather than vice president of a republic representing all Cypriots, and has consistently rejected Mr. Vassiliou's offers. Mr Denktash's intransigence indicates that the key to a solution lies not on the island but in Ankara.

His regime depends on the 35,000 Turkish troops that maintain the "green line" that divide Cyprus—troops financed partly by $500 million in military aid the U.S. gives Turkey every year. President Bush should indicate to President Ozal that this aid can no longer be justified as support for a bulwark against Soviet expansionism. Turkey's dependence on America cannot be underestimated; Mr. Bush can make it clear that this money is conditional.

President Bush has a carrot as well as a stick for the Turks. In 1984, Congress approved legislation creating a $250 million reconstruction fund that would become available upon a settlement of the division. In the absence of negotiations, the money has not been appropriated. Mr. Bush could guarantee that, in exchange for concessions prompted by Mr. Ozal, some of the money would be used to reimburse Turkish Cypriots forced to return property they now occupy to its original Greek Cypriot owners.

Turkey's satisfaction with the status quo is puzzling, for Ankara pays a high political cost for its occupation of Cyprus. Its actions have been condemned by the U.N. Security Council. Congress, angered by the occupation and eager to maintain peace, gives Greece $7 for every $10 in military aid it gives Turkey. Perhaps of greater importance, the European Community has made it clear that without a resolution of the Cyprus problem, Turkey's application to join the Community will remain on hold.

American stature in world politics can also get a boost from a resolution of the problem. For 17 years, the U.S. has been unwilling to actively enforce U.N. condemnations on Cyprus in order not to strain relations with NATO-member Turkey. In the wake of the gulf war, this apparent double standard hurts U.S. credibility as a peace-keeper. This is a chance for President Bush to resolve another

illegal occupation without resorting to warfare.

Mr. Speaker, I am very proud to yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order, which I think is very appropriate at this particular time.

Mr. Speaker, I join my colleagues today to remind us all of a sad moment in history; indeed, a moment which sounds all too familar in today's troubled world. In the fall of 1974, Turkish troops moved on Cyprus, killing thousands of villagers, and displacing thousands more. The invasion on tiny Cyprus by large, belligerent Turkey resulted in the permanent disappearance of over 1,600 persons, including 5 Americans.

Although a series of initiatives have occurred over the 17 years since Turkey's invasion of Cyprus, no tangible results have been gained. Turkish intransigence over Cyprus has left us with a dangerous precedent—that brutal invasions and denials of human rights can go uncorrected for decades. This is not the precedent on which a unified and peaceful European Community can be built, nor on which a new world order can be gained.

Although Turkey contributed to allied efforts in Operation Desert Storm, and although Turkey is making an international advertising pitch for investment in that country, these efforts at gaining respect cannot be considered apart from Turkey's refusal to adhere to nearly 50 U.N. resolutions on Cyprus.

Today, Turkey owes Cyprus, owes Europe, and owes the world community at least two things—a guarantee of property and human rights to Greek-Cypriots displaced by the 1974 attack, and the initiation of withdrawal of troops from Cyprus.

Mr. Speaker, we are at a very important point in history. Europe is experiencing both great advances, and great troubles. I urge the President to make a resolution of the Cyprus crisis a high priority. Now I think is the opportunity to resolve this crisis, so that Cyprus can resume its place among the free and independent nations of the world.

Mr. Speaker, I, too, am optimistic this is the time when we can see some tangible results.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from New Jersey [Mr. PALLONE] is a relatively new Member of this body, but not to the world of politics. He is very welcome here, and I appreciate his interest in this subject.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY], who, too, has been a fantastic leader on this subject, and other subjects related thereto.

Mrs. BENTLEY. Mr. Speaker, I wish to commend Mr. BILIRAKIS, the distinguished gentleman from Florida, for his efforts in bringing forth the story of Cyprus in an effort to unify that island nation.

Once again, headlines around the world are focusing on the possibility of a heretofore unachievable Middle East peace conference. I want to be on record as fully supporting the tireless efforts of the President and his Secretary of State in furthering the dialog in this longstanding dispute, the resolution of which, continues to be of paramount importance to the civilized world.

I also want to be on record as voicing my support for all efforts aimed at bringing and lingering issue of Cyprus to a favorable conclusion. A favorable conclusion, Mr. Speaker, would involve the withdrawal of Turkish forces from Cyprus, which, as everyone gathered in this Chamber today knows, was occupied 17 years ago, on July 20, 1974.

Two weeks ago, just prior to the President's departure for Greece and Turkey, Mr. BILIRAKIS and I, sent a letter to President Bush in which we outlined our continued concern about the Cyprus question. We asked him, in the strongest of terms, to urge Turkish President Ozal to increase diplomatic activity toward reaching a negotiated settlement concerning the unresolved issue of Cyprus. Preliminary indications are that the issue was discussed and will continue to receive serious attention.

Everyone in this country is aware of the pivotal role that Turkey played during Operations Desert Shield and Storm—clearly this will not be forgotten by the American people. And we must not overlook the fact that Greece made substantial contributions as well. President Bush thanked Greece personally on his recent trip. However, as we enter into a new era whereby the rule of law is to be the cornerstone of the new world order, the fact remains that Turkish troops continue—despite condemnation from the United Nations—to occupy 40 percent of the island of Cyprus.

President Bush is to be commended for raising the issue of Cyprus during his recent visit to Turkey. During a scheduled news conference, the President floated the possibility of elevating the level of discussion through initiating a four-party peace conference. Sparks, quite naturally, already have begun to fly.

Yesterday, representatives of the Greek Cypriot Government stated their firm opposition to talks based on number of reasons, not the least of which is drug trafficking in Turkish occupied Cyprus. There have been allegations, and I stress the word allegations, that shipments of ballistic missiles originating in North Korea and the People's Republic of China—and destined for the Middle East actually may have passed through some portion of Cyprus. The bottom line is that despite the apparent level of animosity and seemingly intractable differences—a peaceful solution must occur. My fear is that concrete opportunities for the principles to sit down within the confines of the same room, could again slip away.

It is my hope that the President will continue to use the persuasive powers of his office and as the leader of the free world to help remedy this longstanding situation. Let's find a workable solution.

Again I commend the gentleman from Florida for his time—and his leadership on this important problem.

□ 1820

Again I want to commend the gentleman from Florida [Mr. BILIRAKIS] for bringing this matter up on the anniversary or the anniversary period of the troops occupying Cyprus.

Mr. BILIRAKIS. I thank the gentlewoman from Maryland [Mrs. BENTLEY], who has been a forceful legislator, a great Representative of her part of Maryland, and a great friend of mine, and certainly a person that I would always want on my side no matter what the issue might be.

Mr. Speaker, again, before continuing my remarks, I yield to the gentleman from Illinois [Mr. PORTER], who has visited Cyprus I know at least once, possibly more often, and can talk about it from the heart as a result of actually having been there and seen some of the problems that exist.

Mr. PORTER. I thank the gentleman from Florida not only for yielding me time to participate in this special order, but also for his ongoing and forceful leadership in behalf of the reunification of Cyprus. And it has been truly forceful and ongoing, and someday I hope, Mr. Speaker, will culminate in the actual reunification of the island and the bringing together of the people of Cyprus once again.

Mr. Speaker, for the last 17 years July 20 has been a sad day throughout Cyprus, for on July 20, 1974, the armies of Turkey invaded the tiny island, divided the two communities, and occupied 38 percent of the land, driving 160,000 Greek-Cypriots from their homes. Today, 35,000 armed Turkish troops stand guard over the northern portion of the island—a constant reminder of the grim invasion and an unacceptable obstacle to reunification.

My wife, Kathryn, and I first visited Cyprus in 1981, and were struck with the natural beauty of the island, the cultural wealth we saw, and the warmth of the Cypriot people. Since that time we have returned several times and experienced the same feeling of friendliness and warmth. But a cloud hangs over the island in the form of an artificial separation. I have spent a great deal of time since my first visit to the island in 1981, trying to remove this cloud and bring all of the people of Cyprus together again.

Kathryn has become so involved in this issue that she joined together with a brave and determined group of Greek Cypriot women in support of the Women's Walk Home Movement. The movement was created to focus international attention on the Cyprus dilemma through the use of nonviolent political protest.

Kathryn participated in one of the group's marches and crossed the green line which splits the island. Shortly after they crossed the border they were surrounded by a group of Turkish military personnel. In true nonviolent manner they sat down and were subsequently removed back across the line by a U.N. peacekeeping force. Kathryn later helped found the Cypriot Women's Foundation. The foundation's goal is to channel the energies of women on both sides of the green line into bicommunal, interactive projects involving mothers and children. Such efforts offer a new vision for the society Cyprus can become.

The Foreign Operations Subcommittee, of which I am a member, has been working for the past several years to bring elements of the Greek and Turkish Cypriot communities into direct, personal contact through cooperative activities. This year the House has again approved $15 million for bicommunal projects that will bring together the two communities. This approach is especially important since the enforced separation of the two communities has lasted for so many years. There is a whole generation of Greek-Cypriot and Turkish-Cypriot youth who have never been to the other side of the island and who have never known a person from the other community. Such a situation is bound to produce distrust and misunderstanding. Bicommunal interaction, especially interaction between the women and children of Cyprus, is essential to the successful reunification of the island.

One issue that I want to particularly emphasize today regarding Cyprus is the plight of the disappeared. To many non-Cypriots it is difficult to understand the deep distrust between the two communities on the island of Cyprus. The issue of the disappeared may help to shed some light on what happened 17 years ago and some of the issues that are still very much alive in the minds and hearts of all Cypriots.

As Turkish troops moved southward after their invasion of the island, they imprisoned members of the national guard and arrested civilians in many villages. Many of these individuals were returned in accordance with an exchange agreement reached on July 20, 1974, between Greek and Turkish Cypriots. Although the exchange was monitored by the International Red Cross, 992 Greek-Cypriot soldiers and 662 Greek-Cypriot civilians, of whom 12 were women, were unaccounted for. Some were last seen in the custody of the Turkish Army. No information whatsoever exists for others.

To give you a point of reference, at the end of the Vietnam war, the United States reported 2,583 military personnel missing out of the entire United States population of over 200 million. The total population of the island of Cyprus—Greek-Cypriots and Turkish-Cypriots combined—is just over 600,000. The 1,618 disappeared represent an incredibly high proportional number compared to the POW/MIA dilemma that faces the United States. By some accounts, one in every 250 Greek-Cypriots disappeared in the month of July 1974.

Despite the relatively small number of POW/MIA's remaining from the Vietnam war, United States interest in its POW/MIA's remains very high. The recent publication of a photograph purporting to prove that several United States servicemen who are presently classified missing in action in Vietnam are still alive was first page news here in the United States for several days and is the subject of congressional hearings and Department of Defense investigations.

Just imagine the level of interest that the Greek-Cypriots—who live on an island no more than three times the size of Rhode Island and where you are never more than 150 miles away from anyone else on the island—feel about their missing. The families of the missing continue to suffer the uncertainty of their relatives' fate, hoping that at least some may still be alive, perhaps only a dozen miles to the north. Just as in the United States, hope is periodically reinforced by reported sightings of the missing.

The plight of the missing is an open wound for many Cypriots and the desire to know the fate of the disappeared is one of the many reasons the Greek-Cypriots are anxious to solve the Cyprus dilemma and reunify the island and have been so forthcoming in negotiations with the Turkish-Cypriots.

Mr. Speaker, I applaud the President's renewed interest in the Cyprus problem and his stated intention of elevating the resolution of the Cyprus dilemma in the broader context of United States-Turkish and United States-Greek relations. I am also pleased that Secretary General Perez de Cuellar has dedicated himself so fully to resolution of this problem. I would like to add my support and urge that resolving the status of the missing of Cyrus be a part of any agreement on reunification.

Mr. Speaker, I thank Mr. BILIRAKIS for calling this special order. He has been an outspoken and eloquent friend of Cyprus and a strong advocate for the concerns of the Cypriot community here in the United States. I am pleased to follow his leadership and work with him actively to achieve a reunited Cypriot nation.

Mr. BILIRAKIS. I sincerely thank the gentleman from Illinois [Mr. PORTER], who as I said before his remarks would speak from the heart, and he certainly has done that. He speaks from the heart and from love for the people in that area, and from experience, having visited that area, and I appreciate very much his being a strong part of this special order.

Mr. PORTER. I thank the gentleman for his very generous and kind remarks.

Mr. BILIRAKIS. Mr. Speaker, again at this point before continuing my remarks, I yield to a fellow Hellenic-American with whom I am proud to serve in the Congress of the United States, the gentleman from Massachusetts [Mr. MAVROULES], certainly one of the finest gentlemen here, one of the most loved Members of the U.S. House of Representatives.

Mr. MAVROULES. I very much thank the gentleman from Florida [Mr. BILIRAKIS], my good friend and colleague, and again thank him for his kind remarks. But also let me commend him for the leadership role that he has displayed on this issue year in and year out.

Mr. Speaker, I rise today to express my concerns over the problems in Cyprus, and to state my strong desire to see a resolution to the ongoing dispute that has torn this island nation.

First I would like to commend President Bush for his trip to Greece and Turkey, in which he initiated conversation on the Cyprus occupation. We in the U.S. Government are long overdue in fully addressing this issue. The President's willingness to focus international attention on this subject can only lead to enhanced dialog and a hopeful resolution to the problems plaguing this nation.

Let us look at recent developments in Cyprus to get a better feel for where the problems lie.

On June 8, 1991, the Cyprus National Council proposed that the U.N. Secretary-General convene a conference "to discuss and solve all the basic aspects of the Cyprus problem." This conference would be chaired by the Secretary-General and include "the participation of the governments of the permanent members of the Security Council, Greece, Turkey, and Cyprus, in which the two Cyprus communities would be invited to participate". The National Council stated that a Cyprus solution should be consistent with the U.N. resolutions on Cyprus, and with the 1977 and 1979 high-level agreements reached between the two Cypriot communities, and that a conference should be convened only "after appropriate preparation to make sure that there will be real possibilities for progress."

This conference proposal falls within the framework of the U.N. resolutions on Cyprus. As many of you know, on March 13, 1990, the United Nations

passed resolutions callings for a Federal solution to the problem, a bicommunal approach to drafting a new constitution, and a bicommunal approach for resolving territorial disputes. President Vassiliou has since then been in contact with U.N. Secretary-General Javier Perez de Cuellar and the ambassadors to Cyprus of the five permanent Security Council members in an effort to try to develop a solution to this problem.

Turkey rejected the conference proposal the day after it was released.

Unfortunately, this recent development has been typical of the attempts to solve the Cyprus problem. Cyprus has consistently shown a desire to resolve the dispute, either by agreeing to U.N. resolutions or by initiating proposals for unification. Turkey, on the other hand, has resisted, and continues to resist, requests from the United Nations, the European Community, and the United States merely to clarify its views on the issues of territorial concessions, the status of displaced persons, and the structure of the Federal Government. They have failed to say even where they stand on these matters.

Turkey must see that it is in its own best interest to work for a solution. By not doing so, it is losing support on the international scene, and even the United States, one of its biggest allies, is pressing Turkey to negotiate. Greece will never concede to allow Turkey to enter the European Community if they do not settle the Cyprus dispute. Greece has also vetoed a European Community proposal to give $800 million in aid to Turkey. If Turkey agreed to negotiate, these situations could be reversed in its favor.

The Persian Gulf war has issued in a new era of international cooperation. Nations throughout the world successfully joined ranks to force the Iraqis out of Kuwait. Now it is time that the world focus on the problems in Cyprus. We did not tolerate the use of force to conquer an independent, legitimate, sovereign nation in the Persian Gulf. How can we still tolerate such unwarranted aggression in Cyprus, where Turkey still maintains 35,000 troops in an area that they acquired through military force?

The United States now has an unprecedented opportunity to help resolve the conflict in Cyprus. The unanimity that Greece and Turkey demonstrated throughout the Persian Gulf war must be utilized to bring about a peaceful solution. With U.S. resolve and U.N. initiation, we have the capacity to provide the diplomatic and political leadership necessary to resolve the conflict. All we are looking for, my friends, is a level playing field—where all sides involved can be convinced to sit down and peacefully, diplomatically work to resolve their differences.

The President and the U.S. Congress can, without a doubt, lead the way toward a solution. Since the invasion in 1974, Congress has used its leverage to try to help resolve the Cyprus problem. It has advocated more active American involvement in Cyprus efforts, favoring measures that maintain pressure on Turkey to reconsider its military presence. The 7:10 aid ratio has been an integral part of this effort. Now is the time for us to continue to work for a resolution, to continue to push for a peaceful dialog between the competing interests, and in doing so to show the world that we are in fact able to lead the way toward a new world order.

□ 1830

One other last statement I would make, Mr. Speaker, and I think my colleagues share this thought with me, that the Turkish Cypriots are now beginning to lose their own identity. Over 60,000 Turks have moved into northern Cyprus from the mainland, taken over from their own Turkish Cypriot people in Cyprus; 35,000 troops, 35,000 troops in northern Cyprus, and for what reason? What security reason? What security fears do they have to maintain 35,000 troops in northern Cyprus?

Mr. Speaker, this is wrong, and that is why I believe that where the united effort on the part of our Government, our President, our Congress in concert with the United Nations to put the proper pressure on Turkey to get to that negotiating table to once and for all do what is right, do what is right for the Cypriot nation, both Turkish Cypriots and Greek Cypriots alike.

Again I want to thank my good friend from Florida for his leadership in this effort and thank him for the time this evening.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MAVROULES] for his leadership all through the years long before I got to this Congress on this issue and other Greek-related issues, if you will, and issues, again, of justice and fairness and truth and the rule of law, if you will.

The gentleman's points are certainly well taken, and particularly his last point. What conceivable reason could there be for the country of Turkey to have 35,000 troops stationed in the northern portion of the island Republic of Cyprus? There just is not any reason.

I would be very interested in hearing the gentleman's explanations for something like that. I thank him so much.

Mr. Speaker, President Bush, as we know, has just returned from a visit to both Greece and Turkey, and I, along with many others, find myself cautiously optimistic in view of what transpired, optimistic because of the President's challenge to achieve a resolution by the end of the year, cautious because so many past initiatives have come to naught.

This time, my friends, and I say my friends in the Congress, I say my President, I say people in the Governments of Greece, Turkey, and the Republic of Cyprus, it is crucial that we seize upon this moment in history, while, in essence, the President urges both Greece and Turkey to reach a settlement in the Cyprus situation by the end of 1991. Never before, never before has such a challenge been offered.

□ 1640

I applaud the President's efforts to bring peace to this corner of the eastern Mediterranean.

However, it is important that any talks be held under the auspices of the United Nations—as proposed by the U.N. Secretary-General. There is a light glimmering in the darkness that shrouds Cyprus, but to ensure a successful and peaceful resolution, we need continued pressure from the United States and our friends abroad.

Direct talks outside of the United Nations that would lend legitimacy to the Turkish Cypriot authorities are unacceptable to both Greece and Greek Cypriots. As pointed out in an article on page 8A of today's Washington Times, Turkish Government authorities themselves admit to "shady interests in the Turkish portion—of Cyprus—including a lucrative trade in opium and other drugs * * *." Also, the Turkish Cypriot authorities have appropriated property and shown they have little respect for the sovereignty of law. There is a light glimmering in the darkness that shrouds Cyprus, but to ensure a successful and peaceful resolution, we need continued pressure from the United States and our friends abroad.

As this new decade has dawned and country after country has shaken free of the shackles of occupation and oppression, Cyprus remains bound. The green line divides not only a nation but a people.

While Turkey is to be commended for its role connected with Operation Desert Storm, a negotiated settlement of the Cyprus division remains elusive—and in view of the President's trip, the coming days and weeks will be important ones. They will be important for Cyprus; they can be gratifying for all who love and cherish freedom.

It is surely in Turkey's best interest to resolve this problem expeditiously. In fact, Turkey's intransigence is one more stumbling block keeping her from becoming an accepted part of the European Community. While Turkey has other problems to solve in this regard, the EC has made it clear that membership is contingent upon resolution of the Cyprus problem. Many are now saying that several eastern European countries such as Poland, Hungary, and Czechoslovakia may be ad-

mitted to the European Community before Turkey, despite the fact that Turkey has been waiting in line for admission the longest. In addition, Cyprus continues to be a major source of friction between NATO allies.

Over the past year, we here in Congress have compared the green line in Cyprus to the Berlin Wall that divided Germany for more than 40 years. But what does this really mean? What is the effect of the green line? It divides 650,000 Greek Cypriots in the south from 175,000 Turkish Cypriots in the North. This division means that Cypriots are prohibited from visiting their brothers, sisters, mothers, and fathers.

We applaud Germany's reunification following the destruction of the Berlin Wall, and we look to the future of Eastern Europe with anticipation, the barbed wire fences having been torn down, travel restrictions eased and democratic reforms begun. These once-captive nations are now free of the grip of totalitarianism.

Yet our own NATO ally, Turkey, to whom we have given hundreds of millions of dollars of aid, continues to occupy nearly 40 percent of Cyprus. One Western nation occupies another: This cannot continue.

Mr. Speaker, 200,000 men, women, and children were forcibly expelled from occupied Cyprus. They are now refugees—a people without a home. These refugees have been living through a 17-year darkness.

Cypriot resolve is daily tested by the effects of this long and terrible invasion and occupation. Freedom is sweeping the globe, yet Cyprus remains a dark and unswept corner.

Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on Earth. Turkey continues to station more than 30,000 troops there and to maintain some 65,000 settlers on Cyprus. Frequent incidents and disputes scar the populace.

Cyprus is the only, let me repeat the only, country in Europe with 37 percent of its land under the occupation of an invading force; 1,600 individuals remain missing. Furthermore, Turkey continues to change the demography of Cyprus by transplanting Turkish settlers there. In the near future, the settlers and the occupying troops will outnumber the indigenous Turkish Cypriot population—and with each passing day the tension on the island grows.

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

Mr. BILIRAKIS. Mr. Speaker, before I continue with my remarks, I am happy to yield to the gentleman from California [Mr. DANNEMEYER], who has professed a great interest in the subject.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. BILIRAKIS] for yielding. I want to thank the gentleman for taking this special order.

I am here joining the gentleman in this effort because I have a constituent in Orange County, CA, who comes from a family of Greek background. For a long time they have owned a property on Cyprus. They had the unfortunate experience of having that property—their home place in the territory that is not a part of that portion of Cyprus—administered by this new government of Turkish background, that is not recognized by the United States Government.

To be frank, I have met with the Turkish Ambassador to the United States, trying to resolve this problem. I have written to this so-called government that exists on Cyprus, attempting to resolve, just to begin negotiating the rights of this American citizen to the family place on Cyprus. I am tempted to send a postal inspector to see if that government in Cyprus is still in business because nobody is answering my mail. The gentleman and I both suspect and know what the answer is, that they do not want to answer my mail.

We cannot solve the problems of Cyprus and the antagonisms that have existed over the years and decades and centuries, really, on that island. However, I think as American citizens we say that there should be a means of resolving conflicts of this type. I am hopeful that the Turkish Government, which claims no accountability for this Turkish Government that has come to existence on Cyprus, can use its good offices to help in that regard.

I would hope that the U.S. State Department can use its negotiating stance in that region of the world to, hopefully reconcile conflicting claims.

It has always been amazing to me that the vast majority of people on Cyprus are of Greek background, not Turkish background, and those differences exist. For all to stand here this evening and try to paper over them is not common sense. If we have learned anything in our experience here in the Congress of the United States, it is that when these irreconcilable differences exist, short of war, and I hope it never comes to that, there has to be some means of resolving them.

I am happy to join the gentleman today in saying that this Member of Congress believes we should use all the pressure the United States Government can bring to bear in order that the legitimate claims of those United States citizens with respect to property in Cyprus can be resolved.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for taking time at this late hour to come all the way over here in joining in this special order. The gentleman's remarks were not prepared remarks. They came from the heart, from the head. I know the gentleman to be a great patriot who cares about American security, and for freedom throughout the world, and would like to see these two nations friendly to the United States and friendly to the free world, get together. Again, I thank the gentleman from California [Mr. DANNEMEYER] for participating in this special order.

Greece and Turkey both can be valued and valuable United States allies, and trading partners in a region of growing significance. Is resolution of the Cyprus problem too much to ask to bring an end to long, bitter and sometimes hostile conflict, and to secure peace and stability in the region? I say no, Mr. Speaker. We here in Congress must do our utmost to see an end to the division of Cyprus. Like the Berlin Wall, the Nicosia Wall must fall as well.

Cyprus has remained a friend to the United States throughout the years and we should recognize her loyalty. The Persian Gulf war is a perfect example. Cyprus immediately supported the American condemnation of the Iraqi invasion of Kuwait and supported all of the U.N. resolutions on Iraq.

During Operations Desert Shield and Desert Storm, Cyprus authorized military overflight of its territory, as well as use of Cypriot air bases by American and coalition aircraft. The British bases on the island provided support for the British and allied forces from August 2, the end of the war. Indeed, I applaud the contribution of Cyprus to coalition efforts to expel Saddam Hussein's forces from Kuwait.

It took the point of a gun to ensure freedom from oppression this time, Mr. Speaker. Next time it may not because of the willingness of this coalition of nations to stand firm in defense of the rule of law. Another would-be oppressor at another time may not be so quick to undertake hostilities knowing the value the international community places on freedom.

Operation Desert Storm was but the latest proof of the United States' long history of support for foreign nations faced with the threat of losing their independence. Because of our allies' assistance, we are in a position to help other struggling nations preserve their freedom and home rule. We are especially well-situated to aid countries such as Cyprus, countries committed to freedom and democracy, yet which remain under oppressive rule. Indeed, while Kuwait is now free, Cyprus remains an occupied country.

Let us be consistent in our support of freedom, democracy, and the sovereignty of national borders, Mr. Speaker. We stood up for these principles in the Persian Gulf, and we should stand up for them on Cyprus as well.

We must stand up for them before Cyprus loses its identity.

Cyprus has seen a rape of its culture, a pillaging of its antiquities. Churches have been plundered and ransacked; beautiful frescos have been stripped off

the walls of these religious institutions, including the famous Church of Antiphonitis. Other churches have been converted into mosques and still more have been turned into cinemas and recreational centers. What Cypriots have witnessed is the intentional destruction and pillaging of their cultural heritage.

Many archeological sites have been plundered and irreplaceable artifacts have been either destroyed or sold off. Foreign markets have been flooded with important artifacts since the invasion. Historical sites—some dating back to 500 B.C.—were damaged during the invasion and hostilities that followed. While important historical buildings often are the unintended casualties of war, I understand that some sites were bombed needlessly. Still other sites were vandalized by Turkish forces. In his article, "Cyprus: The Loss of a Cultural Heritage," Michael Jansen tells of how the artifacts found by teams of archaeologists were thrown into the streets and trampled underfoot.

Mr. Speaker, we must end the occupation of this island nation before all traces of Cypriot culture and history are trampled underfoot. Indeed, we must take up the President's challenge and work for a settlement of this conflict within the year.

We in the Congress have a responsibility to use our influence to see Cyprus made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

As the President noted, none of us should be satisfied with the status quo on Cyprus. This problem does not belong on the back burner. It belongs out in front and it should be resolved once and for all. I am committed to seeing that the occupation remains fresh in our minds. I am committed to seeing that none of us forget the brutalities, the plunder, the violations of U.N. resolutions and international law.

Thus, I commend the President for his words in Athens and I urge the administration to help bring to an end this illegal occupation. We do not wish to observe another painful July 20. Instead, let us celebrate a new independence day for the Republic of Cyprus.

With the support of the American people, the European community and, for that matter, the world community, we can solve this problem that divides a nation and a people.

Mr. BROOMFIELD. Mr. Speaker, I commend Congressmen MIKE BILIRAKIS and ED FEIGHAN for their work on this special order and for their commitment to the cause of justice on Cyprus. It is regrettable that this institution once again marks the anniversary of that tragic incident, the invasion of a sovereign nation on July 20, 1974. It is particularly difficult to remember this sad occasion during a period of great change in the world—a world that is giving so much hope to mankind.

In the past few years, democracy and freedom have come to Eastern Europe and major changes have occurred in the Soviet Union. All around the world, the promises of democracy are being fulfilled, and people who could only imagine the fruits of liberty a few years ago are now living in freedom. Former enemies are becoming friends. Problems are being solved not through the barrel of a gun, but through diplomacy. Wrongs are being righted and justice is prevailing.

Changes, however, have not yet come to Cyprus. The green line that separates the two communities on that island is still there. Unlike the Berlin Wall, it has not come down. Thirty thousand well-armed Turkish soldiers are still in the north of the island. They have not gone home. The 200,000 refugees who were displaced during the invasion have not returned to their ancestral homes. The 60,000 Turks who were brought from Turkey to settle in the north are still there. They have not gone home. There are 1,619 missing people, including 5 Americans. They have not returned to their loved ones. Rauf Denktash, the leader of the Turkish Cypriot community, still talks of peace on that island. But in his heart, he still opposes real change. Today, there is darkness in a sunny land.

In spite of these distressing facts, there is reason to be hopeful. For the first time in many years, the executive branch is giving the Cyprus problem the attention that it deserves. The administration has committed itself to making progress on the Cyprus issue. I welcome this prudent and timely decision. President Bush recently met with Prime Minister Mitsotakis in Greece and President Ozal in Turkey. Let us hope that they reached an understanding that can lead to a U.N. conference involving the parties to the dispute and others. Although much work remains to be done before the conference can be scheduled, I am hopeful that the main players will be forthcoming, flexible, and willing to negotiate. We all know that there is one country in the region that exerts tremendous influence on the question of Cyprus. Turkey holds the key to a solution of that complex problem.

As the occupying power on Cyprus, as a major financial supporter of Mr. Denktash, and as the only nation that recognizes northern Cyprus, Turkey wields significant influence in shaping the political landscape of the eastern Mediterranean. Over the years, our Government has been reluctant to ressure Turkey. We did not want to offend an ally that shared a long border with the Soviets and gave our country military base rights. For too long, we have been generous with a nation that has refused to fully commit itself to helping us settle this international dispute.

During the past 20 years, we have given Turkey billions of dollars. In fiscal year 1991, our Government allocated $553.7 million to Turkey and requested $703.9 million for fiscal year 1992. During a period of reduced tensions in Europe, such high levels of military assistance are clearly unwarranted. Although Turkey was a loyal partner during the recent gulf crisis, it has been well rewarded for its efforts. Where I come from, friends help friends. Is Turkey behaving like a friend? Why should the American taxpayer continue to provide the third largest package of United States assistance to a country that does so little to promote peace on Cyprus? Our European allies understand the dynamics of the Cyprus situation better than we do. The EC has told Turkey that the Cyprus question must be resolved before they will talk seriously with Ankara about a variety of issues, including membership in the EC. It is time for Turkish officials to rethink their policy regarding Cyprus.

Needless to say, I am delighted to say that President Bush and Secretary Baker are giving the Cyprus problem the attention that it justly deserves. I trust that President Ozal has had a change of heart and has told President Bush that Ankara truly wants to find peace on Cyprus. I hope that Mr. Ozal will use his considerable influence in future meetings with Mr. Denktash to promote the cause of peace. I am confident that enough diplomatic headway will be made in the next months to warrant the convening of a conference at the United Nations in September. Should a resolution of that longstanding dispute be found, this may be the last special order that we offer on the Cyprus problem. It is time to put this problem behind us.

Mr. YATRON. Mr. Speaker, I rise in support of the special order on Cyprus sponsored by my colleagues Representatives EDWARD FEIGHAN, MIKE BILIRAKIS, and HELEN BENTLEY. I commend them for their ongoing leadership in focusing much needed international attention on the dispute in Cyprus.

For too long Cyprus has been relegated to the backburner of United States foreign policy. Successive administrations have tended to ignore this idyllic island nation in the Mediterranean, notwithstanding the fact that Turkish forces, using United States military hardware, invaded Cyprus in 1974, occupying approximately 36 percent of the country.

After 17 years of occupation and division, the prospects for a just and lasting settlement on Cyprus appear to be better now than ever before. The United Nations, working in concert with officials from the Department of State, is piecing together an outline proposal which could lay the groundwork for achieving a negotiated settlement on Cyprus. The outline is expected to be finalized by this fall at which time the United Nations hopes to convene a meeting that would include the leaders of the Governments of Greece and Turkey, the President of the Republic of Cyprus, George Vassiliou, and the leader of the Turkish Cypriot community, Rauf Denktash.

Mr. Speaker, we should temper any optimism about a settlement by keeping in mind that Turkish intransigence doomed past U.N. efforts on Cyprus. What sets the positive tone for the current U.N. initiative is the apparent personal commitment on the part of President Bush to promote a durable settlement.

If the United Nations succeeds in establishing a negotiating procedure which will lead to a peaceful settlement, all parties to the dispute stand to benefit. But the Bush administration at the highest levels must remain focused on resolving this conflict.

With so many regional conflicts either resolved or close to resolution, there is no reason to delay a settlement on Cyprus any longer. The time for an agreement is now.

Mr. FAZIO. Mr. Speaker, on July 20, the Republic of Cyprus marked the 17th year of its occupation and division. I join my colleagues today in this special order to recognize this solemn anniversary, as well as the need for an end to the turmoil and conflict under which Cypriots currently live.

Thirty-one years ago, the island of Cyprus gained its independence from Great Britain; however, for 17 years, the northern part of the island has been under the grip of foreign occupation. When Turkish troops invaded Cyprus, 200,000 Greek Cypriots were driven from their homes, deprived of their possessions, and reduced to refugee status in their own land. Since the invasion, the island has been marked with violence and bloodshed.

Over the years, there has been an influx of approximately 65,000 settlers from mainland Turkey. In addition, 35,000 Turkish troops occupy 40 percent of the tiny island nation. The demographic and cultural character of the island has been drastically affected by this occupation. More recently, the president of the Turkish Cypriot state publicly invited Turks fleeing from Bulgaria to settle in Cyprus and become Turkish Republic of Northern Cyprus citizens. Although the influx never transpired, this incident is an example of how dangerously close Cyprus has come to losing what little cultural, social, and historical identity it struggles to hold on to.

With the dramatic events that have taken place in Eastern Europe, including the dismantling of the Berlin Wall, there is a greater need than ever to dissolve the green line that divides Cyprus, as the Wall formerly divided East and West Germany. However, settlement must allow the island nation to retain its cultural, social, and historical identity.

Today, I am once again urging the administration to take a more active approach both to a negotiated peace on Cyprus and for the reunification of this Mediterranean nation which has been our faithful ally over the course of its history. In the aftermath of the gulf war, this double standard hurts our Nation's credibility as a peacekeeper. It is important that we reaffirm our commitment to establishing a genuine and lasting peace in Cyprus—a peace that is achieved through meaningful negotiations and that is based on United Nations Security Council resolutions.

Mr. Speaker, I would like to close my remarks by commending the distinguished gentleman from Ohio [Mr. FEIGHAN]; the distinguished gentlewoman from Maryland [Mrs. BENTLEY]; and the distinguished gentleman from Florida [Mr. BILIRAKIS] for calling this special order. I also thank my other colleagues for their participation today.

Mr. ANNUNZIO. Mr. Speaker, earlier this year, President Bush said we were justified in waging a war against Iraq because of that country's invasion of Kuwait. To help carry this policy forward, Mr. Bush assembled a coalition of Western and Middle Eastern governments. He also obtained the approval of the United Nation's Security Council to legitimize his actions.

Now, in the aftermath of that war, President Bush has recently met with several foreign leaders, including Turgut Ozal of Turkey. During his meeting with Mr. Ozal, I hope President Bush reminded the Turkish leader of the similarity between the recent battle for Kuwaiti sovereignty and the need to resolve the crisis of divided Cyprus. Since 1974, thousands of Greek Cypriots have endured the illegal occupation of nearly a third of their country by Turkish troops. That force now numbers almost 30,000 soldiers who are stationed in the northern part of the island. The invasion began after a coup attempt in Cyprus was launched with support from the military junta that then ruled Greece.

Mr. Speaker, It's not hard to see the similarities between the invasions of Kuwait and Cyprus. If President Bush can justify risking the lives of American troops to defend Kuwait's right to self-determination, the least he can do is make a determined effort to get the Turks to accept a compromise plan that will end the division of Cyprus.

President Bush has the support of the United Nations Security Council on the Cyprus issue, just as he did in Kuwait. The Security Council has repeatedly called for a settlement of the Cyprus dispute and a withdrawal of Turkish troops. Most recently, a report from the Secretary General has called for an international conference to resolve this crisis.

I hope that this week, which marks the 17th anniversary of the invasion of Cyprus, will serve as a starting point for President Bush to redouble his efforts to bring peace to Cyprus. Ending the deadlock on Cyprus will require the Turks to accept that the thousands of Greek Cypriots who fled their homes after the invasion are entitled to return. If President Bush lends even a portion of the attention to this matter that he applied to the invasion of Kuwait, then I am sure he can help the Greek and Turkish Cypriots reach an agreement that respects the human rights of both communities.

On numerous occasions during and since the gulf war, the President has called for a new world order based on the rule of law. It's time he got beyond television sound bites, and seized on the principle of human rights as the key to settling the Cyprus dispute.

Mr. DELLUMS. Mr. Speaker, 17 years ago, on July 20, 1974, Turkey committed a grevious act of aggression by its invasion of Cyprus.

This violation of international law has been exacerbated by 17 years of Turkish occupation of the northern part of Cyprus.

The life of Cyprus has been seriously disrupted. Many persons are still missing and unaccounted for.

It is imperative that our Government seek now to redress the situation and to do everything possible to have Turkey withdraw and let the Cypriots find their own path to a solution of their many problems.

Mr. GALLO. Mr. Speaker, July 20 marked the 17th anniversary of the division of Cyprus. It is significant that we take this time to reflect on this crisis and remember the struggling people of Cyprus.

The climate for negotiations has recently brightened. Since the gulf war, the international impetus for a solution to the Cyprus issue has grown. President Bush has just returned from visiting Greece and Turkey where he urged leaders to resolve this crisis. I encourage all parties to continue the progress and negotiations of recent months.

The only way for a lasting solution to be reached is by the withdrawal of all foreign troops from Cyprus, as stated by U.N. resolutions. In the meantime, joint projects between the two Cypriot communities are crucial to restoring peace and stability in Cyprus, and I support the United States' annual funding of these programs.

Continued cooperation by all parties within the parameters of U.N. resolutions will help end the conflict and establish peace. Let us support this progress in negotiations, as a solution to the Cyprus problem seems within reach.

Mrs. BOXER. Mr. Speaker, I thank my colleague, Representative BILIRAKIS, for holding this special order on Cyprus. Seventeen years ago Turkish troops invaded the island republic of Cyprus. Since that time, there has been an artificial barrier separating Greek Cypriots in the south from Turkish Cypriots in the north. The green line is not only an ugly reminder of Turkish aggression, but also an immovable barrier dividing Cypriot families and friends.

The Cypriot people have suffered enough. It is time to end the hate and bitterness enveloping Cyprus and renew negotiations for a reunified country.

Adherence to the U.N. resolutions calling for the removal of Turkish troops would be a good start. In addition, United Nations sponsored talks should also be revived. The United States must work to bring Turkey back to the negotiating table.

Our cooperation with Turkey during the gulf war and the resulting political climate provide a real opportunity to break the longstanding deadlock. I hope that the recent meetings between President Bush and the leaders of Turkey and Greece will be the first step toward reunification for the nation of Cyprus.

Mr. GREEN of New York. Mr. Speaker, I join my colleagues in deploring the continued division of Cyprus.

For nearly two decades, some 30,000 Turkish troops have remained in Cyprus, prohibiting that nation from finding a political solution to its problems. I add my voice to the many that cry out today to urge Turkey to remove its troops immediately, so that all parties may work toward a peaceful resolution of the Cyprus problem.

The problem of Cyprus recently commanded the full attention of President George Bush, who met in Turkey with that nation's President, Turgut Ozal, on July 20, the 17th Anniversary of the Turkish invasion of Cyprus. I commend President Bush for his increased interest and activity on this problem, and I hope he will assign the highest priority to the Cyprus problem in all United States discussions with the Turkish leadership.

Turkish troop presence on Cyprus is unjust and in violation of international law. The situation has dragged on for 17 years without resolution, leaving a nation divided and a population embattled. The international community has repeatedly condemned the Turkish occupation of the island's northern third, and several U.N. resolutions have called for the immediate withdrawal of those troops.

While I agree with President Bush that the United States "cannot dictate terms" in resolving the question of Cyprus, I do believe that American strength and resolve must be ap-

plied to the problem of Cyprus, and that this untenable situation must end.

Cyprus must be permitted to benefit from the greater atmosphere of peace and freedom that is sweeping across so much of Europe. Cypriots, both Greek and Turkish, deserve to be free of the hostilities that have plagued their land for over 15 years. Let us erase the green line and bring an end to the division of Cyprus. Let us work to restore the civil liberties for the people of Cyprus. Clearly, the Turkish military presence must end, so that the citizens of Cyprus may at last enjoy peace and reunification.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of my distinguished colleagues, Representatives BILIRAKIS, FEIGHAN, and BENTLEY to mark the occasion of a grave international injustice: the invasion of Cyprus by Turkey.

Turkey's actions violate the United Nations Charter, the North Atlantic Treaty, and international as well as United States law. Clearly, we as a nation, which so heroically rose to the defense of Kuwait, must continue to apply the same standards to aggressor nations and promote the rule of law.

Turkey remains the only nation in the world to recognize the occupied territories, while flagrantly ignoring and failing to comply with relevant United Nations Security Council resolutions. I urge my colleagues and this Chamber to bring the full weight and collective condemnation of this body to bear on President Ozal to initiate negotiations toward a peaceful resolution.

After 17 years, Turkish troops continue to occupy 40 percent of this island and no progress has been made to peacefully rectify this situation. I stand in support of all those men and women who hunger for freedom and an end of this illegal occupation.

Mr. LEHMAN of California. Mr. Speaker, I rise today to join my colleagues in expressing my anguish about the ongoing division of Cyprus. I would like to thank the gentleman from Florida for taking time to focus our attention on the illegal occupation of Cyprus by the Turkish Army.

On July 20, 1974, the Republic of Cyprus was invaded by Turkey, which resulted in the death of 5,000 people and the disappearance of 1,619 Greek Cypriots and 8 Americans. To this day, about 35,000 Turkish troops continue to occupy the island's northern third in violation of several United Nation's resolutions calling for their immediate withdrawal.

Since 1974, the United Nations has sponsored negotiations to resolve the differences between the Greek and Turkish-Cypriot communities. Unfortunately, these negotiations have not produced an agreement. Recently, U.N. Secretary-General Javier Perez de Cuellar reinstated his longstanding commitment to reach an agreement on this 17-year-old problem.

I would like to express my wholehearted support for a negotiated peace and for reunification of Cyprus. With the dramatic events that have taken place in the Soviet Union and Eastern Europe, it is time to eliminate the green line that divides Cyprus. It is vital that we reaffirm our commitment to establishing a genuine and lasting peace through meaningful negotiations. The United States must use its leverage more effectively in order to force the removal of the Turkish troops and the restoration of majority rule to the nation.

I urge my colleagues to put their full support behind the United Nations efforts to end this stalemate and finally establish a reunified Cyprus. We should not leave Cyprus out of the New World Order as they should also enjoy the benefits of democracy and freedom.

Mr. AUCOIN. Mr. Speaker, I am pleased to join my colleagues today who are speaking out for an end to a divided Cyprus. I commend my colleagues, Representatives BILIRAKIS, FEIGHAN, and BENTLEY, for taking the lead and organizing this important debate.

On July 20, 1991, the world observed the 17th anniversary of the first phase of the Turkish invasion of the Republic of Cyprus. Turkey's stated purpose for the invasion of Cyprus was to restore a legitimate government and protect the Turkish Cypriots. However, Turkey failed to withdraw in accordance with U.N. Security Council resolutions. Those resolutions called for an immediate cease-fire and asked for the withdrawal of all foreign troops. Instead of complying with the resolutions, Turkey repeatedly violated the cease-fire and increased the number of Turkish troops in Cyprus. On August 14, 1974, Turkey made an attack on Cyprus, seizing 40 percent of its territory.

To this day, Turkey holds on to Cypriot territory in violation of the U.N. charter and numerous U.N. Security Council and General Assembly resolutions. Those resolutions are, in many respects, are similar to those against Iraq; the difference being that the ones against Turkey have not been implemented. Additionally, Turkey continues to violate other international and United States laws.

The United States House of Representatives voted to lift the arms embargo against Turkey with promises that Turkey would cooperate and settle the dispute. Unfortunately, Turkish resistance followed instead. In November 1983, Turkey set up its own government, recognized only by Turkey, in the occupied territories.

The Turkish invasion and occupation have brought about serious consequences for Cyprus. As a result of the invasion, 194,000 Greek Cypriots became refugees. Over 1,600 are still missing, including several Americans. A majority of the 20,000 Greek Cypriots under Turkish occupation have been expelled. Neither the 3,000 year-old Greek presence in the occupied North nor Cypriot churches have escaped Turkish violence. Finally, Turkey has altered the demographics of Cyprus by bringing approximately 80,000 Turkish settlers to the island in an attempt to balance the lopsided 18 percent Turkish and 80 percent Greek population breakdown in Cyprus.

The serious consequences of the Turkish occupation do not stop with Cyprus. The United States and its allies possess a vital interest in the improvement of conditions in Cyprus. The strengthening of Cyprus' economy could mean an eventual EC membership. Peace and stability in this region is key to U.S. interests. The creation of an independent, bicommunal federal republic could mean not only the safe return of refugees and the security of human rights and fundamental freedoms for Cypriots, but also the removal of one of the largest sources of friction between NATO allies. The United States should begin by working with the United Nations to demand from Turkey compliance with the U.N. resolutions. As the need for stability in the area persists, the United States Government must address the urgent issues concerning Cyprus.

Again, Mr. Speaker, I commend my colleagues for shining the spotlight on Cyprus today. We must continue to speak out against these injustices until we see an end to the military occupation of this country.

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to comment on a long running dispute over the island of Cyprus. While Mideast peace plans make national headlines, and the resolution of long running disputes remains a high priority with the administration, there remains one dispute which is largely ignored. This, of course, is Cyprus.

Cyprus is a partitioned country, divided by an armed force, a buffer zone and long history of past wrongs. Whether this remains so depends upon not just the Cypriots themselves, but also the Greek and Turkish Governments and others.

At this point in time, there is no need to place blame on one group or another. Both sides have historical grievances which have never been settled and will, most likely, never be settled to anyone's satisfaction. Little is gained by proving one side right or wrong. Dwelling on the past will lead only to another 17 years of division.

The question now lies on whether or not to move into the future. Whether or not cooperation between Greece and Turkey can be achieved, and a constitutional framework can be established to govern Cyprus—one which will guarantee the constitutional rights of all citizens. Such a federal solution also needs to ensure the freedom of movement, property and settlement.

I strongly support the U.N.-sponsored negotiations which are working toward this end, and urge all parties involved to strive toward a negotiated settlement. It will not be easy, and it will require the effort and commitment of not just the partisans but the United States, the European Community, and the United Nations as well. If we are to be successful in truly establishing a New World Order, in moving beyond old divisions, we must make the necessary commitments. Living in a state of cold war—of armed division—is a past which needs to be left behind, whether that is in Eastern Europe or on the island of Cyprus.

Mr. TORRICELLI. Mr. Speaker, the 1974 division of Cyprus was a tragedy that continues to plague the harmony of the island. The United States has always maintained strong and close ties with Cyprus and it is clearly in the United States interest for there to be a fair and quick settlement between the Greek and Turkish Cypriots.

But a fair solution, while attainable, is undermined by the Turkish Government's insistence on recognition for a separate Turkish Cypriot state. No other government aside from Ankara recognizes this state. Ankara's obstinateness is a disservice not only to the international community, Cyprus and all the nations of the region, but to Turkey itself. The Turkish military occupation of Cyprus is condemned by the international community and prevents a peaceful solution to the conflict.

A solution to this problem must be found, and the United Nations is making every effort to find one. Congress must also make every effort to support the United Nations in its attempts to reach a settlement between the two parties. The gulf war proved that the United Nations can be effective in drawing the nations of the world together to resolve contentious and harmful disputes. Secretary General de Cuellar's efforts to resolve this conflict are crucial to stability in the Eastern Mediterranean region.

It is imperative that the Greek and Turkish Cypriots cooperate with the Secretary General in his attempt to provide an outline for a settlement of the dispute. I amended the fiscal year 1992 foreign aid authorization bill to express the sense of Congress that the Secretary General's efforts be encouraged and supported so that a conclusion to this conflict can be reached.

The Government of Turkey should finally adhere to the U.N. resolutions. Until the Ankara government recognizes the need for a compromise acceptable to all parties and negotiates under the guise of the United Nations, this conflict will continue to be an unnecessary and unwanted burden on the region and the world.

Mr. ERDREICH. Mr. Speaker, July 20 marked a dark anniversary for the people of a tiny island nation in the eastern Mediterranean. On that day, 17 years ago, the Republic of Turkey invaded Cyprus, an act that bears striking resemblance to Iraq's invasion of Kuwait.

It is impossible to calculate the toll in human suffering since that fateful day. Countless lives were lost, women and children raped, citizens denied fundamental liberties and imprisoned without cause. Over 180,000 Greek Cypriots were expatriated from their homes and land. What little that remained was stolen. Northern Cyprus is a land borne of man's inhumanity to man and serves as testament to the Old World Order. Turkey now stands alone in recognizing the puppet government of the Turkish Republic of Northern Cyprus.

This puppet government now occupies nearly 40 percent of the land mass while having only 19 percent of the island's total population. Today Cyprus remains a land divided by a border enforced by the United Nations with 29,000 troops on the Turkish side and 13,000 troops on the Greek side. All are at war's doorstep, just as they have been since 1974.

The United Nations has preserved a ray of hope for this region torn asunder. Our plan, proffered by the United Nations with U.S. support, is to promote a new federal republic on the island that would be bicommunal, bizonal, nonaligned and an independent state. Under the plan, both regions would pledge not to move toward union with any other nation. The U.N. Charter (article 2(4)) states that, "All members shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state." Unfortunately, the United Nations cannot act alone. Such a plan requires leadership, leadership that, until now, the United States has been either unable or unwilling to provide.

Last week, on the day following the anniversary of Turkey's invasion, President Bush met with Turkish President Turgut Ozal to press the issue of divided Cyprus. While providing no new concrete solutions to the crisis, President Bush offered to act as a "catalyst" to settle the conflict by the end of this year.

In his speech to the Greek parliament, President Bush said, "* * * I pledge that the United States will do whatever it can to help Greece, Turkey and the Cypriots settle the Cyprus problem, and do so this year.

"Today, with new leaders of vision, your nations enjoy a unique opportunity to overcome the misunderstandings of the past. You can begin to heal the deep wound that scars Cyprus, that divides families and friends on that island."

Commendable words. Words that have been echoed over the past two decades, without action. The time has come for the United States to back up our words with action. That is why, Mr. Speaker, I rise in support of military aid to Greece that will preserve a balance between Greece and Turkey.

With the cold war beginning to thaw the world over, the U.S. effort to reduce its total forces worldwide, the collapse of the Warsaw Pact and democratization sweeping the globe, the time has come to prioritize. If the United States does not put forward a solid, constructive effort immediately to reunite Cyprus as a federal nation all hope for a peaceful settlement will be lost for the remainder of this century.

There has never been a greater opportunity for a peaceful unified Cyprus: President Ozal has been open to dialog on the subject; Mr. Denktash, the Turkish Cypriot leader, has been working with U.N. Secretary General Javier Perez de Cuellar on a draft proposal for a federated government; Turkey has stated that it is willing to cede to the Greek Cypriots 11 percent of the land now under their control in exchange for political concessions; and both President Bush and Secretary Baker have personally raised the issue to the Turkish President.

The United States must not let this opportunity pass. At a press conference following his meeting with Greek Prime Minister Constantine Mitsotakis, President Bush said, "It is my role to use whatever authority the United States may have * * * to further support for the United Nations Secretary General's proposals in any way I can." Mr. Speaker, I submit that if no progress is made toward uniting Cyprus, the decision must be made to withhold future Turkish aid. Anything less would be perceived as tacit acceptance of Turkey's authority in Northern Cyprus.

I wholeheartedly encourage President Bush to aggressively pursue this effort and pledge my support for a unified Cyprus.

Mr. RUSSO. Mr. Speaker, I would like to thank my distinguished colleagues, Mr. FEIGHAN and Mr. BILIRAKIS for calling today's special order to mark the 17th anniversary of the Turkish invasion of Cyprus. It is with deep regret that we find it necessary to once again observe this sad anniversary. Another year has passed and 35,000 Turkish troops continue to occupy 37 percent of the Republic of Cyprus.

In the past 2 years the world has witnessed changes and events of historic proportions. In 1990 the Berlin Wall was torn down leaving Nicosia, the Capitol of Cyprus, as the only divided city in Europe. In 1991 the world watched as a United States-led U.N. coalition implemented the rule of law and liberated Kuwait from the invading Iraqi Army.

The Turkish invasion of Cyprus is not unlike the Iraqi invasion of Kuwait, with a larger more powerful country invading a smaller neighbor. Unfortunately, unlike Kuwait, the numerous U.N. resolutions relating to Cyprus remain unimplemented. As problems once thought impossible to resolve are solved and the United Nations has a new respect and credibility the time is right to settle the Cyprus dispute.

After years of placing the Cyprus issue on the back burner, the administration is finally focusing attention on the conflict. I commend President Bush for his recent remarks in Athens where he stated:

> In the new world I have discussed, none of us should accept the status quo in Cyprus * * * And today I pledge that the United States will do whatever it can to help Greece, Turkey and the Cypriots settle the Cyprus problem and do so this year.

If the Cyprus problem is to be resolved this year then Ankara must show a willingness to cooperate and participate in the U.N. sponsored negotiations. The U.N. Secretary General, has repeatedly requested that the Turkish side submit its positions on the issues relating to the territorial aspects of the problem and on the 200,000 refugees who were displaced after the invasion. Turkey appears unwilling to cooperate with the Secretary General and has failed to submit concrete proposals on these key matters.

This Congress and the administration must make it absolutely clear to Turkey, that while we appreciate their outstanding contributions during the gulf war, we will no longer tolerate the status quo on Cyprus. The illegal Turkish occupation of Cyprus must end. The 200,000 refugees must be given the opportunity to return to their homes and Turkey must account for the fate of the 1,619 missing persons since the brutal invasion in 1974. Clearly, the solution to the Cyprus problem rests with Ankara.

Let's hope that at this time next year the Cyprus problem will be resolved and a special order remembering the 18th anniversary of the Turkish invasion of Cyprus will be unnecessary.

Mr. STARK. Mr. Speaker, I thank my colleague from Ohio, Mr. FEIGHAN, for planning this special order to call attention to the continuing Turkish occupation of the Republic of Cyprus.

For 17 years, tens of thousands of Greek Cypriots have lived under an oppressive Turkish rule; 35,000 Turkish soldiers have occupied 40 percent of the island state. Ankara has ignored a series of resolutions by the United Nations on this matter as well as countless calls by the international community.

This is an opportune moment to speak forth on this issue. Not only did Turkey's invasion take place 17 years ago last Saturday, but the United States has spent the better part of the last year addressing another invasion of a large country by a smaller one in the Middle East. If President Bush could expend billions of dollars in time and money to liberate Kuwait, he should certainly focus some energy on bringing justice to Cyprus. I was pleased to

see him address this issue with Greek and Turkish leaders over the last week; I urge the administration to continue to work on this important issue.

Turkey's invasion was a clear violation of the U.N. Charter, the North Atlantic Treaty, and United States laws governing foreign assistance. If the President's so-called new world order means anything, it should mean that continuing acts of international aggression of this kind should no longer be tolerated. The United Nations must take an active role in mediating this dispute to bring an end to the division of Cyprus.

When the United States has a record Federal budget deficit of more than $300 billion, we have better things to do with the taxpayers' money than send $700 million of it to a regime that continually flouts international norms and ignores the diplomatic overtures of successive U.S. Presidents. We've tried the carrot approach for many years now—it's time to employ a more forceful approach and resolve this injustice.

Once again, I wish to commend Mr. FEIGHAN for his efforts and leadership on this important issue. We must let the people of Cyprus know that their cause is not forgotten and that justice, freedom, and independence will in the end triumph over foreign occupation and oppression in the island state.

Mr. HUGHES. Mr. Speaker, President Bush recently visited the leaders of both Greece and Turkey, and I was pleased to see that he has now decided to bring some attention to the continuing occupation of Cyprus by Turkish forces. Unfortunately, it seems that it took Saddam Hussein's invasion of Kuwait to remind the world that armed invasions of sovereign nations are wrong.

The people of Cyprus have waited over 16 years to have their nation restored. The U.N.-sponsored peace talks and President Bush's visit to the region have brought new hope to the Cypriots, but after such a long wait the time has come for concrete action.

If the new world order is to be based upon self-determination and national sovereignty, surely the international community must unite in support of Cyprus just as surely, we in Congress must take responsibility for providing Turkey with millions of dollars in military aid, essentially defraying the costs of occupation. With the crumbling of the Soviet bloc and Saddam Hussein, the high military aid levels of the past are not justified as long as Turkish forces remain in Cyprus.

Mr. Speaker, I urge my colleagues to remember Cyprus and to consider these issues carefully when considering future foreign aid legislation.

Mr. CARDIN. Mr. Speaker, I raise today to join my colleagues, Representative HELEN DELICH BENTLEY, Representative MICHAEL BILIRAKIS, and Representative EDWARD F. FEIGHAN, in remembering the 17th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleagues in this special order in the hope that it will sharpen the focus of United States and world attention on this difficult situation.

The eastern Mediterranean island of Cyprus has been divided since the Turks invaded Cyprus in 1974. A U.N. force currently patrols a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

The people of Cyprus, both Turkish and Greek, have suffered over the course of the last 17 years. The status quo continues to be unacceptable. The Turkish troops that line the green sandbags and barbed wire that runs through the streets of Nicosia, Cyprus, represents one of the last remaining occupation armies in Europe.

The Persian Gulf conflict has drawn international attention to this turbulent region of the world. The breaking down of past barriers of oppression and the transition toward democracy throughout Eastern Europe and the Soviet Union illustrate that the spirit of change is still alive.

The U.N. Secretary General Javier Perez de Cuellar has been tireless in his efforts to bring all of the parties together to work out a negotiated solution in Cyprus. Earlier this summer, the Secretary General proposed convening a conference to discuss and solve all the basic aspects of the Cyprus problem. Having just waged a war to preserve the international order and to enforce the decisions of the United Nations, it is incumbent upon the United States and the rest of the international community to support efforts to bring the Cyprus question to a negotiated settlement.

President Bush has said that he will involve himself on a high level in breaking the impasse. In recent meetings with Turkish President Turgut Ozal, President Bush appears to have raised the issue of Cyprus. Hopefully, this high level United States involvement will push Turkey toward recognizing the irrationality of the current stalemate in which Turkey had a large role in creating.

The time has come for the occupation forces to be withdrawn. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

Mr. LANCASTER. Mr. Speaker, no nation on Earth has shown a greater respect for the rule of law and the peaceful pursuit of justice than the people of Cyprus since their island republic was split 17 years ago.

Without the one-third of the island in the north, which contains the greater part of Cyprus' natural resources, the nation has managed to prosper and to increase its status as a center for trade, communications, commerce, tourism, and industry. Many Cyprus leaders in these enterprise were totally destitute when they left their homes in the north and became refugees in their own land. They lifted themselves and restored their nation the old fashioned way: Through honest, hard work.

The demands of the people of Cyprus for reunification of their nation have not slackened during the 17 years of Turkish occupation of the north, and, if there is any change, it is that the determination to be one nation again is greater than it was after the 1974 occupation.

Mr. Speaker, our President has called for a resolution by the end of the year, and has stated that two democracies—referring to Greece and Turkey, should be able to resolve their differences. Our President's concern has been a long time in coming.

The people of this beautiful island republic in the Aegean have used all the available tools of decent, democratic lawful negotiation to get our help and the help of the United Nations. They deserve, for their human decency and respect for law, far better than we have yet managed to give.

Mr. BONIOR. Mr. Speaker, I'd like to thank my distinguished colleagues EDWARD FEIGHAN and MICHAEL BILIRAKIS for holding today's special order to mark the 17th anniversary of the Turkish invasion of Cyprus.

On July 20, 1974, Turkish troops invaded and occupied northern Cyprus. Today, over 25,000 Turkish troops remain there. The troops occupy nearly 40 percent of the island even though only 18 percent of the population is Turkish Cypriot.

Thousands of Greek Cypriots became refugees as a result of the invasion. A barbed wire fence, known as the green line, cuts across the island separating thousands of Greek Cypriots from the towns and communities that their families lived in for generations.

Although President Bush pledged to help resolve the unjust situation in Cyprus this year, he has yet to propose a plan to achieve this. Turkey receives over $500 million in United States aid annually. If the President is serious about ending this dispute, the administration has leverage to pressure Turkey to withdraw its troops. For truly, this question can be resolved with a sufficient amount of political will and determination.

The past few years have produced dizzying change around the world. Barriers between the East and West crumbled. Progress is being made toward peace in the Middle East. Yet, Cyprus remains divided. The time has come for the green line to meet the same fate as the Berlin Wall. The new world order must include a united Cyprus.

Mr. CONDIT. Mr. Speaker, I would like to take this opportunity to recognize the 17 years of Turkish occupation on the island of Cyprus.

In 1974, Turkish troops invaded Cyprus because Turkey believed Greece was threatening to take over the island. Approximately 29,000 Turkish troops continue to occupy Cyprus today. Tensions between Greece and Turkey have remained constant since this invasion.

As you know, this region is politically and military important to the United States. Cyprus played a key role in Operation Desert Shield/Storm by pledging its full support for all the U.N. resolutions on Iraq. By providing base access, transit assistance, and airfields to the allied forces, Cyprus proved to be a cooperative entity.

With international relations improving worldwide, it seems an approprite time for Greece and Turkey to end hostilities and move toward more peaceful relations. I commend President Bush's commitment to Prime Minister Constantine Mitsotakis of Greece, to act as a catalyst in promoting a solution in accordance with the U.N. resolution on Cyprus. The people of Cyprus are now looking to the United States for leadership. After many years of anger and dispute, it is time to reunite the people of this divided nation by resolving the differences which exist between them.

Mr. SCHUMER. Mr. Speaker, with freedom coming to Eastern Europe and glimpses of hope for peace in the Middle East, the time has come to end the 17-year-old Turkish oc-

cupation of northen Cyprus. The crimes and violations of human rights perpetrated by the Turks against the Cypriots cannot be tolerated.

In these 17 years that the Turkish Army has occupied 37.3 percent of the island of Cyprus, 180,000 Greek Cypriots have been evicted from their homes and over 1,600 Greek Cypriots have been forcibly detained. The 29,000-man Army has committed innumerable rapes and murders, as well as a host of other deplorable crimes.

A resolution of this situation is clearly in our national security interests. Nicosia, the capital, is the only divided city remaining in the world. Greece has long been willing to negotiate with Turkey and the time has come to start the process.

President Bush, on a visit to Greece recenty, called for new initiatives to end this conflict. I applaud him for this action. We must play an active role in this process, to ensure that these violations of Cypriots' rights are stopped before any more atrocities occur.

Ms. SNOWE. Mr. Speaker, I would like to commend the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Florida [Mr. BILIRAKIS] for conducting this special order today to draw attention to the continued agony of Cyprus, 17 years after its invasion and division by Turkish troops.

I wish that it were not necessary to remember this tragic event, and to recite once again the familiar fact of the Cyprus dispute. We are living in an exciting and dramatic time in world events, when other conflicts that long seemed unsolvable have swiftly given way to progress.

Freedom is returning to the people of Eastern Europe after decades under Communist oppression. Germany is again a united country after decades of forced division. Democracy has spread to parts of Latin America and Africa that have never known it. There have even been small steps toward peace in the ever-volatile Middle East.

Sadly, though, beleaguered Cyprus cannot join Germany, Hungary, Namibia, and Nicaragua on the roster of international success stories of our time. More than one-third of its territory remains occupied by Turkish troops who support settlers from the Turkish mainland and the illegitimate, self-proclaimed government of the Turkish Republic of Northern Cyprus.

As a supporter of peace and freedom for the Cypriot people, I have stood up in Congress year after year to mark this sad occasion. I sincerely hope that this is the last year that it will be necessary. The U.N. Secretary General has personaly sponsored talks between the leadership of the two Cypriot communities, and I commend him and his representatives for the considerable time and attention they have devoted to this effort.

I also commend President Bush for his attention to Cyprus. In his meetings with Greek Prime Minister Mitsotakis and Turkish President Ozal last week Cyprus was high on his agenda, as it should be.

To this point, these efforts have borne little fruit, however, for the simple reason that the Turkish Government refuses to end its occupation and allow a settlement to occur. In the face of Turkey's obstructionism, perhaps only the sustained and vocal attention of the world community to this issue can make a difference and break the deadlock. The world rightly joined together to condemn, year after year the Soviet occupation of Afghanistan and the Vietnamese occupation of Cambodia. I believe that such constant and high profile international pressure contributed to the withdrawal of foreign forces from those countries.

It is therefore incumbent upon us, as Members of Congress, to use occasions such as this to lend our voices to the international chorus, and to stress that the outrageous violation of human rights, freedom, and international law on Cyprus, is simply unacceptable, and must be brought to a speedy end.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BILIRAKIS] for his continued attention to the division of Cyprus, and for calling this special order today, coinciding with the 17th anniversary of Turkey's invasion and occupation of northern Cyprus.

Much credit is due the United Nations Security Council and United Nations Secretary General Javier Perez de Cuellar for their ongoing efforts to resolve peacefully the continued division of that Mediterranean island. In recognition of his efforts, the Security Council on June 28 endorsed the Secretary General's proposal to convene an international meeting on Cyprus, provided that the parties concerned were near agreement on the issues involved; the Security Council has previously condemned Turkey's actions in Cyprus. The Security Council also accepted Perez de Cuellar's recommendation that U.N. officials continue with their meetings with concerned parties to prepare for a possible meeting. The Secretary General will report back to the Council by the end of August.

I am especially pleased by the renewed attention which President Bush and his administration have given to the division of Cyprus. Secretary of State Baker recently asked his Turkish counterpart to be more forthcoming in cooperating with the U.N. Secretary General's efforts, asking that he submit serious and concrete proposals addressing the outstanding issues. In his meeting with Cypriot President Vassiliou May 30, President Bush proposed that he would act as a catalyst in promoting a resolution of the division of Cyprus that would conform to United Nations resolutions on the situation.

I commend President Bush for the attention which he gave to the issue of Cyprus during his visit to Greece and Turkey in the last week. As the President told the Greek Parliament, "None of us should accept the status quo in Cyprus." He further pledged to support the U.N. Secretary General's proposals however he could. The United States should continue this renewed focus on the situation in Cyprus, with the goal stated by the President of resolving the division of Cyprus by the end of this year.

Mr. ABERCROMBIE. Mr. Speaker, I join today with my colleagues to call for an end to 17 years of occupation, oppression, and division.

Around the world we see chains of oppression being broken—the situation in Yugoslavia, the Baltics, and the tremendous wave of change that has swept across Eastern Europe. In this decade of a new world order, the quest for freedom is being sought more earnestly than ever.

Mr. Speaker, the United States and Congress has followed the ongoing United Nations-sponsored Cyprus negotiations with interest and concern. We have provided an annual amount of $15 million dollars in aid to promote bicommunal projects and scholarships for Cypriot students. Over the weekend, the President pledged in a speech to the Greek Parliament that the United States would take a more active role in the Cyprus problem, and said that "No one should accept the status quo in Cyprus."

Mr. Speaker, I encourage the President to keep to his pledge and use his capacity as leader of the United States and the international community to urge the withdrawal of foreign troops in Cyprus as a first step to ending the division which has remained since 1974.

Mr. EDWARDS of California. Mr. Speaker, I commend my colleagues; the gentleman from Florida, the gentleman from Ohio, and the gentlewoman from Maryland, for planning this special order enabling us to address the unacceptable and longstanding Turkish occupation of Cyprus.

Mr. Speaker, the dawning of this decade has allowed us to witness an unprecedented historical unrest throughout the world. Many nations are finding foreign occupation and influence to be unreasonable. Attempts to break free from foreign oppression are no longer rarities, but common occurrences. This unrest has led to the collapse of the Berlin Wall, numerous revolts in the Baltic States, and the decline of Soviet control in Eastern Europe. As foreign oppression ceases to be the order of the day, Cyprus remains a dark reminder of past offenses in a time of unparalleled world freedom.

July 20, 1991, marked the 17th anniversay of the Turkish occupation in Cyprus. The invasion of 1974 has created numerous problems for the people of Cyprus. By taking nearly 40 percent of the land, the Turks have displaced tens of thousands of Greek-speaking Cypriots from their natural homes. To this day, the green line separates the Greek Cypriots from the Turkish Cypriots. This division perpetuates ethnic boundaries and creates ill will between the two groups. If this barrier remains much longer the people on both sides will grow irreconcilably apart.

From an economic standpoint, the division of Cyprus proves to be detrimental to the wealth of the nation. With the invasion, Turkey inherited the prosperous port, Famagusta, which controls 83 percent of the general cargo in Cyprus. The Turks also gained major percentages of Cyprus' livestock production, tourism, and agricultural exports. In sum, Turkey controls 70 percent of the gross output of the Cyprus economy. It goes without mention how this economic imbalance affects the Greek Cypriots.

The President's recent visits to Greece and Turkey are representative of the need for the United States to make a more concerted effort to help resolve the Cyprus conflict. Maintaining the status quo in our actions toward Cyprus is no longer acceptable. We must use our influence and apply greater diplomatic pressure on the Turkish Government to withdraw their troops and return their settlers to home.

The U.N. efforts to bring the Cyprus conflict to a lasting compromise is to be commended. I support and urge all of my colleagues to support the efforts of Mr. Perez de Cuellar, the U.N. Secretary General, to produce a rapid and peaceful agreement between Greece and Turkey as set forth in previous negotiation talks with their leaders. Although these negotiations have faltered, the United States should let it be known that we still encourage any effort to bring about a peaceful solution to the Cyprus conflict.

Mr. Speaker, for the past 17 years, Cyprus has been under a division that does nothing to benefit the people of that country. It separates them and oftentimes violates their rights as citizens. I once again urge my colleagues to reflect upon this conflict and support efforts to resolve this longstanding problem.

Mr. MARTINEZ. Mr. Speaker, I would like to first commend and thank the gentleman from Florida for his initiative today. I praise him for his unwavering commitment to freedom and justice for all Cypriots.

Mr. Speaker, I join my colleagues in observing July 20 as the 17th anniversary of Turkey's invasion of northern Cyprus. This anniversary has weighed heavily on the conscience of all peoples of the world who share in the belief that states must eschew the destructive path of naked aggression and abide by the rules of international law. If nothing else, the historic international alliance against Iraq's invasion of Kuwait sends a clear signal to all states that naked aggression will not be tolerated by the world community.

In his recent trip to Greece and Turkey, President Bush expressed his willingness to act as a catalyst in order to jump start United Nations-sponsored mediation talks between the various actors in the Cyprus question. Mr. Speaker, I applaud the President's pledge to help resolve the Cypriot issue by the end of this year. However, it is going to take more than ceremonial rhetoric to break the political impasse that has torn this small island apart.

Mr. Speaker, the status quo must be broken, the paralysis in United Nations-sponsored negotiations must be broken, and the intercommunal strife that has divided Cypriots must be settled peacefully. But none of this can occur as long as Turkey continues to violate international law and flout United Nations resolutions pertaining to Cyprus. Seventeen years after its brutal invasion of northern Cyprus, Turkey still has 29,000 troops occupying 40 percent of this eastern Mediterranean island. The Ankara government must come to the realization that its troops in nothern Cyprus stand as an obstacle to a just and permanent settlement to the Cyprus problem.

Mr. Speaker, the United States can and should play a constructive role in helping to resolve the issues that divide Greek Cypriots and Turkish Cypriots. However, any proposed American initiative in unraveling the Gordion knot must have as its primary objective the withdrawal of Turkish forces from the island. Anything less than this United States-stated objective would be meaningless in helping to establish peace, liberty, and stability in Cyprus.

Ms. PELOSI. Mr. Speaker, I would like to commend my colleagues, Mr. FEIGHAN, Mr. BILIRAKIS, and Mrs. BENTLEY, for calling this special order on Cyprus. Today, I join with many of my colleagues in recognizing the 17th year of the Turkish occupation and division of the Republic of Cyprus, and the hardships and human rights violations long endured by Greek Cypriots in their homeland.

The past 17 years have been tragic ones for Greek Cypriots: Some 200,000 Cypriots, about 40 percent of the total population, are refugees in their own land; another 1,619 persons are missing, their fate unknown to their families and loved ones. Greek Cypriots deserve better than to be treated by strangers as second-class citizens in their homeland.

Despite longstanding pressure from the United Nations in the form of 24 resolutions, the Cyprus problem persists. This 17th anniversary reminds us of the continuing occupation and human rights violations, and the urgency of resolving this situation.

I would like to acknowledge the President's recent interest in resolving the Cyprus situation; however, I must express grave concern about the President's proposal for four-party talks, which would legitimize the results of the invasion. The area of Cyprus under Turkish occupation is recognized only by Turkey as an independent state.

During the many rounds of negotiations, the Cyprus Government and the Greek Cypriots have made serious concessions. They are making a good-faith effort to bring about a solution to this tragic division of Cyprus. The basic prerequisites for peace are straightforward: The withdrawal of the Turkish occupation troops, freedom of movement, settlement and property ownership anywhere in the Republic, with international guarantees for all of its citizens.

The Turkish Cypriot leader, Rauf Denktash, must come to realize the necessity of a resolution to the differences that have so bitterly divided Greece, Turkey, and Cyprus. A solution to the Cyprus problem would contribute to world stability and international order.

In a world lit by the fires of freedom and inspired by self-determination, we look to Cyprus with the hope that the conditions can be resolved diplomatically, peacefully, and with justice for Greek Cypriots.

Mr. OWENS of Utah. Mr. Speaker, 17 years ago, Turkish troops invaded and forcibly occupied northern Cyprus, claiming the lives of more than 4,000 Greek-Cypriots and casting out more than 200,000 from their homes, now refugees in their own country. More than 1,600 are still missing.

Since then, the island has been divided by barbed wire. Concrete barricades and reenforced checkpoints dot the green line. Nicosia remains divided. I wish I could join my colleagues today in remembering this invasion as a tragic event of 1974 alone. However, the events of 17 years linger on Cyprus, as do 38,000 Turkish troops and 60,000 Anatolian settlers.

I rise to commemorate this tragedy and underscore the President's view that "the status quo is not acceptable" on Cyprus. Continued intransigence, such as that of Rauf Denktash in last year's U.N.-sponsored talks last year, is not acceptable. Continued delays by Turkey in providing a detailed proposal to the Secretary General are not acceptable.

Mr. Speaker, the President's visit to Greece and Turkey, as well as his meeting in May with President Vassiliou, signify what many of us in Congress have been urging for a very long time: that the administration is heightening the priority of the Cyprus dispute on its foreign policy agenda. This is a welcome and positive development, and one which—with continued congressional scrutiny—will complement the U.N. Secretary General's good offices mission.

Many of us have argued over the years that the solution to this problem lies in Ankara. Though Turkey has yet to be forthcoming on several substantive issues, including refugees and exchange of territory, it is encouraging that President Ozal has properly stepped forward in dealings with the United Nations. With vigorous encouragement from the United States, along with the flexibility and goodwill to offer a meaningful proposal, Turkey could take the steps necessary for an international meeting to convene at an early date.

There are other reasons for optimism as well. Seceretary General Perez de Cuellar announced his intention to place a priority on the Cyprus dispute in this last year of his term. With his leadership and the continued good faith efforts of President Vassiliou, we can hope for movement at long last on this seemingly intractable dispute.

Mr. GUARINI. Mr. Speaker, I rise today to join my colleagues to call for peace and for the settlement of the tragic dispute that has torn apart the Republic of Cyprus.

Since its independence from the United Kingdom in 1960, this small Mediterranean island has been a source of strife between its inhabitants, as well as Turkey and Greece. Cyprus survived as a sovereign nation until a coup against President Makarios and the subsequent military invasion by Turkey partitioned the island in 1974. By 1975 the Turkish Cypriots seceded from the Republic of Cyprus and declared the Turkish Federated State of Cyprus, known since 1983 as the Turkish Republic of Northern Cyprus.

Almost 20 years has passed, and to this day the conflict has not been resolved. Nation states throughout the world are answering the call for democracy and removing the walls which have segregated their people. The time has come for all Cypriot parties to come to the bargaining table and settle their differences peacefully. The people of Cyprus, both Greek and Turkish, under a United Nations umbrella can and must find a solution to their dispute. This unnecessary suffering of peoples on both sides must end. Greater efforts must be made to unite families and to resolve the long-term disputes that have for too long separated Greek Cypriots from Turkish Cypriots.

The barriers that divide the people of Cyprus can be eliminated, if only there is a will.

Mr. COYNE. Mr. Speaker, 17 years after Turkish military forces invaded the island of Cyprus, there is new optimism that a peaceful resolution can be found to this problem.

It seems fitting that the world should seek a resolution to an issue which has separated our partners in NATO, Greece and Turkey. Over the past few years, the world has celebrated an end to the separation of Germany, the growth of a democratic Eastern Europe, and an end to the cold war. These are conflicts between East and West for which solutions have been sought and realized. Certainly, we

should take advantage of this opportunity for resolving a longstanding dispute between two of our friends.

Efforts underway at the United Nations and in the European Community have focused renewed attention on the lingering separation of Cyprus into Greek and Turkish zones. More than ever before, it seems time to resolve an issue that has exacerbated tensions between Greece and Turkey for the past two decades.

President Bush is to be commended for raising this issue at the highest levels of Government during his recent visits with the leaders of Greece and Turkey. This is an issue which has been left on the diplomatic back burner for far too long.

The President should continue to build upon the strong relationship he developed with Turkey's President Ozal during the recent Persian Gulf war. These contacts enhance the administration's ability to make clear the United States' interest in resolving the Cyprus issue.

I am pleased that the House is taking the time to consider the history of this occupation, and address some of the issues which have kept Greek and Turkish Cypriots separated since 1974. The time has come for the removal of all foreign troops from Cyprus.

This dispute may not often occupy the Nation's front pages or evening newscasts, but the opportunity for real progress seems better than ever before. An independent and sovereign Cyprus is in the best interest of all of its neighbors in the Mediterranean.

The demarcation line between Greek and Turkish Cyprus should be removed soon for the sake of families on both sides of this conflict. For this reason, I hope that the United States will continue to play an active and positive role in diplomatic efforts to reunite Cyprus.

□ 1850

YAKUZA FIGURE BUYS PEBBLE BEACH

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

THE CYPRUS ISSUE

Mrs. BENTLEY. Mr. Speaker, I am very happy to yield to the gentleman from New York [Mr. MRAZEK] if he wants to speak on the subject of Cyprus.

Mr. MRAZEK. Mr. Speaker, I want to thank my colleagues from Florida, Mr. BILIRAKIS; Ohio, Mr. FEIGHAN; and Maryland, Ms. BENTLEY, for organizing this important and timely special order.

In the 17 years that Turkey has illegally occupied one-third of Cyprus, there have been precious few moments for optimism that progress toward an end to the painful division of the island might be possible. The President gave us one such moment during his recent trip to the Mediterranean.

President Bush's visit to Greece, the first by a United States President in more than three decades, was very welcome; but even more welcome was his statement to the Greek Parliament that the United States will do whatever it can to help settle the Cyprus problem this year.

I put the emphasis on "this year" and I sincerely hope that President Bush will, too.

When Greek Prime Minister Mitsotakis visited the United States last year, he indicated that if there was to be progress on the Cyprus dispute, the United States needed to upgrade the issue, so that Turkey could not remain indifferent.

It may be a year late, but President Bush's comments indicate that the administration, at long last, may be giving a higher priority to resolution of the Cyprus problem.

On the down side, it is regrettable that the President had no concrete proposal on Cyprus; it is even more regrettable that he indicated that the administration once again intends to try to break that traditional 7 to 10 ratio of military aid for Greece and Turkey.

The United States can play an important role with respect to ending the division of Cyprus, but throwing more military aid at Turkey is clearly not a constructive approach.

The United States has already given Turkey about $6 billion in military aid since the 1974 invasion, and that aid has facilitated, if not encouraged, the continued occupation by Turkish troops.

The administration needs to spend less time thinking up new ways to reward Turkey for its opposition to Iraq's illegal occupation of Kuwait, and more time thinking up new ways to induce Turkey to and end its own illegal occupation of Cyprus.

The President's commitment to action this year, and his offer in May to the President of Cyprus, Mr. Vassiliou, to act as a catalyst in promoting a solution on Cyprus, and Secretary Baker's letter to Turkey's foreign minister asking for more flexibility and a more conciliatory position on Cyprus are steps in the right direction.

But if the administration truly intends to help end the division of Cyprus this year, it needs to bring effective pressure to bear on Turkey: pressure to cooperate fully with the efforts of the United Nations Secretary General; pressure to begin removing its troops and weapons from Cyprus, or at least to agree to a timetable for such a withdrawal; pressure to exercise its influence on Turkish-Cypriot leader Denktash to act responsibly; pressure to support various confidence building measures, such as the resettlement of Famagusta, and various bicommunal projects.

I believe Congress is ready to vigorously support any administration initiatives along these lines. Clearly, though, it is going to take continued active involvement at the highest levels, including the President and Secretary of State, if there is to be any chance for progress this year on ending the forced division of Cyprus.

Mrs. BENTLEY. Mr. Speaker, certainly those are important words from our distinguished colleague, the gentleman from New York [Mr. MRAZEK].

Mr. Speaker, now I have my very special colleague who shares the borderlines between our districts, the gentleman from Maryland [Mr. CARDIN], who has asked for a minute to speak on Cyprus, and I am very happy to yield to the gentleman.

Mr. CARDIN. Mr. Speaker, I raise today to join my colleagues, Representative HELEN DELICH BENTLEY, Representative MICHAEL BILIRAKIS, and Representative EDWARD F. FEIGHAN, in remembering the 17th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleagues in this special order in the hope that it will sharpen the focus of United States and world attention on this difficult situation.

The eastern Mediterranean island of Cyprus has been divided since the Turks invaded Cyprus in 1974. A U.N. force currently patrols a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

The people of Cyprus, both Turkish and Greek, have suffered over the course of the last 17 years. The status quo continues to be unacceptable. The Turkish troops that line the green sandbags and barbed wire that runs through the street of Nicosia, Cyprus represents one of the last remaining occupation armies in Europe.

The Persian Gulf conflict has drawn international attention to this turbulent region of the world. The breaking down of past barriers of oppression and the transition toward democracy throughout Eastern Europe and the Soviet Union illustrate that the spirit of change is still alive.

The United Nations Secretary General Javier Perez de Cuellar has been tireless in his efforts to bring all of the parties together to work out a negotiated solution in Cyprus. Earlier this summer, the Secretary General proposed convening a conference "to discuss and solve all the basic aspects of the Cyprus problem." Having just waged a war to preserve the international order and to enforce the decisions of the United Nations, it is incumbent upon the United States and the rest of the international community to support efforts to bring the Cyprus question to a negotiated settlement.

President Bush has said that he will involve himself on a high level in breaking the impase. In recent meetings with Turkish President Turgut Ozal, President Bush appears to have raised the issue of Cyprus. Hopefully, this high level United States involvement will push Turkey toward recognizing the irrationality of the current stalemate in which Turkey had a large role in creating.

The time has come for the occupation forces to be withdrawn. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from the Third District of Maryland [Mr. CARDIN]. As I said, he and I share the borders and we like to work together in our areas. We both have a number of Greek constituents and we are very, very happy to bring this message to our people.

□ 1900

Mr. Speaker, I am happy to yield now to the gentleman from Virginia [Mr. PICKETT], who shares his great interest in shipyards with me, along with the Cyprus situation.

Mr. PICKETT. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise today to again speak in support of a prompt resolution to the troublesome issue of the presence of Turkish troops on the island of Cyprus. It is an unacceptable state of affairs, yet one the Cypriot people have endured for nearly two decades.

In 1974, some 200,000 Greek Cypriots were displaced from their homes and another 1,500 were killed or remain missing. The infamous green line was established and is now maintained by force. Greek Cypriots cannot return to their homes and lands on the northern part of the island from which they were forced to flee 17 years ago.

The Turkish Republic of Northern Cyprus was unilaterally established. Turkish Cypriots, while comprising only 18 percent of the population of the island, occupy almost 40 percent of its land.

On this, the 17th anniversary of the Turkish invasion, there is reason for new hope that the impasse concerning Cypress will be resolved. President Bush has signaled his interest in a peaceful settlement of this long festering problem. With his demonstrated ability to successfully handle different foreign policy issues, I wish him every measure of success in this new endeavor.

The Secretary General of the United Nations, Javier Perez de Cuellar, has also stated that the settlement of this issue is an international priority. He has offered to help mediate a settlement and recognizes the delicate challenge of trying to move successful negotiations forward.

The Republic of Cyprus and its elected President, George Vassiliou, have accepted the Secretary General's suggestion of "one [bizonal and bicommunal] state comprising two politically equal communities." It remains to be seen whether Turkish Cypriots and their leader, Mr. Rauf Denktash, will agree and make the necessary territorial adjustments and accounting for displaced persons. These sticking points, which have stalled past negotiations, are already threatening talks which have not yet begun.

The European Community and the Group of Seven, have recently issued statements in support of a prompt resolution to the continuing Turkish occupation of northern Cyprus.

With so much interest in, and support for, a settlement of this issue, perhaps the time is at hand for a peaceful and permanent settlement that will again restore the long-term vitality and world position of this beautiful and bountiful island.

I applaud all these efforts and pledge my support to any effort which will restore to the Cypriots a peaceful and democratic government.

Mrs. BENTLEY. I thank the gentleman for his remarks.

YAKUZA FIGURE BUYS PEBBLE BEACH

Mr. Speaker, I have taken the time tonight not with the intention to devote any of it to the Cyprus situation because I knew the gentleman from Florida [Mr. BILIRAKIS] had taken time for that purpose.

In view of the tremendous interest, I was very happy to share some of my time on that important subject. But I have another issue that I want to bring up tonight, a subject that I think is equally important to many, many Americans.

Mr. Speaker, the recent rash of sales of America's trophy golf courses to Japanese individuals, and companies, should be examined very closely by our Government. Some of the individuals involved in the purchases are connected with the Japanese mob.

Minouri Isutani, a Japanese mobster, was allowed to buy Pebble Beach Golf Course, after being turned down for a casino gambling license by the State of Nevada Gambling Commission. I am a native of Nevada and fully understand what it means when the State turns down someone for a gambling license because of their organized crime connections—in this case the Japanese Yakuza, or mafia.

Mr. Isutani should not be allowed to own a golf course in America, nor to form business alliances with our top professional golfers, such as Ben Hogan or Jack Nicklaus, or with the PGA tour of golf professionals. Isutani bought the Ben Hogan Co., several years ago, and also funds the Ben Hogan Tour. He also signed Jack Nicklaus to design golf courses.

I am aware that individuals do not have the ability to check someone's background for mob connections like a State does, but we have worked very hard in the United States to keep the crooks and gangsters out of sports. Are we now letting them in golf?

Can you imagine the newspaper headlines if we knowingly allowed a member of the mafia in the United States to buy a trophy course like Pebble Beach? Those headlines would read "Mobster Buys Pebble Beach" where the PGA National Open will be played in 1992. The country would be in an uproar demanding an investigation of the sale.

Can you imagine how Al Capone would have envied the ease with which Mr. Isutani came into such a prestigious piece of property as Pebble Beach along with all of the alliances and opportunities that go with it? The Justice Department and the FBI are supposed to be the guardian for the American people so that organized crime does not disturb legitimate businesses in America. So, where are they in this case?

Apparently in Japan there is a different attitude about gangsters. A daily newsletter on Japan reported that a senior Finance Ministry official told reporters "that the Ministry of Finance has dropped plans to ban securities brokers from doing business with crime syndicates because even gangsters have the right to engage in economic activities." The same report stated that to ban trade with gangsters "would go against the spirit of the Constitution, which calls for equality for every citizen."

Our Constituiton does not guarantee criminals the right to operate in legitimate businesses. We have a criminal code to take care of problems like that. Will the Japanese attitude be a problem for us since Americans have been told not to criticize the Japanese because we need them to buy United States securities.

Will this mean that Americans will have to be nice to Japanese gangsters and look the other way when they move into legitimate businesses or sports in the United States? Is that why Minouri Isutani is allowed to buy Pebble Beach? This attitude of the Finance Minister shows a toleration of mobsters in business, which is not allowed in the United States—at least not up to now.

Japan's attitude about business is very different from ours. Golf is viewed more as a business arrangement not so much as recreation.

Even fees and golf memberships are regarded differently in Japan than in the United States. In Japan golf memberships are treated like stock or real estate and are traded and used as an investment. Membership prices of the 500 major golf clubs around Japan are published in a weekly statistic in the Nikkei Golf Membership Index.

In the United States golf is open to everyone from every walk of life. We have public courses and membership courses with a range of membership costs.

But, in Japan, the costs are prohibitive and the Japanese investors are bringing those ridiculous costs and attitudes about golf into the United States. At Pebble Beach the membership fees are a reported $740,000. Now at many of the courses the pro shop is

staffed by a clerk and not with someone knowledgeable about golf.

It is difficult to fully understand what these high costs and changes will mean to American golfers. I do know though, that mothers and fathers in America have urged their children into sports and playing golf. We should continue our vigilance to make sports and golf available for your youngsters and citizens in a clean atmosphere. Japanese mobsters should be kept out of sports and Pebble Beach.

Tomorrow Congressman DUNCAN HUNTER and I will forward a letter to Attorney General Richard Thornburgh and request the Justice Department to investigate this invasion of U.S. sports by foreign mobsters in order to keep our sports on a very high plane.

SECOND BIENNIAL REVISION TO THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. GEREN of Texas), laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984 (Public Law 98-373, section 109(a); 15 U.S.C. 4108(a)), I hereby transmit the second biennial revision (1991-93) to the United States Arctic Research Plan.

GEORGE BUSH.

THE WHITE HOUSE, *July 23, 1991.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. WEISS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical leave.

Mr. MATSUI (at the request of Mr. GEPHARDT), for today, on account of family illness.

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. KOLTER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. ANDREWS of New Jersey (at the request of Mr. GEPHARDT), for after 4:00 p.m. today, on account of official business.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today, on account of official business.

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. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL of California, for 5 minutes, on July 23.

Mrs. BENTLEY, for 60 minutes each day, on July 23, 24, 25, 26, 29, 30, and 31, and August 1 and 2.

Mr. WOLF, for 5 minutes, on July 29.

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

Mr. GEPHARDT, for 5 minutes, today.

Mrs. UNSOELD, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. MINK, for 60 minutes, on July 25.

Mr. PEASE, for 5 minutes, on July 26.

Mr. ANDREWS of New Jersey, for 5 minutes, on July 24.

EXTENSION OF REMARKS

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

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

Mr. BROOMFIELD.

Mrs. BENTLEY in two instances.

Mr. SHAW.

Mr. SOLOMON in two instances.

Mr. MACHTLEY.

Ms. ROS-LEHTINEN.

Mr. FIELDS.

Mr. ARCHER.

Mr. COX of California.

Mr. DOOLITTLE.

Mr. HANCOCK.

Mr. COBLE.

Mr. GUNDERSON.

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

Mr. SHARP, in two instances.

Mr. MONGOMERY.

Mr. PEASE.

Mr. MATSUI.

Mr. HOYER.

Mr. KLECZKA.

Mr. RAHALL.

Mr. FALEOMAVAEGA.

Mr. EDWARDS of California.

Mr. DARDEN.

Ms. SLAUGHTER of New York.

Mr. KILDEE.

Mr. WEISS.

Mr. HUBBARD.

Mr. LEVINE of California.

Mr. TRAFICANT.

Mr. FASCELL.

Mrs. SCHROEDER.

Mr. STARK.

Mr. SKELTON.

Mr. LEHMAN of California.

Mr. BRUCE.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On July 20, 1991:

H.R. 427. An act to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes.

H.R. 998. An act to designate the building in Vacherie, Louisiana, which houses the primary operations of the United States Postal Service as the "John Richard Haydel Post Office Building".

H.R. 2347. An act to redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility," and for other purposes.

H.J. Res. 255. Joint resolution designating the week beginning July 21, 1991, as the "Korean War Veterans Remembrance Week."

On July 22, 1991:

H.R. 751. An act to enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives and to strengthen and coordinate adult literacy programs.

On July 23, 1991:

H.J. Res. 279. Joint resolution to declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 24, 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:

1801. A communication from the President of the United States, transmitting classified and unclassified reports on the redeployment of the Armed Forces of the United States, in connection with Operation Desert Storm, pursuant to Public Law 102-28, section 108(a) (105 Stat. 166); to the Committee on Appropriations.

1802. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for the fiscal year 1991 in connection with the tornado recovery program at McConnell Air Force Base, KS, and to authorize additional administrative procedures for the Persian Gulf regional defense fund; to the Committee on Armed Services.

1803. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 1121 of Public Law 100-180, 101 Stat. 1147,

to allow more effective use of the Department of Defense Counterintelligence Polygraph Program; to the Committee on Armed Services.

1804. A letter from the Secretary of Housing and Urban Development, transmitting the annual report of the operations of the Federal National Mortgage Association during calendar year 1990, pursuant to 12 U.S.C. 1723a(h); to the Committee on Banking, Finance and Urban Affairs.

1805. A letter from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for participation by the United States in a capital stock increase of the International Finance Corporation; to the Committee on Banking, Finance and Urban Affairs.

1806. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-51, "District of Columbia Good Time Credits Amendment Act of 1991", and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1807. A letter from the Secretary, Department of Energy, transmitting an update on energy targets transmitted during preceding year, pursuant to 42 U.S.C. 7361(c); to the Committee on Energy and Commerce.

1808. A letter from the Director, Federal Trade Commission, transmitting the Commission's Annual Report, pursuant to 15 U.S.C. 46(f); to the Committee on Energy and Commerce.

1809. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that it has extended the time period for acting on the appeal in No. 40365, "National Starch and Chemical Corporation v. The Atchison, Topeka and Santa Fe Railway Company, Et Al.", pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

1810. A letter from the Department of State, Assistant Secretary for Legislative Affairs, transmitting copies of Presidential Determinations No. 91-42, 91-45, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of refugees and other persons in Western Sahara, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

1811. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending June 30, 1991, pursuant to Public Law 100-461, section 588(b)(3) (102 Stat. 2268-51); to the Committee on Foreign Affairs.

1812. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 91-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1813. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 91-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1814. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 91-43), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1815. A letter from the Director, U.S. Information Agency, transmitting a report entitled, "Special Report by the Advisory Board for Cuba Broadcasting on TV Marti"; to the Committee on Foreign Affairs.

1816. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

1817. A letter from the Administrator, Federal Aviation Administration, transmitting the implementation plan for Federal security managers and civil aviation security liaison officers; to the Committee on Public Works and Transportation.

1818. A letter from the Director, Office of Management and Budget, transmitting the status report on credit management and debt collection, July 1991; to the Committee on Ways and Means.

1819. A letter from the Secretary of Energy, transmitting a report on waste tank safety issues at the Hanford site; jointly, to the Committees on Armed Services and Energy and Commerce.

1820. A letter from the Executive Director, Resolution Trust Corporation, transmitting the Corporation's status report for the month of June 1991, (review of 1988-89 FSLIC assistance agreements); jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2893. A bill to extend to 1991 crops the disaster assistance provisions of the Food, Agriculture, Conservation, and Trade Act of 1990; with an amendment (Rept. 102-158). Referred to the Committee of the Whole House of the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 200. Resolution waiving certain points of order during consideration of H.R. 2942, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-159). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes with amendments. Referred to the Committee on Agriculture, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means for a period ending not later than September 27, 1991 only for consideration of such provisions of the amendments recommended by the Committee on Banking, Finance and Urban Affairs as fall within the respective jurisdictions of those committees pursuant to clauses 1(a), 1(h), 1(m), and 1(v) of Rule X (Rept. No. 102-157, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MARTINEZ (for himself, Mr. ROYBAL, Mr. KILDEE, Mr. DOWNEY, Mr. GEKAS, Mrs. LOWEY of New York, and Mr. DE LUGO):

H.R. 2967. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes; to the Committee on Education and Labor.

By Mr. DELLUMS (for himself and Mr. BLILEY):

H.R. 2968. A bill to waive the period of congressional review of certain District of Columbia acts; to the Committee on the District of Columbia.

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

H.R. 2969. A bill to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes; to the Committee on the District of Columbia.

By Mr. DIXON:

H.R. 2970. A bill to amend the Higher Education Act of 1965 to provide program grants to medical and allied health professions institutions for graduate education and training which will benefit underserved, economically disadvantaged communities; to the Committee on Education and Labor.

By Mr. DOOLITTLE (for himself, Mr. HERGER, Mr. LENT, Mr. RIGGS, Mr. ROGERS, Mr. KOLTER, Mr. LAGOMARSINO, and Mr. EMERSON):

H.R. 2971. A bill to amend title II of the Social Security Act to provide that States and local governments may not tax Social Security benefits; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. EDWARDS of California (for himself, Mr. BERMAN, Mr. CONYERS, Mr. DIXON, Mr. DYMALLY, Mr. KOPETSKI, Mr. LEVINE of California, Mr. WASHINGTON, and Mr. WATERS):

H.R. 2972. A bill to strengthen the Federal response to police misconduct; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 2973. A bill to establish a native American University, and for other purposes; to the Committee on Education and Labor.

By Mr. GEPHARDT:

H.R. 2974. A bill to provide payments to States and certain other entities and individuals as a reward to increase the number of children who receive preschool health care and early childhood education and to increase the number of high school seniors who achieve outstanding scores in math and science; and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means

By Mr. HOCHBRUECKNER:

H.R. 2975. A bill to amend title 23, United States Code, to reduce traffic congestion resulting from construction of Federal-aid highway projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. KOSTMAYER:

H.R. 2976. A bill to limit the antitrust exemption applicable to joint agreements among certain professional sports teams regarding telecasting their games played at home for viewing without charge to the public; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. SCHEUER, Mr. TAUZIN, Mr. WYDEN, Mr. RICHARDSON, Mr. BRYANT, Mr. BOUCHER, Mr. COOPER, Mr. MANTON, Mr. MCMILLEN of Maryland, Mr. LEHMAN of California, Mr. HARRIS, Mr. OXLEY, Mr. BILIRAKIS, Mr. SCHAEFER, and Mr. ECKART):

H.R. 2977. A bill to authorize appropriations for public broadcasting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself and Mr. VANDER JAGT):

H.R. 2978. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment under the partnership allocation rules of certain nonrecourse financing qualifying under the at-risk rules; to the Committee on Ways and Means.

By Mr. MONTGOMERY (by request):

H.R. 2979. A bill to provide military commissary and exchange privileges to the surviving spouses of veterans dying from a service-connected disability; to the Committee on Armed Services.

H.R. 2980. A bill to provide eligibility for military commissary and exchange privileges and space-available transportation on military aircraft to certain former enlisted members of the Armed Forces discharged for disability; to the Committee on Armed Services.

H.R. 2981. A bill to restore Memorial Day to its original date; to the Committee on Post Office and Civil Service.

H.R. 2982. A bill to amend title 38, United States Code, to extend to recipients of the Medal of Honor eligibility for medical and dental care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2983. A bill to amend title 38, United States Code, to provide for an increase in the amount of dependency and indemnity compensation paid to dependent parents of deceased veterans in the case of parents who are permanently housebound; to the Committee on Veterans' Affairs.

H.R. 2984. A bill to amend title 38, United States Code, to repeal the requirement that a chronic disease becoming manifest in a veteran within 1 year of the veteran's discharge from military service must be at least 10 percent disabling in order to be presumed to be service-connected for purposes of veterans' benefits; to the Committee on Veterans' Affairs.

H.R. 2985. A bill to amend title 38, United States Code, to extend educational assistance benefits to dependents of veterans with a service-connected disability of 80 percent or more; to the Committee on Veterans' Affairs.

H.R. 2986. A bill to amend title 38, United States Code, to eliminate the delimiting date for spouses and surviving spouses eligible for benefits under chapter 35; to the Committee on Veterans' Affairs.

H.R. 2987. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide mortgage protection life insurance to certain veterans unable to acquire commercial mortgage protection life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2988. A bill to authorize a period in which otherwise eligible veterans with service-connected disabilities may apply for coverage under the Service Disabled Veterans Insurance Program; to the Committee on Veterans' Affairs.

H.R. 2989. A bill to amend title 38, United States Code, to limit the apportionment of benefits paid by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2990. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability evaluations for compensation purposes; to the Committee on Veterans' Affairs.

H.R. 2991. A bill to amend chapter 42 of title 38, United States Code, with respect to the definition of disabled veteran; to the Committee on Veterans' Affairs.

H.R. 2992. A bill to amend title 38, United States Code, to provide that former prisoners of war are eligible for reimbursement for emergency medical expenses on the same basis as veterans with total permanent service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2993. A bill to amend title 38 of the United States Code to permit certain eligible veterans to purchase up to $20,000 of National Service Life Insurance; to the Committee on Veterans' Affairs.

H.R. 2994. A bill to amend chapter 24 of title 38, United States Code, to provide for the establishment of at least one national cemetery in each State; to the Committee on Veterans' Affairs.

By Mr. OBERSTAR:

H.R. 2995. A bill to amend title 18, United States Code, to permit Federal firearms licensees to conduct firearms business at out-of-State gun shows; to the Committee on the Judiciary.

By Mr. RICHARDSON (for himself and Mr. TOWNS):

H.R. 2996. A bill to amend the Communications Act of 1934 to assure equal employment opportunities are afforded by radio and television broadcasting stations; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mr. SCHAEFER, Mr. SKAGGS, Mr. ALLARD, Mr. CAMPBELL of Colorado, and Mr. HEFLEY):

H.R. 2997. A bill to amend title 28 of the United States Code to authorize the appointment of one additional bankruptcy judge for the district of Colorado: to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 2998. A bill to amend the Natural Gas Act to permit the development of coalbed methane gas in areas where its development has been impeded or made impossible by uncertainty and litigation over ownership rights, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLATTERY:

H.R. 2999. A bill to amend the Communications Act of 1934 to expand the broadcasting of information on election campaigns; to the Committee on Energy and Commerce.

H.R. 3000. A bill to provide for comprehensive reform of Federal election campaign financing; jointly, to the Committees on Ways and Means and House Administration.

By Mr. TORRICELLI (for himself, Mr. MCMILLEN of Maryland, and Mr. ROE):

H.R. 3001. A bill to provide for the development of a national strategic plan for advanced materials processing, synthesis, and research and development, the establishment of national advanced materials processing and synthesis centers, and the establishment of advanced materials principal investigator and fellowship awards programs, and for other purposes; to the Committee on Science, Space, and Technology.

By Mrs. UNSOELD (for herself and Mr. AUCOIN):

H.R. 3002. A bill to amend the Federal Power Act to provide a definition of the term "fishway"; to the Committee on Energy and Commerce.

By Mr. WISE:

H.R. 3003. A bill to provide that certain regulations of the Secretary of Labor relating to the adjudication of claims under the Black Lung Benefits Act shall be of no force or effect; to the Committee on Education and Labor.

By Mr. SLATTERY:

H.J. Res. 311. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. JOHNSON of Texas:

H. Con. Res. 185. Concurrent resolution commending the people of the United States who selflessly and heroically fight crime; to the Committee on the Judiciary.

By Ms. OAKAR (for herself, Mr. ROBERTS, Mr. THOMAS of California, and Mr. PANETTA):

H. Res. 199. Resolution providing for certain civilian support positions for the Capitol Police for the performance of functions with respect to the House of Representatives; to the Committee on House Administration.

By Mr. WEISS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANTHONY, Mr. APPLEGATE, Mr. ARCHER, Mr. BACCHUS, Mr. BEVILL, Mr. BILBRAY, Mr. BLILEY, Mr. BUSTAMANTE, Mr. CARR, Mr. CLEMENT, Mr. COLEMAN of Texas, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COMBEST, Mr. CONDIT, Mr. COOPER, Mr. DARDEN, Mr. DE LUGO, Ms. DELAURO, Mr. DELLUMS, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DOOLEY, Mr. DOWNEY, Mr. DYMALLY, Mr. ECKART, Mr. ERDREICH, Mr. ESPY, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FROST, Mr. GEKAS, Mr. GILMAN, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOUGHTON, Mr. HUBBARD, Mr. HUTTO, Mr. INHOFE, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Mr. KLECZKA, Mr. KOPETSKI, Mr. LANCASTER, Mr. LANTOS, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MFUME, Mrs. MINK, Mr. MOODY, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTON, Mr. OWENS of New York, Mr. PACKARD, Mr. PANETTA, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PENNY, Mr. PURSELL, Mr.

RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. RICHARDSON, Mr. RITTER, Mr. ROWLAND, Mr. SARPALIUS, Mr. SERRANO, Mr. SHAYS, Mr. SISISKY, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STENHOLM, Mr. SUNDQUIST, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. THOMAS of Wyoming, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UPTON, Mr. VANDER JAGT, Mr. VOLKMER, Mrs. VUCANOVICH, Ms. WATERS, Mr. WEBER, Mr. WILSON, Mr. YATRON, and Mr. YOUNG of Alaska):

H. Res. 201. Resolution expressing the sense of the House of Representatives that the people of the United States should recognize "An Artistic Discovery," the congressional high school art competition; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII.

243. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to selection of a site in the Valley Forge area for a national cemetery; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON:

H.R. 3004. A bill relating to the reliquidation of certain entries; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 3005. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; 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. 53: Mr. SCHIFF, Mr. CLINGER, Mr. HUBBARD, Mr. SANGMEISTER, and Mr. MURTHA.

H.R. 179: Mr. DIXON.

H.R. 303: Mr. MAVROULES.

H.R. 318: Mr. ECKART.

H.R. 381: Mr. HOYER, Mr. FAZIO. Mrs. SCHROEDER, and Mr. DOOLEY.

H.R. 382: Mr. JOHNSTON of Florida.

H.R. 384: Mr. GOODLING.

H.R. 418: Mr. HORTON, Mr. THOMAS of Wyoming, Mr. SERRANO, and Mr. SKEEN.

H.R. 423: Mr. FRANK of Massachusetts.

H.R. 443: Ms. NORTON.

H.R. 573: Mr. DWYER of New Jersey.

H.R. 576: Mr. STAGGERS, Mr. GUNDERSON, and Mr. MARKEY.

H.R. 778: Mr. GEPHARDT.

H.R. 875: Mr. DELLUMS, Mr. YATES, and Mr. SKAGGS.

H.R. 967: Mr. REED and Mr. RAY.

H.R. 1000: Mr. JOHNSTON of Florida.

H.R. 1077: Mr. UPTON.

H.R. 1161: Mr. RAHALL, Mr. MURTHA, Mr. MORRISON, and Mr. WILSON.

H.R. 1200: Mr. ECKART, Mr. STALLINGS, Mr. VANDER JAGT, Mr. PRICE, Mr. KANJORSKI, Mr. LAROCCO, and Mr. RAVENEL.

H.R. 1235: Mr. McDade and Mr. RIDGE.

H.R. 1263: Mr. JOHNSTON of Florida.

H.R. 1264: Mr. JOHNSTON of Florida.

H.R. 1292: Mr. SKEEN.

H.R. 1330: Mr. LENT, Mr. BLILEY, Mr. THOMAS of California, Mr. SPENCE, Mr. ANNUNZIO, Mr. CARR, Mr. GUNDERSON, Mr. SLAUGHTER of Virginia, Mr. SOLOMON, Mr. LEACH, Mr. REGULA, Mr. GALLEGLY, and Mr. SKEEN.

H.R. 1346: Mr. BACCHUS.

H.R. 1400: Mr. DOOLITTLE, Mr. UPTON, and Mr. BAKER.

H.R. 1417: Mr. NEAL of North Carolina.

H.R. 1450: Mr. MOODY.

H.R. 1468: Mr. LEWIS of Florida.

H.R. 1527: Mr. HOPKINS, Mr. WEBER, Mr. DYMALLY, Mr. SARPALIUS, Mr. PETERSON of Minnesota, Mr. MARLENEE, and Mr. KLECZKA.

H.R. 1531: Mr. SCHIFF, Mr. LIVINGSTON, and Mr. MARTINEZ.

H.R. 1538: Mr. BILBRAY and Mr. ROYBAL.

H.R. 1691: Mr. GUARINI, Mr. FLAKE, Mr. MARKEY, Mr. ZIMMER, Mr. HOBSON, Mr. ROGERS, and Mr. THOMAS of Wyoming.

H.R. 1751: Mr. MARTIN, Ms. NORTON and Mr. ENGEL.

H.R. 1883: Mr. ECKART.

H.R. 1916: Mr. KOSTMAYER.

H.R. 1970: Mr. KOSTMAYER, Mr. JONTZ, Mr. KOPETSKI, Mr. MCHUGH, Mr. TORRICELLI, Mr. SMITH of New Jersey, and Mr. WHEAT.

H.R. 1992: Mr. MFUME and Mr. ANDERSON.

H.R. 2027: Mr. CAMPBELL of Colorado.

H.R. 2099: Mr. HOCHBRUECKNER, Mr. RANGEL, Mr. WALSH, Mr. FOGLIETTA, Mr. HAYES of Illinois, Mr. BOEHLERT, Mr. JONTZ, Mr. DURBIN, Mr. ESPY, Mr. LANTOS, Mr. KOPETSKI, Mr. MARTINEZ, Mr. BRUCE, Mr. FROST, Mr. MFUME, Mr. ECKART, and Mr. SMITH of Florida.

H.R. 2115: Mr. DICKINSON and Mr. EVANS.

H.R. 2197: Mr. JOHNSON of South Dakota, Mr. BORSKI, and Ms. SNOWE.

H.R. 2210: Mr. HORTON, Mrs. SCHROEDER, and Mr. HOCHBRUECKNER.

H.R. 2224: Mr. BROWN and Mr. STARK.

H.R. 2235: Mr. SWETT and Mr. CAMPBELL of Colorado.

H.R. 2258: Mr. HAYES of Illinois, Mr. ROE, and Mr. YATES.

H.R. 2342: Mr. SHARP.

H.R. 2374: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. LEWIS of Georgia, and Ms. NORTON.

H.R. 2451: Mr. LEHMAN of California, Mr. BRYANT, Mr. MARTINEZ, Mr. OBERSTAR, and Mr. YATES.

H.R. 2452: Mr. MARTINEZ.

H.R. 2456: Mr. WOLPE, Mr. BEILENSON, Mr. SCHUMER, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

H.R. 2470: Mr. HENRY.

H.R. 2500: Ms. OAKAR.

H.R. 2523: Mr. KOLBE, Mr. RIGGS, Mr. RAMSTAD, Mr. DUNCAN, and Mr. SOLOMON.

H.R. 2526: Mr. GILMAN, Mr. BONIOR, Mr. BOUCHER, Ms. KAPTUR, Mr. ERDREICH, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. EMERSON, Mr. MILLER of California, Mr. KASICH, Ms. PELOSI, Mr. VANDER JAGT, Mr. MCMILLEN of Maryland, Mr. RAHALL, Ms. OAKAR, Mr. DYMALLY, Mr. MCHUGH, Mr. LAGOMARSINO, Mr. FROST, Mr. BERMAN, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. ROGERS, Ms. SLAUGHTER of New York, Mr. ACKERMAN, Mr. TOWNS, Mr. ANDREWS of Texas, Mr. DANNEMEYER, Mr. WHITTEN, Mr. EVANS, Mr. HUGHES, Mr. ROE, and Mr. DWYER of New Jersey.

H.R. 2568: Mr. DOOLEY.

H.R. 2579: Mr. CAMPBELL of Colorado.

H.R. 2597: Mr. FLAKE.

H.R. 2600: Mr. RAHALL.

H.R. 2603: Mr. LANCASTER and Mr. BENNETT.

H.R. 2629: Mr. PERKINS, Mr. ECKART, Mr. MACHTLEY, Mr. PRICE, and Mr. SERRANO.

H.R. 2632: Mr. COYNE.

H.R. 2639: Mr. ALEXANDER.

H.R. 2649: Mr. WALSH, Mr. DORNAN of California, Mr. KLUG, Mr. GUNDERSON, Mr. GALLEGLY, Mr. HORTON, Mr. LAGOMARSINO, and Mr. HYDE.

H.R. 2740: Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. LANCASTER, Mr. LEHMAN of Florida, and Mr. RANGEL.

H.R. 2751: Mr. FAWELL and Mr. DE LUGO.

H.R. 2755: Mr. DICKS, Mr. AUCOIN, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. MRAZEK, Mr. ESPY, Mr. FRANK of Massachusetts, and Mr. FORD of Tennessee.

H.R. 2767: Mr. ROYBAL, Mr. DORNAN of California, Mr. JOHNSON of South Dakota, and Mr. LANCASTER.

H.R. 2786: Mr. KOLBE.

H.R. 2803: Mr. TAUZIN.

H.R. 2804: Mr. ROYBAL, Mr. DE LUGO, Mr. OWENS of New York, Mr. DOWNEY, Mr. RANGEL, Mrs. MINK, Mr. YOUNG of Alaska, Mr. HORTON, Mr. SERRANO, Mr. MCNULTY, Mr. TRAFICANT, Mr. FROST, Mr. SKELTON, Mr. DEFAZIO, and Mr. HUCKABY.

H.R. 2815: Mr. LIGHTFOOT.

H.R. 2840: Mr. BERMAN, Mr. DYMALLY, Mr. LEHMAN of Florida, Mr. LANTOS, Mr. MCDERMOTT, Mr. LAFALCE, and Mr. FROST.

H.R. 2855: Mr. GILLMOR, Mr. FROST, Mr. MARTINEZ, Ms. ROS-LEHTINEN, Ms. LONG, Mr. JOHNSTON of Florida, Mr. REED, Mr. BERMAN, Mr. BORSKI, Mr. FORD of Tennessee, Mr. JOHNSON of South Dakota, Mr. ANTHONY, Mr. HAYES of Illinois, Mr. KLECZKA.

H.R. 2879: Mr. SKEEN and Mr. SARPALIUS.

H.R. 2880: Mr. MCDERMOTT, Mrs. LOWEY of New York, Mr. PAYNE of Virginia, Mr. GIBBONS, Mr. DIXON, Mr. DEFAZIO, Mr. TRAFICANT, Mr. KILDEE, Mr. BEILENSON, Mrs. SCHROEDER, Ms. NORTON, and Mr. BERMAN.

H.R. 2893: Mr. TAYLOR of Mississippi.

H.R. 2946: Mr. MCMILLEN of Maryland and Mr. SYNAR.

H.R. 2966: Mr. HYDE.

H.J. Res. 102: Mr. SABO and Mr. LAGOMARSINO.

H.J. Res. 156: Mr. MORAN, Mrs. COLLINS of Michigan, Mr. GILMAN, Mr. DIXON, Mr. RHODES, Mr. GALLEGLY, and Mr. ROYBAL.

H.J. Res. 217: Mr. YOUNG of Alaska and Mr. SABO.

H.J. Res. 238: Mr. PAYNE of New Jersey, Mr. TAUZIN, Mr. JONES of North Carolina, Mr. NEAL of North Carolina, Mr. RAVENEL, Mr. JONES of Georgia, Mr. IRELAND, Mr. LUKEN, Mr. LANCASTER, Mr. RAMSTAD, Mr. VALENTINE, Mr. YATRON, Mr. MCCRERY, Mr. WYDEN, Mr. VOLKMER, and Mr. TOWNS.

H.J. Res. 239: Mr. DOOLEY AND Mr. FISH.

H.J. Res. 244: Mr. ACKERMAN, Mr. ASPIN, Mr. BENNETT, Mr. BONIOR, Mr. BURTON of Indiana, Mr. CARPER, Mrs. COLLINS of Michigan, Mr. CONYERS, Mr. DEFAZIO, Mr. DIXON, Mr. ENGEL, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GEKAS, Mr. GEREN of Texas, Mr. GORDON, Mr. HATCHER, Mr. HORTON, Mr. IRELAND, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. OWENS of Utah, Mr. PALLONE, Mr. RAHALL, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROE, Mr. ROTH, Mr. RUSSO, Mr. SAVAGE, Mr. SCHEUER, and Mr. SCHUMER.

H.J. Res. 252: Mr. ROYBAL, Mr. CRAMER, Mr. MCCLOSKEY, Mr. BATEMAN, Mrs. KENNELLY, Mr. PRICE, Mr. NOWAK, Mr. GEKAS, Mr. BUNNING, Mr. WOLPE, Mr. MINETA, Mr. NAGLE, Mr. DORGAN of North Dakota, Mr. FRANK of Massachusetts, Mr. TORRICELLI, Ms. HORN, Ms. LONG, Mr. SABO, Mr. LIGHTFOOT, Mr. STAGGERS, and Mr. MAVROULES.

H.J. Res. 266: Mr. FAZIO, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. FROST, Mr. MCDERMOTT, Mr. ROYBAL, Mr. SARPALIUS, Mr. SAWYER, Mr. SCHEUER, Mr. SISISKY, Mr. SLATTERY, Mr. STOKES, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAFICANT, Mr. VOLKMER, Mr. WAXMAN, Mr. WEISS, Mr. WILSON, Mr. MARKEY, Mr. MILLER of California, Mr. NEAL of Massachusetts, Mr. RAY, Mr. ORTON, and Mr. FEIGHAN.

H.J. Res. 287: Mr. SMITH of Oregon, Mr. SOLOMON, Mr. DICKS, Mr. RAMSTAD, Mr. FRANKS of Connecticut, Mr. MAZZOLI, Mr. ATKINS, Mr. SCHAEFER, Mr. BROWDER, Mr. HOUGHTON, Mr. PETRI, Mr. NATCHER, Mr. SLATTERY, Mr. NAGLE, Mr. SANDERS, Mr. EDWARDS of Texas, Mr. LIGHTFOOT, Mrs. MINK, and Mr. SKEEN.

H.J. Res. 288: Mr. ROGERS, Mr. FROST, Mr. ESPY, Mr. SOLOMON, Mr. GUARINI, Mr. RANGEL, Mr. EMERSON, Mr. LANCASTER, Mr. EVANS, Mr. QUILLEN, Mr. WEISS, Mr. HORTON, Mr. KILDEE, Mr. MCMILLEN of Maryland, Mr. CLEMENT, Mr. TALLON, Mr. ROE, Mr. SERRANO, Mr. LIPINSKI, Mr. ERDREICH, and Mr. LAFALCE.

H.J. Res. 303: Mr. EMERSON, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. REGULA, Mr. CARDIN, Mr. CARR, Mr. WILSON, Mr. DICKS, Mr. GALLO, Mr. GEREN of Texas, Mr. GEKAS, Mr. HALL of Texas, Mr. HATCHER, Mr. HUTTO, Mr. HYDE, Mr. HEFNER, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. DARDEN, Mr. KILDEE, Mr. WYDEN, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. DE LUGO, Mr. MCCOLLUM, Mr. MCDADE, Mr. MILLER of Ohio, Mr. OWENS of New York, Mr. PAXON, Mr. RAVENEL, Ms. OAKAR, Mr. RINALDO, Mr. ROE, Mr. RITTER, Mr. SAVAGE, Mr. ROYBAL, Mr. ECKART, Mr. GORDON, Mr. SHARP, Mr. SLATTERY, Mr. SPENCE, Mr. SPRATT, Mr. VALENTINE, Mr. TAUZIN, Mr. TRAFICANT, Mr. YATRON, Mr. FAWELL, Mr. MAZZOLI, Mr. FASCELL, Mr. WEISS, Mr. FORD of Tennessee, Mr. MCEWEN, Mr. STALLINGS, Mr. NEAL of North Carolina, Mr. LANCASTER, Mr. BEVILL, Mr. BORSKI, Mr. HOCHBRUECKNER, Ms. NORTON, Mr. PURSELL, Mr. GILMAN, Mr. NEAL of Massachusetts, Mr. CONYERS, Mr. LAGOMARSINO, Ms. LONG, Mr. RANGEL, and Mr. MOODY.

H. Con. Res. 18: Mr. TOWNS, Mr. ABERCROMBIE, and Mr. MFUME.

H. Con. Res. 146: Mr. CAMPBELL of Colorado.

H. Con. Res. 150: Mr. ECKART, Mr. EVANS, Mr. FROST, Mr. LEWIS of Georgia, Mr. MFUME, Mrs. MORELLA, and Mr. WASHINGTON.

H. Con. Res. 168: Mr. RAMSTAD, Mr. LEACH, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GOSS, Mr. BERMAN, Mr. PANETTA, Mr. RICHARDSON, and Mr. DINGELL.

H. Con. Res. 176: Mr. DELLUMS, Mr. MRAZEK, Mr. PORTER, Mr. HORTON, Mr. SMITH of Florida, Mrs. SCHROEDER, Mr. FORD of Tennessee, and Mr. TOWNS.

H. Con. Res. 184: Mr. RITTER, Mr. KOLTER, Mr. BROWN, and Mr. CARDIN.

H. Res. 167: Mr. UPTON.

H. Res. 173: Mr. HERGER and Mr. LAGOMARSINO.

SENATE—*Tuesday, July 23, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 8:59 a.m., on the expiration of the recess, and was called to order by the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Rev. Michas Ohnstad, National Chaplain, American Legion, North Branch, MN.

PRAYER

The Reverend Michas Ohnstad, National Chaplain, the American Legion, North Branch, MN, offered the following prayer.

Let us pray:

Almighty God, more often invoked than obeyed, we acknowledge our utter dependence upon Thee, not only for life itself, but for all that gives meaning to life.

To You, sovereign Ruler of mankind and Judge over nations, we render thanks for the abundant blessings that You give us daily.

With grateful hearts we accept Your goodness toward us and, in response to Your abundant love, we commit ourselves to serve You by being of service to our fellow man.

Where we fail, forgive. That we might succeed, give us the will, the wisdom, the strength to accomplish Your purposes as our own, through Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 1991.

To the Senate:

Under the Provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL D. WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein.

The Senator from Tennessee [Mr. GORE] is permitted to speak up to 20 minutes. The Senator from Louisiana [Mr. JOHNSTON] is permitted to speak up to 20 minutes. The Senator from Minnesota [Mr. WELLSTONE] is permitted to speak up to 10 minutes and the Senator from Vermont [Mr. LEAHY] is permitted to speak up to 15 minutes.

Mr. DURENBERGER addressed the Chair.

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

Mr. DURENBERGER. Mr. President, I would like to take a minute or two, if I may, and thank our guest chaplain, Michas Ohnstad of North Branch, MN, for honoring us with his presence, and by inference that of his family, that of all Minnesotans and that of all veterans, particularly, those associated with the American Legion, for his prayer this morning.

I have known our chaplain for the day for almost 30 years now, and I have known him in the area upon which he spoke, public service, the best. Chaplain Ohnstad and his wife, Alma, have served the people of Minnesota, as Michas has served the veterans of this country, most recently, by becoming the fifth Minnesotan to be honored to serve as the American Legion National Chaplain.

In addition, he is the vice chairman of the Minnesota Veterans Home Board, the public relations director of the Forty and Eight in Minnesota, the department Americanism chairman of the Minnesota VFW, and a member of the board of directors for the National Association of Atomic Veterans. He also served as Minnesota American Legion rehabilitation director from 1978 to 1988, the year that he retired, if there is such a word in his vocabulary.

Chaplain Ohnstad received a bachelor's degree from Augustana College in 1952 and began theological training at Augustana Seminary in September of that year. He transferred to Northwestern Seminary in Minneapolis where he received his divinity degree in May 1956. After serving as a Lutheran mission developer at Halifax, NS, in 1959, he became pastor at St. John's Lutheran Church at Stacy, where he was pastor 5 years and from whence, I believe, he sought a temporary career in politics and public service.

Fortunately for him, unfortunately for the rest of us, that part of his career did not last as long as some of us might have liked.

I was proud to hear him speak of will, of wisdom, and of strength. These are three characteristics that we all need, especially in this body, as we take on difficult issues. Some of the issues most difficult we may hear about this morning from our colleagues in morning business.

I am very proud, as I know the Acting President pro tempore is this morning, of the fact that our contribution to the National American Legion, guest chaplain Michas Ohnstad and his wife, Alma, are here with us this morning.

I yield the floor.

Mr. GORE addressed the Chair.

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

THE ANTIBALLISTIC MISSILE TREATY

Mr. GORE. Mr. President, I rise this morning to discuss the issue on strategic defenses for the United States, and the future of the Antiballistic Missile Treaty. These issues have been hotly debated for at least two decades. Soon, probably next week, they will be debated again in this Chamber. This morning I would like to do my part in helping to prepare the way for that debate.

I think it was perhaps inevitable that the Senate would take up this question again, because at stake are fundamental questions about the nature of nuclear deterrence. Such matters are often very abstract and seem overly technical, but in the end, they touch upon the probability of human survival. In view of the vast changes which have occurred in United States-Soviet relations, there might now be some hope that our internal differences here could also narrow, or even finally be resolved.

Next week, when the defense authorization bill comes to the Senate floor, it will be said that the moment for that reconciliation has, in fact, arrived. The Armed Services Committee has approved language relating to SDI which purportedly is a step toward consensus. I wish that it were. Unfortunately, it is not.

In fact, this compromise language not only fails to resolve differences

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

among ourselves, but almost certainly will also widen differences between ourselves and the Soviet Union.

Consensus exists only when different points of view have been genuinely reconciled. Since this brings into being a new and consolidated idea of what needs to be done, the committee language we will be debating next week is not a consensus in this meaning of the word. It represents, instead, a kind of lowest-common-denominator agreement on words that do not resolve, but rather conceal, profound disagreements on the substance of what is contained in the committee's measure.

We had many hours of discussion before a majority in the committee finally agreed on the core language of the SDI amendment as follows:

It is a goal of the United States to deploy an antiballistic missile system, including one, or an adequate additional number of ABM sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

Some on the committee supported the version of the ABM system that is to the left of the word "or." Others on the committee supported the version of the ABM system that is described to the right of the word "or." Both systems, radically different from each other, are included in the same sentence, same amendment, and the same bill.

The implications of the two systems are also very different. In the course of that discussion, it became abundantly clear how far apart Members who support the formulation actually are. I would like to begin with a very brief review of the ABM Treaty which is the necessary starting point.

The ABM Treaty, of course, permits us to build an antiballistic missile system within certain limits. Those limits are, broadly, that each side can build an antiballistic missile system, provided that it is located at only one site, that it has not more than 100 launches for its interceptor missiles, nor more than 100 missiles, and that, in terms of its overall capabilities, it must not be an effort to defend the entire territory of either country—thus, undermining the basis for deterrence—but only the defense of an individual region, within which originally the offensive missiles were presumed to be deployed.

Originally, the United States declared its intention to build its system in Grand Forks, ND, for the purpose of providing some protection for U.S. ballistic missile silos located in that region. Over time, however, technology has improved to the point where a treaty-compliant installation at just this one site could provide far more than just local defense.

It is this new technological development which has in a way stimulated the debate over the language eventually included in the committee bill, or at least part of the language.

A treaty compliance site, using these more advanced technologies, could theoretically defend more or less the central one-third of the United States but provide very little coverage for either coast and none at all for Alaska or Hawaii.

Assuming the system worked well, it would protect against no more than 100 warheads or nominally 10 heavy Soviet ICBM's or perhaps a fraction of a single boatload of Soviet SLBM's. In the event the Soviets have missiles that are fully equipped with penetration aids, however, the United States system might be unable to handle even one heavily MIRV'd ICBM with penetration aids and decoys and chaff to confuse the radars.

Ironically, if such a system were deployed without amendments to the treaty and without agreement by the Soviet Union in advance, as President Reagan contemplated when he first proposed the SDI system, its very deployment might well push the Soviet Union toward equipping its ICBM force with the penetration aids and decoys and chaff which would ironically then sharply undermine the usefulness of a system of this kind even against an accidental launch.

Some members of the committee believe that the United States should deploy no more than this single, ground-based installation, fully compliant with the ABM Treaty. They take comfort from certain phrases in the committee language that suggest this outcome is possible, and they discount the fact that this language makes no promises.

Other members of the committee make it abundantly clear that they believe this single treaty compliance site is a completely inadequate return on the investment made in the committee bill. They want full coverage of all 50 States. And to get that, of course, they have to break the ABM Treaty at many points by deploying for starters not just one site but 5 or 6 sites, and not just 100 missiles but 1,000 or probably more, not ground-based radars of the sort prescribed by the ABM Treaty but space-based equipment capable of coordinating the battle. But even this system cannot handle more than a half-hearted Soviet attack. One thousand warheads equals 100 heavy ICBM's from the Soviet Union and that is, of course, only a tiny fraction of what the Soviet Union will have even after the START-1 reductions, which brings us to Brilliant Pebbles.

Those who believe in space-based defense argue that Brilliant Pebbles is the only way to gain real efficiency, because this system, unlike any of its ground-based variants, can attack ballistic missiles from any part of the globe, and it can attack them before they have deployed their warheads and payloads, especially important when dealing with highly MIRV'd Soviet missiles.

Brilliant Pebbles, however, depends upon all sorts of undemonstrated assumptions. Moreover, even its development is clearly illegal under the ABM Treaty. Finally, the administration is proposing to deploy only a small Brilliant Pebbles system at first, their so-called G-PALS system, which stands for global protection against accidental launch. So we end up with only light protection, unless we go on to a full-scale SDI system.

Those who fashioned the committee's compromise will argue that the supporters of Brilliant Pebbles have given up a great deal. Brilliant Pebbles is explicitly ruled out of the first phase of deployment in the committee version of this system, the 5-6 site deployment that is the real core of the compromise. But Brilliant Pebbles will be handsomely funded by the compromise and the 5-6 site ground-based deployment is in fact required for G-PALS. This is in essence a phase one of the old phase one approach to SDI which the administration is now pursuing. Making this initial deployment, moreover, effectively smashes the ABM Treaty, the 5-6 site deployment that is. Therefore, it is not surprising that supporters of a full-scale SDI system based on Brilliant Pebbles look at this compromise and, for good reason, see that their glass is half full.

It was said often during our debate within the committee and will surely be emphasized later in debate on the floor of the Senate that "all" that the committee has really agreed to do is authorize deployment by 1996 of a single treaty compliant antiballistic missile defense site, but that site is also explicitly described in the language of the committee bill as only an "initial step" and then it goes on toward the more complete system also described in the committee bill as on the other side of the "or" in the beginning phraseology.

The committee does not agree on any point other than building that one site. Opinion does not converge on this point but rather it departs from it in radically different directions.

As for the mention of such critically important terms in the committee's statement of goals as "adequate additional number," "highly effective," and "limited attacks," there is no indication whatsoever in the text and no basis for agreement among the Members. Yet these terms are efforts to characterize the basic specifications of a major weapons system whose development and deployment Congress would be commissioning.

The Senate needs also to realize that if it sustains the committee's language on this point, it will also be adopting a policy which declares the intention of the United States to totally revise the ABM Treaty with the effort to begin

immediately from first principles through the last technical detail, and, failing that, to abrogate the treaty. That is the certain meaning of committee language urging the President to "pursue immediately negotiations to amend the ABM Treaty." The goals of that negotiation, as outlined by the committee, are not at all narrow. Certainly, they do not include the right to deploy a space-based defense initially, and that point will be emphasized in the coming debate. But they do permit a ground-based system far beyond the present limits of the treaty, with a capability to defend the entire territory of the United States to some degree. It will allow us to deploy space-based sensors for battle-management functions, which is directly prohibited by the ABM Treaty as it is now written, and they open the door to full-scale development and testing of Brilliant Pebbles.

Moreover, the committee makes it clear that starting 4 years from now and ending with deployment of the first site in 1996, the United States might abrogate the ABM Treaty, unless the Soviets agree to change it to our liking. I expect you will hear some denials that the committee language is anywhere near that direct. It is not. All it says is that in May 1994, the President is to report to Congress on his progress in renegotiating the ABM Treaty with the Soviets. And if he is not making enough progress, then all it says is that by 1996, the President and Congress should have begun thinking about options under the ABM Treaty. Under the circumstances, however, the option of accepting the treaty as originally written is rejected, the option of amending the treaty is assumed to have failed. That leaves abrogating the treaty as the only choice. Not named, to be sure, but inevitable under the construct of the committee bill.

Now, if there were some compelling reason to abandon our present policies, perhaps all of these flaws would be acceptable. But we are presently under no such compulsion. Our present lines of research can be pursued usefully for a number of years before they run up against limits in the ABM Treaty. No one is suggesting that the risk of an accidental or unauthorized launch from the Soviet Union is high. As for the proliferation of ballistic missiles among other countries, that is indeed a major problem. But it is a regional problem, for countries that are within range of the kinds of missiles that are being developed and deployed. It is not expected to be a problem for the United States for some time to come.

We have seen that it is possible for the United States to defend locally against short range ballistic missiles. There is a true consensus in the committee that these defenses—so crucial during Desert Storm—need to be pushed and deployed for use in remote theaters of combat. We have a true consensus that more capable space-based sensors can and should be developed, and that potential issues involving their characteristics and the ABM Treaty ought to be the subject of negotiations. We have a true consensus that Soviet countermeasures could render a treaty compliant ABM system ineffective, and that we need an agreement that would preclude those countermeasures. These are the areas that should be our focus.

There is no need for us to force a choice among competing technologies and architectures. There is certainly no need for the Senate to urge the President to open a negotiation with the Soviets before the Senate even agrees on the true objectives of that negotiation. There is absolutely no need to try to buy the American people a placebo against the fear of nuclear war. We should develop short range defenses because they are feasible and important for dealing with proliferation at distances from ourselves. We should continue research and development on ground-based defenses. We should invest in possible breakthrough technologies. We should, in short, hold steady.

In the course of these remarks, I have said little about the implications of the committee's course of action for United States-Soviet relations. There are, after all, so many other unknowns about that subject. But assuming that in the end there continues to be a Soviet Government with responsibility for national defense, we will still have to make choices about what we would rather be talking about when it comes to nuclear weapons. Does it make more sense to prepare in the hope of further major reductions of strategic nuclear weapons? Or does it make sense, right now, just as START is to be signed, to invite a brand new chapter of discord about the role of defenses?

I am not unalterably opposed to anti-ballistic-missile defenses. I am not a believer that the ABM Treaty must exist forever in its present form, or even at all. If I oppose ballistic missile defense and support the ABM Treaty it is because of a reasoned conclusion valid in a given context. And my reasoning tells me that the committee's consensus on defenses is not a true guide to action, nor is it necessary at the present time.

Therefore, I intend to oppose the committee's compromise or proposed compromise during debate next week. I recognize that it will have a lot of support. This struggle will probably continue in the conference committee if we are not successful on the Senate floor in the initial debate.

Let me conclude, however, by saying I take this step with considerable regret, because in so doing I must differ with colleagues for whom I have very, very deep and genuine respect. In and around next weeks debate, you may hear that the committee's discussions of these issues were of unusual quality behind closed doors. I am very proud to say to my colleagues that in my opinion this is certainly true.

We had an extended debate lasting through parts of 2 weeks. Very rarely do we have the chance for sustained and serious dialog among ourselves without frequent interruptions and in a spirit of real inquiry. We had that kind of debate in the executive sessions of the Armed Services Committee over the last few weeks. I may claim, as I do here, that the results were flawed, but I also want to say that the process brought out some of the finest attributes of the Senate, and I was moved and impressed by the points made and the manner in which they were presented by my colleagues on both sides of the debate.

In closing, Mr. President, let me summarize what I believe to be the central point. For the foreseeable future, the most serious danger faced by the United States in the realm of strategic weaponry and intercontinental ballistics missiles will still be the threat we face from the arsenal possessed by the Soviet Union. We worry with some reason about the possibility that in the future some leader in the mold of Saddam Hussein might somehow acquire an intercontinental ballistic missile.

Mr. President, we have many, many thousands of such missiles, armed with nuclear warheads, ready to take off on a moment's notice, aimed at the United States of America right now. And they have been aimed at the United States of America for decades.

What has kept the peace, what has defended the United States of America is a mutually agreed deterrence which we accept and the Soviet Union accepts which we have labored mightily to reinforce with the strongest and most effective military forces of any nation in the world and which we have avoided undermining through a series not only of deployments but also of agreements such as the Anti-Ballistic Missile Treaty.

If we are going to discard the notion of deterrence, we ought to make certain that we have something at least equally effective to put in its place. We do not have a substitute for deterrence today, and we should not discard deterrence prematurely.

The language in the committee's bill, I fear, would undermine the public confidence in the ABM Treaty and in the notion of deterrence and would do so prematurely. I will therefore oppose the language of the committee bill.

I yield the floor.

Mr. JOHNSTON. Mr. President, I want to congratulate the distinguished Senator from Tennessee for a very clear and well-reasoned statement.

I share with him the view that the expenditures on SDI's, as proposed by

the Armed Services Committee, are unequal and imbalanced to the threat that is posed by the Soviet Union. Just as peace is breaking out in the world and we are agreeing just last week to the outlines of a new treaty, just as the Soviet Union seems to be rushing pell-mell into free enterprise, we are spending an additional—I forget the percentage—increase in SDI, leading to further increases against what is a vanishingly small threat.

So I look forward to the debate on the floor next week and look forward to the leadership of the Senator from Tennessee.

NATIONAL ENERGY SECURITY ACT

Mr. JOHNSTON. Mr. President, almost 2 months ago the Senate Energy Committee reported the National Energy Security Act, a balanced 15-title bill dealing with a national energy policy. That act was reported by a vote of 17 to 3 in the Energy Committee. I have been dealing these last few days with different parts of that bill—with alternative fuels, with energy efficiency on successive days and last Friday with natural gas—and today, Mr. President, I want to talk about renewable energy and the hydroelectric provisions of this bill.

Until recently, the potential for generating power from non-hydro-renewable energy has gone largely untapped. Now it is being heralded as the energy source to wean us off everything from oil to coal. I, too, believe that the use of renewable energy resources such as solar and biofuels must play an important role in our Nation's energy policy. Just as energy efficiency can play a major role in helping this country to achieve energy independence and an improved environment, so too can renewable energy resources provide economic and environmental benefits. However, we must be careful to understand the contribution renewable energy can make to our overall energy independence.

Although energy supplied from renewable resources is expected to rise as new technologies and regulatory measures are brought on line, it cannot yet substitute for the development of other domestic energy sources such as coal, natural gas, and oil.

Renewable energy must be viewed as an important component of a comprehensive national energy strategy based on domestic production, alternative fuels, and energy efficiency. According to figures supplied by Department of Energy and industry sources, nonhydro renewable energy resources currently comprise approximately 1 percent of the Nation's total energy use—or an estimated 394,000 barrels of oil equivalent a day. This compares with a total U.S. daily consumption of 38,000,000 barrels of oil equivalent a day.

The renewable provisions in the National Energy Security Act are designed to promote the development of commercially sound renewable energy systems in order to overcome the artificial economic and regulatory barriers that have prevented wide-scale adoption. S. 1220 promotes the most promising renewable technologies, helping U.S. manufacturers to maintain their leadership role in renewable technology.

The Senate Energy Committee is commited to a cost-effective domestic renewable energy resource program and we have proposed the following measures in its National Energy Security Act of 1991.

S. 1220 would expand the joint venture program under Public Law 101-218, the Renewable Energy and Energy Efficiency Technology Competitiveness Act, to include energy from biomass combustion and cogeneration, geothermal, and fuel cells, as well as diesel fuel displacement by photovoltaic, wind energy systems, and biomass direct combustion or gasification.

In addition to the joint venture provisions, S. 1220 strengthens the mandate of the interagency Committee on Renewable Energy Commerce and Trade [CORECT] which promotes the spread of commercially viable renewable energy technologies in lesser developed countries. Because domestic renewable technology manufacturers are often unfamiliar with the complexities of international trade and marketing, and policy makers and businesspersons in lesser-developed countries may be unfamiliar with the range and potential of renewable energy technologies, the CORECT Program provides an outstanding opportunity for mutal economic benefit.

The committee legislation builds on the existing CORECT statute by providing funding for expanded training of foreign nationals in energy efficiency and renewable energy technologies and applications and establishing overseas offices in the Caribbean and the Pacific rim to promote technology transfer and implementation. S. 1220 also rectifies a previous gap in access to funding for prefeasibility studies, a crucial priority within the renewable industry.

Although electricity production from renewable energy is often cost competitive with that from more conventional technologies, financing for renewable energy projects has traditionally been difficult to secure. In fact, access to capital is one of the biggest barriers to the successful development of cost-effective renewable energy production. S. 1220 addresses this credit gap by granting authority to the Department of Energy to buy-down or subsidize interest rates on private bank loans in order to leverage long-term financing for the solar, biomass, and wind industries. The committee believes that allowing renewable companies to amortize loans over a longer period of time will help to bring the monthly costs of financing renewable energy projects on par with the monthly fuel costs of conventionally fueled energy systems.

In addition to the non-hydro-renewable energy measures I have described, S. 1220 will significantly improve the Nation's use of hydroelectric power, our oldest and most widely developed renewable energy resource. Hydropower currently comprises 14 percent of our Nation's total electric capacity—a significant portion of our total domestic energy supply. We have an obligation to use hydropower as efficiently as possible and to eliminate unnecessary obstacles to greater development of this clean, plentiful domestic resource.

During the 99th Congress, the Energy Committee spent many long hours building an up-to-date framework for hydropower regulation. We succeeded quite well, I think, in 1986 with the enactment of the Electric Consumers Protection Act. That law requires the Federal Energy Regulatory Commission, when considering the licensing or relicensing of a hydropower project, to give equal weight to consideration of a waterway's nondevelopmental values, such as fish and wildlife or recreation. In other words, the committee struck a balance between hydropower development and environmental protection. The Federal Energy Regulatory Commission considers these balancing responsibilities seriously as well, having accepted nearly 90 percent of other agencies' environmental recommendations since 1986. I strongly support that balance and I believe that S. 1220 does nothing to upset it.

Without giving up any existing environmental safeguards, S. 1220 would streamline the Federal hydro licensing process and grant States the power to license certain smaller projects. S. 1220 does not change the substantive environmental considerations the Commission is required to make in the course of licensing or relicensing a project. FERC must continue to strike that balance between hydropower development and environmental protection.

By streamlining the licensing process, S. 1220 does no more than eliminate unneeded procedural redundancies which frequently delay licensing decisions for 5 to 10 years. No one benefits from delay, neither developers nor environmentalists.

It is important to stress that the environmental community has a clear interest in improving the timeliness of the hydro licensing process. Most of FERC's licensing activities in the coming years will concern the relicensing of existing projects. Many of these facilities have been around for as long as 50 years and they operate under rules written decades ago. In virtually every

case, this means that the projects fall short of meeting contemporary environmental standards. The sooner FERC can complete hydro relicensing, the sooner these environmental problems can be addressed.

The committee has determined that projects 5 megawatt and smaller do not generally present significant problems at the Federal level. Therefore, S. 1220 grants States the right to make decisions regarding licensing of certain small hydro projects. However, the bill does provide special protections in State licensing for Federal and Indian lands, wild and scenic rivers, and boundary rivers.

Some critics of S. 1220 have sought to portray this section as eliminating all environmental protection in the context of small projects licensing. That argument is a totally unwarranted attack on the integrity of State governments. I find it patronizing to suggest that the States are less interested in environmental protection than the Federal Government. Indeed, this measure is supported by some States who see it as a means of ensuring even greater environmental protection for their rivers while expediting less problematic development.

Finally, I believe S. 1220 will lead to more efficient use of existing Federal hydro projects by stimulating improvements in both facilities and project operations. S. 1220 should increase the amount of hydropower actually generated by Federal facilities, while also reducing the amount of hydropower used by Federal irrigation projects. These measures are vital to continued development of our most plentiful renewable domestic energy resource.

Mr. President, I would like to conclude my statement on the renewable energy provisions of S. 1220 with some brief observations.

Last year's Iraqi invasion of Kuwait showed this Nation once again how vulnerable it remains to disruptions in the supply of foreign oil. We must act not to show the American people that Congress is prepared to develop national energy legislation which will free us from dependence on imported oil and place us firmly on the path of energy self-sufficiency. The National Energy Security Act of 1991 is the balanced comprehensive energy strategy this Nation needs.

Although I recognize the important role that renewable energy plays in our national energy strategy, I urge you to remember that renewable resources, excluding hydropower, comprise a relatively small part of our overall energy mix. This situation is gradually changing with the continued development of renewable energy technologies, public concern about the environment, and the trend toward electricity accounting for a growing share of the Nation's energy mix.

However, I remind my distinguished colleagues that renewable energy can not do the job alone. Instead it must be coupled with a balanced energy strategy based on domestic oil production, alternative fuels, and energy efficiency. I believe S. 1220 accomplishes this goal and I urge my colleagues to join me in calling for timely consideration of the National Energy Policy Act of 1991.

USED OIL REFINING PROVISIONS IN S. 1220

Mr. President, I would like to discuss an additional provision of S. 1220 that deals with energy production from the reuse of used oil. Each year the Nation uses 60 million barrels of lubricating oil. Even more surprising, each year more than 10 million barrels of used lubricating oil are carelessly dumped into the Nation's soil and water causing substantial environmental damage. Just consider, 10 million barrels is equal to 400 million gallons, the equivalent of 35 *Exxon Valdez* oil spills every year.

What makes this careless disposal of oil even more troubling is that for all practical purposes used oil is the equivalent of crude oil and thus, a valuable commodity. Used oil can be rerefined into a variety of fuels or lubricants and could therefore replace 400 million gallons of imported crude oil each year.

The committee legislation seeks to address two problems associated with this tragic situation: First, the cost of gathering used oil from many sources requires the development of an extensive collection system; and second, current Federal law authorizing the Environmental Protection Agency to declare used oil a "hazardous waste" under the Solid Waste Disposal Act.

Even though the EPA has not actually declared used oil to be a hazardous waste, just the threat of such a declaration discourages most potential collectors and reprocessors from accepting used oil. By accepting used oil, collectors run the risk of exposing themselves to the regulatory and legal liabilities associated with handling a hazardous waste.

S. 1220 responds to these two issues by, first, prohibiting the EPA from declaring used oil to be a hazardous waste, and second, by establishing a credit trading system. The purpose of this credit system is to provide a mechanism for the Federal Government to establish an amount of used oil that must be reused each year by all producers and importers of lubricating oil, and to provide a mechanism for producers and importers to comply with this reuse requirement through the trading of reuse credits.

The used oil recycling provisions of S. 1220 are identical to legislation that was reported unanimously by the Senate Energy Committee last year. These important provisions were drawn from legislation introduced by Senator WIRTH and our late colleague from Pennsylvania, Senator Heinz.

In addition, S. 976, the Resource Conservation and Recovery Act Amendments of 1991 introduced by Senators BAUCUS, CHAFEE, and BURDICK, and referred to the Environment Committee is consistent with the objectives of the used oil provisions of S. 1220. I look forward to working with my colleagues on the Environment Committee during the consideration of S. 1220, to enact legislation to promote the reuse of the 400 million gallons of used oil that is now carelessly discarded into our Nation's soil and water.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Los Angeles Times, entitled "A Plan To Fight Mini-Oil 'Spills'" and an article from the Chicago Tribune entitled "Safety-Kleen Facility Refines Oil Recovery" by Cheryl Jackson.

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

[From the Los Angeles Times, May 20, 1990]

A PLAN TO FIGHT MINI-OIL "SPILLS"

(By Catherine Collins)

Americans dispose of more than 400 million gallons of used motor oil a year—pouring it in containers to be hauled away with the rest of the household garbage to the local landfill. From there, the oil can leach directly into ground water supplies.

It is the equivalent of 35 Exxon Valdez oil spills.

Rep. Esteban Torres (D-Calif.) has proposed legislation, the Consumer Products Recovery Act (HR 2648), designed both to stop the waste of a valuable natural resource and to remedy a major environmental problem.

Despite the severity of the problem. Torres is waving a carrot, not a stick.

"More regulations, even if they are reasonable, to enforce without an army of inspectors and lawyers," he said. "The installation of a system of 'credits' to provide economic incentives to the actors in this drama, together with a simple but highly effective enforcement mechanism, would have a positive impact on this process."

The problem is that used motor oil has a negative value; it costs money to dispose of it properly. Gas stations and auto repair shops have accepted used oil from the do-it-yourselfers, who constitute roughly half of the motor oil market. But with today's tougher regulations and liability issues, they're reluctant to accept the oil. They have to pay to have their own hauled away.

The Consumer Products Recovery Act would give used oil an economic value. Here is how it would work:

The Environmental Protection Agency would get the authority to mandate annual recycling requirements. Producers could fulfill their obligation under the new law either by re-refining oil themselves, by purchasing recycled oil or by purchasing an "oil credit."

The credit: For every gallon of used oil that is recycled, the recycler is entitled to sell a used oil credit. It is as if he is producing a second product. By selling the credit at whatever the market will pay, he has two income streams. Thus, the recycler has the ability to lower the price of his product or increase his capacity.

Currently, 30% of lubricate oil sold is recycled, 60% is thrown away and 10% is lost in the system—burned up by engines, leaked

out on garage floors or tossed out in filters. The law would set a rising recycling requirement each year, perhaps reaching 50% at the end of 10 years.

The revenue generated could be used by the reprocessor/recycler to purchase used oil from gas station owners. The station owners, now realizing a profit from used oil, might be willing to pay for oil returned by individuals.

"Recycling is technically feasible and environmentally sound but does not get done because the wrong economic incentives are in place," Torres said.

The Consumer Products Recovery Act has almost universal support from congressmen, environmental groups and even the oil industry.

[From the Chicago Tribune, July 10, 1991]

SAFETY-KLEEN FACILITY REFINES OIL RECOVERY

(By Cheryl Jackson)

A new oil-recycling facility in northwest Indiana promises to produce more than recycled oil and renewed hope for the environment. It also may pump badly-needed life into the town of East Chicago.

Safety-Kleen Corp., the Elgin-based recycler of industrial wastes, hosted a grand opening for its newest oil recovery plant Tuesday.

The facility will double North America's capacity for oil recycling. When it reaches full capacity, it will process 75 million gallons of used automotive and industrial oils per year, converting it into 43 million gallons of high-quality base lubricating oil, as well as additional petroleum products.

Total storage capacity at the new facility is 7.7 million gallons—more than twice the capacity of the Shedd Aquarium's new Oceanarium.

The $50 million facility, which actually began operation in April, already has had an impact on East Chicago's fortunes. The heavily industrialized town just across the state line from Chicago's Southeast Side has been hit hard by plant closings in recent years.

East Chicago vendors already have grabbed a portion of the $19 million the company said it has spent in the vicinity during construction.

Safety-Kleen said the new facility has created approximately 50 full-time jobs, and that the payroll could reach 100.

American consumers dispose of 400 million gallons of used automotive oil each year, pouring it down drains or putting it into the trash. By recycling waste oils, the company reduces contamination of water supplies and at the same time produces useful—and profitable—products, said Donald Brinckman, Safety-Kleen chairman and chief executive officer.

The East Chicago facility will take in 75 million gallons of used automotive or industrial oils, 20 million gallons of oily waste waters and 43 million gallons of base lubricating oil a year. The plant will produce 11 million gallons of distillate fuel, 9 million gallons of asphaltic oils and 5 million gallons of reprocessed fuel.

Safety-Kleen Corp. is the world's largest recycler of contaminated fluid waste. In 1990, the company collected more than 198 million gallons of fluid for reclamation.

The company, which has grown to become the Chicago area's 27th largest in market capitalization, started in 1968 selling and servicing parts—washing machines used by manufacturers.

Although used oil is not yet listed as a hazardous waste, there is growing awareness of the environmental damage that can result from improper handling and disposal, said Jospeh Knott, Safety-Kleen president.

"The plant is designed as a hazardous-waste facility, even though waste oil is not a listed hazardous waste," Knott said, adding that recycling oil will eventually reduce America's dependence on foreign oil. "And you don't have the cost effectiveness 20 to 40 years from now of having to clean this mess up."

Safety-Kleen's attitude toward recycling and waste management was endorsed by William Muno, associate director of the U.S. Environmental Protection Agency office in charge of administering the Resource Conservation and Recovery Act, the federal law governing solid and hazardous waste.

"The trend for the '90s is waste minimization. Don't produce the waste in the first place and if you produce it then recycle it," Muno said. "This factory is right in step with the program that EPA is trying to promote."

The new facility also will help Indiana reach its goal of decreasing the amount of waste in the state by 35 percent by 1995, and 50 percent by the year 2000, said Mitra Khazai, recycling coordinator at the Office of Energy Policy at the Indiana Department of Commerce.

"This may be the only acceptable way to handle used oil in the future," she said.

Safety-Kleen converts used oil from industrial and automotive customers into fuel oil for industrial use.

The company entered the oil-recovery business in 1987 when it acquired Breslube, of Breslau, Ontario, until recently the largest re-refiner in North America. The East Chicago facility is twice the size of the Breslau plant.

Last year, Safety-Kleen collected more than 100 million gallons of used oil that was converted to high-quality, re-usable lubricating oil or industrial boiler fuel.

Supported by an extensive collection network, Safety-Kleen gathers used oil from thousands of sites around North America, and converts it into lubricating oil that is equal in quality to the original product.

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

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

The legislative clerk proceeded to call the roll.

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

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

CLARENCE THOMAS

Mr. GORTON—

I firmly insist that the Constitution be interpreted in a colorblind fashion. It is futile to talk of a colorblind society unless this constitutional principle is first established. * * *

I don't believe in quotas. America was founded on a philosophy of individual rights, not group rights. The civil rights movement was at its greatest when it proclaimed the highest principles on which this country was founded, principles such as the Declaration of Independence, which were betrayed in the case of blacks and other minorities.

These are the words of Judge Clarence Thomas who is black, the grandson of a sharecropper, educated in Catholic schools, and a conservative.

He is decidedly not politically correct. And that is why he is now at the heart of the furious attacks after his nomination for the Supreme Court.

What is politically correct? An administrator at the University of Pennsylvania redlined a student's phrase referring to her "regard for the individual" and added:

The word "individual" is a red flag phrase today which is considered by any to be racist.

The administrator went on to warn of the inequities that result from championing individual over group rights.

The politically correct believe that American society is sick. Their attitude is expressed clearly by Kirkpatrick Sale, the author of "The Conquest of Paradise: Christopher Columbus and The Columbian Legacy." He says that American civilization:

* * * is founded on a set of ideas that are fundamentally pernicious, and they have to do with rationalism and humanism and materialism and nationalism and science and progress. These are, to my mind, just pernicious concepts.

If these are pernicious, consider then their opposites: emotionalism, anti-intellectualism, incomprehensibility, sophistry, anti-humanism, anarchy, superstition and regression. These are—to my mind—pernicious concepts, and these are, indeed, the foundations, the walls, and the cornerstone of political correctitude.

William Phillips, for more than 50 years the editor of the Partisan Review, and hardly a rightwinger, summarizes this politically correct philosophy as:

* * * a vague but inauthentic radical outlook [that] still dominates the culture of the academy, the media, and the educated classes. * * *

[That culture includes] a belief in a widespread relativism in moral, political, and philosophical matters; * * * a general rejection of the existing social system; a radical revision of academic curricula; with an atmosphere of leftism and anti-Americanism permeating the whole.

The "politically correct" reject the concept of individual rights and believe that one's race, gender, ethnic background, sexual preference, and the like are more important than our common humanity or American citizenship. They ignore or are indifferent to the fact that lesser tribalism has destroyed half the emerging nations in Africa and is about to destroy Yugoslavia, has divided Canada, and is at the root of the ethnic hatreds and divisions that so plague Eastern Europe and the Soviet Union. And tribalism is the future that the politically correct promise the United States.

Because he does not share their terribly destructive views the "politically correct" seek to destroy Clarence Thomas. They fully understand that the next Supreme Court Justice will be a conservative—at least as conservative as Clarence Thomas—but they

react to the prospect of a black conservative with special fury. Because Clarence Thomas, by his very life and attitudes, destroys the thesis upon which their culture has built its castles: fortresses of division, mistrust, and hatred. But the fact that the grandchild of a black sharecropper, who has felt, and continues to decry, racism in our society, should nevertheless believe in the promises on which this Nation was founded in 1776—

That all men are created equal, and are endowed by their creator with certain unalienable rights—

Illustrates more clearly than a thousand essays the moral bankruptcy of the "politically correct".

For many reasons, not least his great courage and independence of mind, Clarence Thomas richly deserves to be confirmed by acclamation by the Senate of the United States. He represents the redemption of the true promise of America, that all Americans are created free and equal and that any American can surmount the circumstances of birth, to arise, like Clarence Thomas himself, with a sense of history and pride, and with eyes open to the light ahead.

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 1527 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1527 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

WHO IS CARLOS FUENTES?

Mr. STEVENS. Mr. President, at a recent Interior Appropriations Subcommittee meeting, I raised concerns about the Smithsonian Institution's use of its funding.

One of those concerns regards the upcoming Columbus quincentenary celebration. Despite its name, the event has little to do with Christopher Columbus, the explorer. Rather, it is supposed to be a celebration of the history and culture of Latin America.

In any event, during those hearings, I asked why the Smithsonian selected Carlos Fuentes as a national spokesman on a Smithsonian-sponsored television series.

Although Carlos Fuentes is a well-known Mexican author, he is described by some as "an independent leftist," a friend of Fidel Castro and Daniel Ortega, and a known critic of United States policy in Latin America.

I just thought it strange the Smithsonian, which is supposed to be the guardian of our Nation's heritage, felt it necessary to select a foreigner, well known for his anti-U.S. biases, instead of a U.S. citizen or at least some qualified spokesperson who has a more objective viewpoint to do this job.

As a result of that hearing, many people, including many Senators, have asked me, "Who is Carlos Fuentes?" In an attempt to answer that question, I ask unanimous consent to include, at the end of my remarks, an article that appeared in the New Republic. It is written by Mr. Enrique Krauze, and will, I hope, answer that question. I urge my colleagues to read the article.

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

THE GUERRILLA DANDY

(By Enrique Krauze)*

He speaks all his words distinctly, half as loud again as the other. Anybody can see the is an actor.—HENRY FIELDING.

In the family album of exiled writers (Conrad, Nabokov, Zamyatin, Kundera), a close-up of Carlos Fuentes reveals something odd about his image. Is he a willing exile from Mexico in the United States, or a reluctant exile from the United States in Mexico? He has become something of a star in North America, where he lived until the age of 12, to the extent that even an American congressman observed that "Fuentes is a great man. He knows so much about his country." The congressman had not read a single book by Fuentes; his opinion, like the opinion of so many others, had been formed by the omnipresence of the writer in the media.

In Mexico, Fuentes has an altogether different image. No one doubts his exemplary passion for literature and his professional attachment to it. He has published novels, stories, essays, drama, and countless articles. And yet for some time now his writings have been arousing irritation and bewilderment. Mexico is a country whose complexity has exhausted several generations of intellectuals, but Fuentes seems unaware of that complexity. His work simplies the country; his view is frivolous, unrealistic, and, all too often, false.

In a poem by Octavio Paz, a story by Juan Rulfo, or a painting by Rufino Tamayo, Mexican life is the point of departure for the work, and the work participates in that life. Even certain foreign artists have captured what is new, and radically alien, about Mexico: the Mexican pink in Rauschenberg's canvases; the signs hanging on the cantina walls in Lowry's famous novel; the dark women in *Viva Zapata* walking over rough paving stones; the lighthearted, innocent cruelty in Buñuel's *Los Olvidados;* the market day in Lawrence's *Mornings in Mexico*. A reality embodied by Mexicans for foreigners to discover. But Fuentes, a foreigner in his own country, skirts that reality, and lingers over externals. For Fuentes, Mexico is a script committed to memory, not an enigma or a problem, not anything really living, not a personal experience.

There is the suspicion in Mexico that Fuentes merely uses Mexico as a theme, distorting it for a North American public, claiming credentials that he does not have. The appearance of *Myself with Others*, then, is timely. Its autobiographical pages finally reveal the origins of his intellectual sleight of hand. The book shows Fuentes's lack of identify and personal history. From the very start, it's clear that he filled in this void with films and literature. His real world was his fictional world: a cinematic sequence of authors and works. Lacking a personal point of view and an internal compass, Fuentes lost his way through the history of literature and found himself condemned to the histrionic reproduction of its texts, theories, and personages. The key to Fuentes is not in Mexico; it is in Hollywood. The United States produces actors for movies, for television, for radio, for politics. Now and then it produces actors for literature, too. Carlos Fuentes is one of them.

I.

"This is not a border, it is a scar." This statement by one of the characters in *The Old Gringo* is excessive as a description of the vicinity between Mexico and the United States, but an accurate epigraph for Fuentes himself. He was a gringo child of Mexican origin, born in Panama, a place where history and geography have indeed left a scar. On the outskirts of the Depression and the New Deal, his placid childhood was spent in the "territorial fiction" of diplomatic life, in a seven-room apartment that was "superbly furnished" and had a view of Meridian Hill Park in Washington, D.C. *Myself with Others* recalls long summers when "the livin' seemed easy," a good old time when Fuentes learned to prefer "grits to guacamole" and work to idleness ("no siestas for me"), and first dreamed the American dream: that everyone will be famous for 15 minutes.

On his vacations, he visited Mexico. "It was depressing to compare the progress of a country where everything worked, everything was new, everything was clean, with the inefficiency, backwardness, and dirt of my own country." In contrast to the North American past, Mexican history seemed little more than a series of "crushing defeats," beginning with the TTT: the "Tremendous Texan Trauma." Fuentes grew accustomed to seeing Mexico not on its own terms, but refracted through a North American perspective. No Mexican loses sleep over the TTT, and none would say, as Fuentes does, that "the world of North America blinds us with its energy: we cannot see ourselves. We must see you." Quite the opposite: Mexico has always been a country maniacally obsessed with itself. But Fuentes is a special kind of Mexican. He discovered the existence of his country at the age of ten, in 1938, when President Cardenas decreed the expropriation of foreign oil properties. He suddenly realized that this "nonexistent country" was his identity, an identity that was slipping away from him.

"How I Started to Write" (an autobiographical chapter in Myself with Others) is a good example of the onomastic prose, worthy of a marquee, that is so peculiar to Fuentes. It introduces the veneration of the

*Enrique Krauze is deputy editor of *Vuelta* in Mexico City. His most recent books are *Por una democracia sin adjetivos* and biographies of 20th-century Mexican political figures in the eight-volume *Biografía del poder*.

great names that would populate his life and his writings: Gene Kelly, Dick Tracy, Clark Kent, Carole Lombard, Franklin D. Roosevelt, and a long and indiscriminate etcetera. "When I arrived [in America]," he told an audience a few weeks ago at the National Press Club in Washington, where he had come to help out with the Robert F. Kennedy Book Awards, "Dick Tracy had just met Tess Trueheart. As I left, Clark Kent was meeting Lois Lane. You are what you eat. You are also the comics you peruse as a child." Fuentes' was not exactly a life in exile, but an uprooting whose abrupt reversal in adolescene would leave a scar of ambiguity: "Mexico became a fact of violent approaches and separations in the face of which affection was no less strong than rejection."

The autobiographical pages make it clear that the only early links between Fuentes and his "paternal country" were a nationalism forged less by pride in the Mexican tradition than by resentment of the North American world, and by the determined effort he made throughout his childhood to preserve Spanish as his language. It is no exaggeration to see these links, respectively, as the origin of Fuentes' political and literary attitudes. When Fuentes finally approached "the gold and mud" of Mexico at the age of 16, language had already become "the center of his being and the possibility of joining his own destiny and that of his country into one." Mexico, the "imaginary, imagined country," was not a tangible, historical nation. It was only a victim of imperialism, an instrumental reality, a language.

Fuentes' struggle in Mexico to preserve the Spanish language led to the obsession with conquering it. The story of Myself with Others ends in 1950; to reconstruct fully the story of his struggle, one must turn to the testimony of friends, and to other incidental writings by Fuentes. Someone remembers that he became a mimetic being, all tongue and ears, a "brawler" with words. No wonder, because in Mexico the weapons of colloquial language are as sharp as, or even sharper than, real weapons. During those years he had already given up the idea of writing in English ("After all, the English language didn't need another writer"), but his use of Spanish indicated that he was tone-deaf to certain nuances, expressions, themes. He moved from reticence to excess: unexpected "damns," out of place.

In sum, to a linguistic machismo. Reality, however, was somewhere on the other side of language. In 1950 Mexico City was in the process of taking on the physiognomy of other modern capitals where Fuentes had been. He did not see the need, therefore, to go deeper into the countryside, where the reality of Mexico was more profound. His exploration of the city, although superficial, was incessant and orgiastic. Like a bedazzled and perplexed tourist, he lived the city of leisure, the nocturnal city, the show-biz city. He left out the workplace, working hours, and neighborhoods. Instead, he descended with pencil in hand into "the brash, sentimental, lowdown world of brothels smelling of disinfectant, cheap nightclubs decorated with silver-colored walls, the whores, pimps, magicians, midget strippers, and vaselined singers."

Mexico in the '50s was also defined (the word is Fuentes's) by its Star System: the muralist Diego Rivera and his scaffolding, the eyelashes of Maria Félix, the dancer Tongolele's shock of white hair, and the seal-like face of mambo orchestra leader Pérez Prado. To be a writer in the '50s, "one had to be" with the writer stars: Alfonso Reyes and Octavio Paz. Fuentes went so far as to live with Reyes in Cuernavaca. In the winter of 1950, he met Paz in Paris. Paz wrote about the young man who possessed "an avidity to know and touch everything—an avidity that is manifested in charges so intense and frequent that it is no exaggeration to call them electrical." It is significant that Paz speaks of avidity, not of curiosity. Fuentes urgently wanted to appropriate the latest intellectual keys to Mexico, he needed to complete libretto of the "imaginary country," and he thought he had found it in Paz's *The Labyrinth of Solitude*. His reading of that book was a revelation.

In 1958 he published his first novel. *Where the Air Is Clear*. Closely following the visual methods of the *U.S.A.* trilogy ("Dos Passos was my literary bible"), Fuentes took an important step in Mexican narrative; he acclimatized the genre of the urban novel that had been introduced two years before, with fewer literary resources but tellingly and honestly, by Luis Spota in Casi el paraiso (*Almost Paradise*). His main formal inspiration was Balzac. "I am very Balzacian. . . . In *The Human Comedy* (or, if you prefer, *The Mexican Comedy*) there is room for many storys." The image is exact. Fuentes envisioned Mexican society as a vertical social and historical stage set. In the basement were the masked, unseen Aztec gods, embodied, as faceless beings who carry out their designs. And above ground were the various social classes: the nostalgic aristocracy, the "Croesohedonic" bourgeoisie, the arriviste middle class, and at the bottom, the common people.

Fuentes's first book presaged the character of this entire work. The intellectual itinerary that he had chosen in order to learn about the country was transfigured into a strange confusion of genres. The characters had no life of their own: they simply acted out fashionable philosophical theses. A philosophical poet clearly inspired by Paz appears throughout the novel and dies in a manner that recalls the chapter on death in *The Labyrinth of Solitude;* the ruined banker does not consult a lawyer but discusses the essence of the Mexican spirit with Paz's alter ego; and so on. The most successful parody is not of the bourgeois class (Fuentes scorned it without knowing it), but of the aristocracy, to which he belonged without really belonging to it: its parties, its snobbery, its dandyism, its uprootedness. But finally Fuentes lacked the practical knowledge of social life that may be found in Balzac, for whom a bankruptcy, the work of a printing house, or the fall of the stock market were concrete realities, not symptoms of the life of a class. And he lacked something even more important. "There, where your shoe pinches, is the touch of Balzac," wrote Harry Levin. In *Where the Air is Clear* the common people do not suffer or work; they reflect philosophically on poverty in the setting of an endless and tragic binge.

Fuentes's first novel does not recall Balzac so much as that great actor of painting, Diego Rivera: immense texts and murals that proceed more by accumulation and schematic juxtaposition than by imaginative connection. Both are painfully rigid in suggesting the inner lives of their themes and characters, both treat them as theses or burden them with a didacticism that grows tedious, both have recourse to allegory. Texts that are murals, murals that are texts. The best of Rivera is the flowering of his forms and colors. The best of Fuentes is in the verbal avalanche of his prose.

The great Cuban poet Lezama Lima wrote that "I have found his novel strong, urgent, abundant, throbbing with symbols and masks." This verbal eroticism was the real substance of the novel, and it limned the central paradox of Fuentes's future work: there was something chimerical in his attempt to write the social novel of a reality he had not lived, something false that was supposed to be disguised by intellectual mimesis and lyrical expansion. But it was not disguised. Language was still the center of Fuentes's being, and Mexico remained an "imaginary, imagined country." His vast reading, diligent but independent of any experience that wasn't academic or folkloric, was never enough to correct his limitation. He never came to know the country that would be the central theme of his work. He thought he could resolve the deafness of his origins by turning it inside out: history, society, the life of the city, would be assimilated to the raging tumult of its voices. Balzac's characters still survive in the literary and popular memory of Europe. Nobody in Mexico remembers the characters of Fuentes.

II.

Like the great majority of Mexican intellectuals of all political tendencies (José Vasconcelos and Octavio Paz, Vicente Lombardo and Daniel Cosio Villegas), Carlos Fuentes celebrated the victory of the Cuban Revolution and interpreted it as an act of Spanish American affirmation: a triumph of Marti, not Lenin. For Fuentes in particular, the revolution had an additional significance: it seemed to resolve, not in language but in history, his latent identity crisis. It seemed to make his scar disappear. Revenge for the TTT. Mexico was still the imaginary country, but suddenly it was no longer necessary to compare it with the dubious paradise of the "cheerful robots" or with the cruel mirror of "crushing defeats." *In an article published in March 1959, Fuentes maintained that Cuba had opened the doors of the future when it interdicted all the founding philosophies of the United States: Locke, Adam Smith, Protestantism, the free enterprise system—"weapons that are much too feeble to attack the problems of the 20th century."* The nationalist vindication alone seemed to guarantee a happy ending.

"One must be Malraux," he had confided years before to a friend. Cuba offered Fuentes the opportunity to play a young, somewhat altered Malraux: the Malraux of a revolution in power. He traveled to Havana, he wrote enthusiastic articles, and with his closest friends he founded *El Espectador* (The Spectator), which in its short life closely followed the pulse of Cuba and interpreted the problems of Mexico in light of the Cuban experience. In Mexico, the natural effect of the Cuban Revolution was to push its old local homologue to the right, to make the Mexican Revolution seem like a pseudo-revolution.

This occurred, paradoxically, at precisely the time when the economic and social balance of the Mexican pseudo-revolution was not at all bad, whatever the point of comparison—internal or external, the past or the present. (The fundamental problem of the time was the growing insensitivity of the governing class, which blocked the country's political and economic growth). Very few intellectuals, however, had the wisdom to judge the situation with any equilibrium—the young, influenced by the academic Marxism made fashionable by Sartre, least of all. Democracy, certainly, was not on their horizon. After Cuba, the only horizon was the revolution in *El Espectador*, Fuentes asked: "Are we still in time to save the Mexican

Revolution from the pitiful stupor it fell into in 1940?" To set it back on course, he thought it necessary to abandon the "impoverishing anarchy of free enterprise" and fight for a "strong State that would assume total control and rational, popular planning of economic development."

Fuentes's Sartre was C. Wright Mills. Mills visited the University of Mexico in 1960 and taught a course on Marxism and liberalism. He envied the potential influence of the Latin American intellectual, who was, in his opinion, a unique factor for change in underdeveloped countries. For Mills, world competition was not a problem of power, but of prestige: the best model of industrial development would win. As for autocratic governments, Mills saw Leninism as the only way out. *El Espectador* disseminated Mills's ideas, and Fuentes, who adopted them as if they were a creed, dedicate his second novel, *The Death of Artemio Cruz*, to Mills. The colophon states the dates and places of its composition: Havana, May 1960; Mexico City, December 1961. An epitaph for the Mexican Revolution, written out of the vitality and hope of the Cuban Revolution.

In *The Death of Artemio Cruz*, Fuentes attempted to expose the prototype of the Mexican revolutionary, caught up in lies, corruption, and murder. Pursued by the phantoms of his victims—the idealists, the collaborators, the friends—and gnawed by the memory of true love and its abrupt demise, General Cruz, a sort of Mexican Citizen Kane, dies a slow, vengeful death. Outside, on the painted walls and in the empty speeches of the Institutionalized Revolutionary Party (PRI), the revolution was dying with him. The novel was an immediate and unanimous success. It is generally believed to be the best novel that Fuentes has written. It is certainly the most sincere. At a distance of 25 years, one is still struck by the verbal fury of an implacable narrator who, out of the ideological optimism of the early 1960s, censures the impurity of a revolutionary undeserving of the name. The explosion of indignation worked marvelously well in the novel's language, but it made the character of Cruz unbelievable. His villainy was too perfect: he had committed each of the Seven Deadly Sins and violated all of the Ten Commandments.

In the revolutionary narratives of Mariano Azuela, Martin Luis Guzmán, and Joše Vasconcelos, you can almost smell the gunpowder in the pages: death is real, made up of terror, hatred, blood, and stench. The characters are buffeted by contradictory and unpredictable wind storms, and their reactions are ambiguous. Almost a half century later, *The Death of Artemio Cruz* did away with all this ambiguity. The historical revolution lost its real contours. It had become corrupt. There arose before it its own idealized image: Revolution with a capital R. Now the pages smacked of ink, not gunpowder. Fuentes's novel functioned as an indictment by the younger generation of intellectuals who, from the vantage point of a revolution that shone for them, wished to prosecute a revolution that they considered betrayed.

Cuba's assertion of nationalism in its confrontation with the United States captured Fuentes's political consciousness in a definitive way. The North American world was still "blinding him with its energy," keeping him from seeing Latin American events in their internal variety and complexity. When the Soviet Union made its full-fledged appearance on the Cuban scene, Fuentes did not rejoice, but neigher did he rush to the defense of usurped Cuban nationalism. His ideology would remain fixed in a narrow range marked out by the Mexican (Cardenist) Revolution and the Cuban Revolution. The Cuban Revolution's only sin, in his opinion, would be intellectual intolerance.

Fuentes wrote several pieces of political journalism more notable for their pamphleteering enthusiasm than for their spirit of objectivity. One of them, for example, was the result of a trip through Michoacán with Gen. Lázaro Cárdenas. For 30 years the general had been involved in the development of the region. In 1938 he had created a union of community collectives. The sad truth was that the project was a failure from the very start. The community collectives had stopped cooperating with each other; the land was subject over the years to leasing, individual distribution, and foreign investment; the state banks and corporations used the campesinos as political capital. Fuentes did not hide this reality, exactly. He simply saw another one, its very opposite, the reality of his revolutionary idyll:

"Here the detractors of community collectives are refuted. Here individualist and greedy ideas have not made their appearance. Here disputes, confrontations, and exploitation do not exist. The collectivists cooperate with each other, they distribute their harvests and collect their profits in the oldest spirit of all—one that, when it has been lost and forgotten, seems brand new the spirit of fraternity."

Later, in early 1961, Fuentes was a correspondent for the Mexican magazine *Politica* and for the *Nation* at the meeting of the OAS at Punta del Este, Uruguay, where the incompatibility of the Cuban regime with democracy was noted, and Cuba was expelled from the organization. Two months after Punta del Este, however, the good student of Mills drew the natural conclusion:

"True representative democracy is socialist democracy, because in an underdeveloped country, only socialism can effect the structural changes capable of creating the real conditions of democracy. By declaring the incompatibility with democracy of the only Latin American government that is truly compatible with concrete democracy, the American states, paradoxically, have declared their own incompatibility with the future and with history."

In the days when he edited the *Revista Mexicana de Literatura* (Mexican Review of Literature), in 1955 and 1956, Fuentes's intellectual hero had been Camus: "See nuances and understand, never dogmatize and confuse." Seven years later Camus was dead, and Sartre was king. To be an engaged intellectual was not to be engaged with truth, but with the truth of revolutionary power. In political terms, the *Revista* had favored a third option: "neither Eisenhower nor Khrushchev: new forms of life and human community." But Cuba had been Fuentes's road to Damascus. The pale nuances of the third way, of the democratic option, for which so many of Castro's comrades were still desperately searching in 1962, could wait.

III.

Many other Mexican and Latin American intellectuals had followed the same ideological route, but very few had Fuentes's charm, his brilliance, his command of genres. The library of every self-respecting young radical reserved a space for *Where the Air Is Clear* and *the Death of Artemio Cruz*. They functioned as mirrors of academic thinking, brimming with good historical and moral consciousness. The image they reflected was as seductive as their narrative techniques and their prose.

But the long-awaited revolution decided not to arrive; what was left was the consolation of verbalizing it. There is an old tradition, in Mexico, of leftist multimillionaires, but the new hypocrisy was less elitist: one didn't need millions, only a bourgeois lifestyle and an anti-bourgeois ideology. Pierre Cardin and Che Guevara. From the start, Fuentes had understood the possibilities of the Guerrilla Dandy. Now he took on that character in all seriousness, although not without some cynicism, in a country where the true writers of the left (José Revueltas is the greatest example) were suffering persecution and imprisonment.

"When you have a strong literary vocation," Fuentes declared, "you soon find yourself facing the wall of bourgeois society that undermines and isolates the artist. For its own comfort, its own permanence, the bourgeoisie supposes that art and literature are innocuous, that they have nothing to do with practical life. . . . That is why there can be no rightist authors, authors who are accomplices of the status quo that denies all validity to their work. This is when the struggle begins between the writer and the bourgeoisie."

Never mind that so many among the bourgeoisie had bought his books. Fuentes felt undermined and isolated. He chose to live in Europe. He would never again take up permanent residence in Mexico. "The novelist goes through the world in search of his characters' identities," writes Fernando Benítez, in the introduction to the first volume of Fuentes's *Obras completas* (Complete Works), published in Spain in 1973. "We collected cities, sounds, smells, people, cathedrals, theaters." (And museums, cafés, provincial countrysides, concentration camps, islands in the Mediterranean.) The volume contains several Condé Nast-like photographs: "Carlos, stylishly dressed, seems to belong to that ambience of exuberant plaster goddesses, crystal candelabras, and old servants in tails." The autobiographical data prepared by Fuentes also testifies to his huge collection of friends, none of them obscure, almost all of them well-known figures in art, literature, politics, especially film. There are shots of the author with Joseph Losey, Jean Seberg, Passolini, Friedrich Dürrenmatt, Arthur Miller, Candice Bergen, Buñuel.

Before he left Mexico, Fuentes published *Aura*, a small masterpiece of magic realism on the theme of love enduring through time. (The aura of *Aura* paled somewhat because of its direct debt to *The Aspern Papers*; in *Myself with Others*, Fuentes attempts to diminish the influence of Henry James, proposing a variety of inspirations for *Aura*.) During 1965 and 1966, he wrote *Zona sagrada* (Holy Place), the novel that links the greatest star of Mexican films, Maria Félix, and her loving son, an unfortunate Oedipus metamorphosed into a dog. This time the Mexican critics were not so enthusiastic. The misgivings centered on the artificiality of his characters, on their reduction to verbal or verbalizing entities. But by then Fuentes had already freed himself from characters, that "old humanistic category," "that sentimental fetish of the bourgeoisie." In the structuralism of Foucault, Sollers, Barthes, and *Tel Quel* group, he had found his literary Cuba. Enough of Aschenbach, Bovary, Nostromo, Pedro Páramo, Dedalus: of "psychologizing subjectivity." Characters should be "transformers of the language, resistors to the language that runs through them and

empties them." The novel was to be its own object, a linguistic structure valid in and of itself, where language meets the criticism of language.

One might have thought that the novel seeks a specific form of knowledge, that it is a genre in which composition matters. But Fuentes said that his novels are like "cancerous growths" preceded by total, instantaneous knowledge:

"There is a magical moment when the mind is an Aleph, a Borgesian Aleph. Everything you want to say is there. It is like a constellation in which all the elements coexist: they are words, nouns, verbs, adjectives. And they are images and they are sounds—and they are all the senses—forming a marvelous, magical totality."

Fuentes never speaks about the content of his words. In interview after interview, he insists that literary exploration is an exploration of language, inside language. Fuentes has very little intellectual curiosity. He looks for the script in an author or an ideology, and with that as a starting point, without reworking or conceptualizing it, he invokes the demons of language. In his hands, though, those demons often amount to no more than a cunning catalog of names. Thus, in the Aleph of *A Change of Skin*, which appeared in 1967, there are intersections of unconnected beaches and bullfights, crematoria and Aztec sacrifices, Theresienstadt and Cholula, Nazis and Jews, gringos and Mexico who just want to get even; all things are the same thing, an optical illusion of "pulverized identities," as one critic put it. Thirty, forty names per page. (Hals, Klee, Capri, Dietrich, Lorre, Garbo, Cuauhtémoc, Milan, Singapore, and Cole porter are all on page 150.) An abundant inventory of streets, magazines, cities, book titles, song lyrics, and above all films ("Not Greece, not Mexico, the world is called Paramount Pictures Presents"). Never has a novelist been so possessed by the noun.

The reader of *Myself with Others* can verify not only Fuentes's propensity for making catalogs, but also that his essays are as theatrical and derivative as his novels. His procedure may simply be an imitation of a popular writer (Kundera rediscovers Diderot, Fuentes rediscovers Diderot rediscovered by Kundera); a presentation of a popular theory (the odd avant-garde reading of *Don Quixote*); or an awkward attempt at a fiction based on other people's fictions ("Borges in action"). When the devices disappear, and Fuentes views the "others" from an independent "myself," the result may be a faithful and moving portrait, as in "Buñuel and the Cinema of Freedom." But this almost never happens. In the name of his right to experiment, Fuentes writes works without a center: vast, confused, formless, and oppressive literary happenings, parodies of novels that he or others have written, or parodies of themselves.

In 1968 Fuentes went a step further. He saw reality literally impersonating fiction. With novelistic opportuneness, the Revolution—the show of shows—returned to Paris. Fuentes saw words by Breton, Marx, Rimbaud, etc., on the walls, he recalled *Alexander Nevsky*, he listened to the young people talking about a European Moncada, he heard Sartre compare students to workers and praise the "admirable" pragmatism of Castro. On the basis of these images and sounds, Fuentes wrote "Paris: The May Revolution." This time the Aleph (in an illumination that made him feel like Borges, and Whitman) showed Fuentes the end of the Affluent Society. He saw a tide of change that would reach as far as Moscow and Washington, he saw the general will expressed with rocks and not with ballots, he saw strikes at Anaconda Copper, barricades in Arequipa, corrupt leaders in Mexico, he saw "the death of God and his privileged Western creation: white, bourgeois, Christian man."

A year later, when Fuentes returned to Mexico, he hung a huge photograph of Zapata in his study; he let his own mustache grow longer, and he paraphrased Daniel Cohn Bendit, one of the leaders of *les événements*: "We are all Zapatists." And he had more visions. He saw that Latin America had lived four centuries of "sequestered, unknown language," he saw that our works should be works of disorder, that is, of an order contrary to the present one, he saw that the Latin American intellectual sees only with the perspective of the revolution: "To write about Latin America, to be a witness to Latin America in action or in language, means more and more a revolutionary act." In sum, he saw the novel in power, and power in the novel.

For the Guerrilla Dandy, there is no frontier between reality and fiction. Many years later, Fuentes revealed in an interview that he has always wanted to be a poet: "Richard III gave his kingdom for a horse. I would give all my books for a line by Eliot, Yeats, or Pound." It is only natural that in the optical illusion of his identities he has not seen himself for what he really is: a lyric poet lost in the novel and the essay, a spirited and abundant poet, though a little deaf to the beauty of the language. A macho, a stud, an Artemio Cruz who treats words like whores. His cherished need to impregnate everything with the sentimentality and the rhetoric of a lyric poet is the source of his problems as a novelist. In fact, Fuentes's old obsession with language ties him to a time, and to a rhetoric, that will pass very quickly. This novelist has run against the current of the novel's development. The author has not disappeared behind the text (as he was supposed to, after Flaubert, the Russians, Musil, Broch, Kafka, Nabokov, Faulkner); the text, instead, has disappeared behind the author.

IV.

One may forgive the hallucinations of 1968. What happened later, however, was decisive. In Mexico, after the student massacre of October 2, 1968, in Tlateloco, real revolution, armed revolution, seemed the only way possible to many young people. While Fuentes was "loading his words with dynamite," the guerrillas in the Sierra de Guerrero were moving from words to dynamite. Would he join them? Would he offer critical opposition to the authoritarian and anti-democratic regime? No, something had changed.

Some interpreted the significance of 1968 as a profound affirmative of civil society in the face of Mexico's political system, and aimed to consolidate spaces for independent criticism. But most intellectuals, Fuentes among them, chose to subordinate their vision and influence to the power of the new president. The first group was seeking the endlessly postponed alternative of freely choosing what kind of Mexico it wanted. The second believed that they already knew what kind of country their society wanted. Artemio Crux was dead. The Mexican Revolution was coming back to life, they believed and playing the role of a "new Cárdenas" was President Luis Echeverria.

During the first months of the Echeverria administration (1970–76), Fuentes published *Tiempo mexicano* (Mexican Time), a collection of his best essays and journalism of the previous ten years, along with an interpretation of the recent past and of the regime (which he thought promising) of his friend the president. The book reiterated Paz's old idea that the revolution is also a fact of myth, not only a fact of history: "Mexico broke its masks only with the Revolution. . . . In [it] the fact of Mexico is the mirror of Mexico." And what Fuentes saw in the mirror was almost an occupied country: "We are a dependent, semi-colonial nation. Our maneuvering room is no greater than Poland's." The basic facts of Mexico's prostration seemed very clear to him: a foreign debt of $4 billion, an oppressive rate of inflation, and so on. "Development for the sake of development" was useless. The solution lay, as he had written in 1962, in abandoning the "holy immobility of the center" and fighting for the energetic intervention of the state in economic life.

Fuentes considered it natural that the enterprises created by the state would be sufficiently numerous, broad, and productive to relegate ancillary functions ("tobacco stands and little grocery stores") to private enterprise. He remembered Mills's commandment: intellectuals and university students should be the agents of change. But instead of going to the mountains with a rifle, or even worse, "into their father's little business," young people should board the train of the revolution turned into a government, and there become the "vanguard" that Lenin described. Because the state embodied the revolution, the state, too, could be worshiped. "Mexican socialism," Fuentes realized in 1973, when he was living again in Paris, "will be the result of a process of contradictions . . . of confrontation between the national state and private enterprise, between the nation and imperialism, between the workers and the capitalists. Marx foresaw it all."

Point by point, Echeverria implemented the political program of Fuentes's intellectual generation as it was summarized in *Tiempo mexicano*. He swelled the power and the size of the state by adding tens of thousands of university students to the payroll. Wallet in hand, he corrected inequalities by increasing the foreign debt, which amounted to $26 billion at the end of his administration. The bureaucratic "vanguard" grew by almost two million people. By the end of his term, the "new Cárdenas" had become one of the richest men in Mexico, a Third World Artemio Cruz. And for the first time in a half century, the country that Echeverria was supposed to have raised from its prostration knew the effects of true inflation: the combined loss of real wages, financial health, economic growth. The practical result of the populist program against "developmentism" and dependence, then, was to hinder development, to deepen the dependence and the debt.

In politics, the performance of the government was even worse. On June 10, 1971, there was a reprise of Tlatelolco, in which hundreds of students were massacred in the streets by official paramilitary forces. The president vowed to investigate, and never mentioned it again. Then the public learned that Echeverria, former minister in the government of Diaz Ordaz, was himself implicated in the repressions of '71 and '68. This time Fuentes did not see what everyone saw, he saw what no one saw: "All the forces of Mexican reaction plotted to set a trap for Echeverria, stigmatize the new regime, discredit the difficult, carefully considered democratic option with which the new president tried to overcome the deep crisis of '68."

Fuentes was not the only intellectual, of course, who believed in Echeverria and took part in his parody of revolution, but his sup-

port reached grotesque extremes. Shortly after June 10, he maintained that the intellectuals who did not support Echeverria against the "real" culprits (the invisible forces of the right) were committing a "historic crime." The Mexican intellectual Gabriel Zaid responded that "the only historic criminal is Luis Echeverria," and later admonished Fuentes: "You have used your international prestige to put pressure on the executive instead of putting pressure on the independence in its confrontation with the executive. . . . You have made independence more difficult." For Fuentes, however, independence was a bourgeois value, a clamoring force "a model of democracy that was parliamentary, pluralist, British: I cannot help smiling at this Anglo-Saxon perspective." True independence was shown, rather, by the president, in the face of imperialism and its "lackeys" in the private sector. Thus, in 1973, Fuentes praised the way in which Echeverria had made the bureaucratic apparatus more "dynamic," had fought (if "only verbally") against private enterprise, had managed public funds "with absolute honesty."

In January 1975 Echeverria named Fuentes his ambassador to France. In July 1976 the president orchestrated the coup against the management of *Excelsior*, the country's leading newspaper. Everyone knew the details of the president's support of the coup. Everyone except Carlos Fuentes, who defended Echeverria publicly: "Is it conceivable that a man as politically astute as Echeverria could be the author of his own descrediting?" Yes, it was perfectly conceivable. All you needed was a breakaway from the idolatry of the state and the revolution, and open a window to concrete facts. But that was never the intellectual intention of Fuentes, for whom objectivity is both "impossible and undesirable."

V.

A word haunted Fuentes during those years: totality. He had been a "Joycean before reading Joyce." In *A Change of Skin*, one of his characters is possessed by a frustrated longing for the absolute: "to fix the past forever, to devour the present immediately, and to take charge of all imminence of the future." The fragmentation of reality seems vulgar to him. Years later, in an orgy of Joycification, his real self fulfilled his experimental dream: he wrote *Terra nostra*.

Obsessed by the mechanisms of power in Latin America, he had proposed to capture in a single vision the collective time of the founding of Ibero-America. In an essay written in 1973, "Cervantes o la Critica de la lectura" (Cervantes, or The Criticism of Reading), he had explained in detail the historical dimension of his project. He wanted to capture the Spain of the Counter-Reformation: monolithic, vertical, dogmatic, severe. Its perfect representation was the Escorial, Philip II's living tomb. Opposed to this fortress, and corroding it from within, was the *other* Spain, full of Arab sensuality, Jewish industry, Renaissance utopias, the Spain dreamed of in 1520 by the rebellious communards of Castile: democratic, pluralistic, tolerant, respectful of individual existence and local autonomy, watchful of the king—the Spain of Erasmus. The idea could not have been more ambitious. The novel's theme in the phantom, the dream, the desire for liberty in the walled cloister of the Counter-Reformation.

Fuentes could deal with the torments of the flesh in the Escorial, but the torments of faith escaped him: the novel recounts them ad nauseam, but it does not re-create them. The reason is clear. In *Terra nostra* he avoided throwing himself into the ring with his characters. He narrated the bullfight from an intellectual box. Or even less: he narrated a narration about the bullfight in the opacity of 800 pages, expressly accumulated in order to impose his majestic self on the reader: "I never think about the reader. Not at all. *Terra nostra* is not made for readers. . . . When I wrote it I was absolutely certain that nobody would read it, and in fact I wrote it with that in mind. . . . I gave myself the luxury of writing a book without readers." Joyce condemned the readers of *Finnegan's Wake* to spend as much time in reading the book as he had spent in writing it. Fuentes surpassed Joyce in *Terra nostra*, with its facile paraphrases and pastiches, and its transcriptions of encyclopedias and catalogs. The novel's real theme is its author's fascination with absolute power, not with the other Spain, the one that invented the word "liberal." The democratic values of the communards seem more alien to Fuentes than a Miuran bull. Ultimately, the book gives the feeling of a pathetically closed space: of totality that leads to asphyxiation.

In fragmentary passages, *Terra nostra* reads marvelously well, but its essay-characters do not really live their desires and their ambitions. In Fuentes, there is no existential exploration. His novels (*Terra nostra* most completely) are intra-literary—sometimes only intraverbal—exercises more akin to French structuralism than to anything Joycean. This lack of existential anchoring is the decisive difference between the actor and his model, but not the only one. Joyce worked at an extremely slow and steady pace, in careful and complex reflection. Fuentes proceeds by inspiration:

"I can write in a plane, in a bus, in a hotel room—anywhere I am—with ease. . . . There are writers who work very slowly because they are painfully looking for that adjective, that verb. I prefer to privilege the cataract: I will let everything rush through me and over me like Niagara Falls with a sort of *confianza*, a confidence. I give in to the abundance of language because I am . . . like a Bernini statue. I am abundant."

Then, suddenly, briefly, Fuentes removed the makeup, came down from the stage, turned out the lights, and walked out incognito to wander through Mexico City. A line by Paz concerning the mythic destruction of the Aztec city came to mind: burnt water. In *Burnt Water*, which appeared in 1980, Fuentes plays no one but himself. It is not written by himself as a personage, but by himself as person. These four perfect stories show, again, that his calling as a writer is the authentic investigation into the tragic fate of the city he loved. Suddenly, in a kind of parenthesis in his career, Fuentes is not afraid to create "psychologizing subjectivity," characters who dare to feel tenderness, filial love, pity, and the most bestial hatred.

A poor old woman, surrounded by street mongrels, remembers the ancient palaces in ruins, and an invalid child listens to her. A native aristocrat clings to the decorative world of his house now situated amid decay and drug violence, a nest of rats that do not conquer him: they devour him instead. And in "The Son of Andrés Aparicio," there is the life story of a lumpen turned bodyguard. Here the city is not unreal or purely visual. It is a visceral city, a city in pain. Here the extraordinary recreation of language is not the end, but the means. There are no useless names, no social or political didacticism, no reflections on the nature of the Mexican spirit, no sentimental lyricism. There are only four fragments that touch the Mexican soul of Carlos Fuentes.

This parenthesis of real feeling was closed, however, in the 1980s, when Fuentes definitively established himself in the country of his childhood and allowed himself the luxury of writing a nationalistic Western for American readers. *The Old Gringo* is a minor work. The book's explicit subject—Ambrose Bierce—is its least striking thing; Fuentes gives the basic facts, but he fails to penetrate Bierce's hallucinatory life. *The Old Gringo* is important, rather, because it reveals Fuentes's methods of appropriation and distortion with devastating clarity. The beginning of the novel is derived, for example, from *Memorias de Pancho Villa (The Memoirs of Pancho Villa)* where its author, Martin Luis Guzmán, narrates the twofold death of the English rancher Benton at the hands of a Vilista. Who would notice? Nobody in the United States knows Guzman. Then, along with Bierce, the novel presents an opague, enigmatic Mexican general named Arroyo, and a God-fearing Methodist school teacher who eventually succumbs to the transfiguration, to the sexual, telluric strength of the general; and the similarity to Cipriano and Kate in D. H. Lawrence's *The Plumed Serpent* is certainly remarkable. As Fuentes has written, "Is there any book without a father?"

After liberating himself from the imaginary need to imagine, Fuentes goes on to rearrange completely the history of the Mexican Revolution. In *The Old Gringo*, briefly, Zapatism becomes Villism. Fuentes transports the peasant revolution of indigenous southern Mexico to the northern border. He situates his story in Chihuahua, where there were *no* problems concerning land, *no* conflicts between haciendas and communities, *no* peasant in ponchos, *no* people drinking mezcal. It was easier that way, because he could imitate Jesus Sotelo Inclán's book about Zapata, which no one in the United States (except John Womack's readers) would know. In 1971 Fuentes wrote that "literature says what history covers up, it forgets or mutilates." Many Mexican readers of *The Old Gringo*, however, found themselves convinced of precisely the opposite.

VI.

The Central American crisis and the Reagan presidency opened the second chapter of a historical drama begun in 1959. It was natural that Fuentes, living now in the States, should become passionately interested in the conflict, but the similarity between his attitudes of the early '80s and his attitudes of the early '60s is disconcerting. By now, to be sure, it is a commonplace among the liberal left in Mexico to criticize Cuba, to let slip some slight doubts about internal affairs in Nicaragua. (Its own experience taught the Mexican left not to scorn "formal" democracy.) But Fuentes is humming the same old tune. He has said that Cuba is a colony, and that Marxism is intellectually facile; but he only demands of Castro "a little more *glasnost* and *perestroika*." His support for the Sandinistas has been complete.

Still, he has also experienced a good amount of intellectual confusion; it is difficult to serve truth and power at the same time. In his commencement address at Harvard University in 1983, and in various articles and conferences, Fuentes has referred to "the constant battle with the past" that Latin America is waging, a past of theocracy, centralism, paternalism: the fortress of the Counter-Reformation still imprisons us with its dogmas and hierarchies, its confu-

sion of public and private rights, "its faith in ideas over facts." Fair enough. But then Fuentes is immediately enamored of precisely those closed political systems that are the heirs of the Counter-Reformation.

Fuentes sees clearly the mental prison of these countries, but he does not quite lament it, or see himself enclosed in it. His reading of the Central American conflict grows out of his old fascination with totality, with unity, with order. Reading him seriously can be a twisted adventure in dialectic. Consider his defense of the Sandinista revolution. At times he achieves a certain distance: "There is a sacred element to the revolution: that is why it does not tolerate opposition." But he also joins the faith: "The total history of a community is revealed in the dawn of the Revolution."

The political imagination of Fuentes seems frozen in the commonplaces of 1962, which not even the latest speechmaker of the PRI could repeat without blushing: "All of us in Mexico exist and work thanks to the Revolution." An eternal 1968, Fuentes's revolution is not only sacred, it is universal and inevitable as well. Speaking of the revolution, Fuentes the iron historicist reminds the North Americans that "their republic was also born out of the barrel of a gun." Speaking of democracy, however, Fuentes the tolerant relativist invokes "cultural contexts": every country should come to its own version of it. Unlike democracy, the revolution does not recognize frontiers or cultures. It is always the same—1648, 1776, 1789, Mexico, Havana, Managua. When it comes, it demands patience. Violence—Marx dixit—is the midwife of history. That is why the Arias plan took him by surprise. Arias's democratic legitimacy does not mean much to Fuentes: democracy does not reveal the total history of a community, only the fragmentary will of its citizens.

There is something even older and more frozen in the moral imagination of Fuentes: his old scar of identity. The love/hate he feels for the United States cuts him off from the possibility of any intrinsic understanding of Latin American phenomena. ("We cannot see ourselves, we must see *you*.") In response to the obligatory question regarding the need for democracy in Central America, Fuentes always has his ready-made answer: "Why does the United States worry about democracy in Nicaragua and not in Chile?" As a question, it is valid. As an answer, it is not. It defers the establishment of a democratic order until the United States stops being hypocritical, which is to say, until the cows come home. In Fuentes, there is a dependence on dependence.

We can all agree that the relations of the United States with the Caribbean, Central America, and Mexico are marked by a vast historical outrage assiduously carried out by North America long before a Cuban headline at the beginning of the century announced that "hatred of the North American will be the religion of the Cubans." It is an outrage made up of incomprehension, inattentiveness, prejudice, racism, exploitation, stupidity, disdain. Its greatest mistake was not to recognize, and to support intelligently, the liberal regimes of this century, trusting instead in "our bastards." And Reagan's bravado, his references to "freedom fighters" and to the "backyard," keeps the outrage alive.

But granted that all this is true, what is the responsibility of the Latin American intellectual? Once again, Camus: "To see nuances and understand, not to dogmatize and confuse." To point out endlessly, if you like, the historical responsibility of the North Americans, but to take note as well of the contribution that the revolutionaries themselves have made to the disaster. The struggle of the Miskitos has nothing to do with the adventure of William Walker. Fuentes reproduces Reagan-like illusions when he believes that the Sandinistas are the real "freedom fighters," struggling in the name of history, revolution, and destiny against the only enemy, which is imperialism. In Nicaragua, where he was becoming known as "the tenth comandante," Fuentes had the same idyllic visions of 1962, 1968, and 1976, and he exclaimed: "There will be foot-stamping and tail-thrashing by the dinosaur—the United States—but the relationship will change." An elemental, resentful, rhetorical nationalism, one that excludes all other values, is the sum total of Fuentes's political ideology.

After Fuentes's visit to Nicaragua early in 1988, Pablo Antonio Cuadra, the poet and the managing editor of *La Prensa*, wrote:

"I have been a friend of Fuentes, and I admire his literary work; but I never thought that he would take up again the old Spanish American rhetoric that has caused so much harm and confusion, in order to polarize concepts and reduce the very serious Nicaraguan problem to a struggle between David and Goliath in which, of course, one must be on the side of David. And what of the brutal Russian Goliath? . . . It is a great shame and a great responsibility, because the influence of men like him should serve to balance the scales. He should have seen that our poor America is exhausted by those great concepts that cost blood and misery . . . and all for nothing. Men like him could exert influence on fanatics to make them sane again, to make them think, to turn them once again toward objectivity and realism. Many of the comandantes are not Castros, but imitators who could be saved if so many intelligent people did not play their game."

Carlos Fuentes has not even recognized his own uprootedness as a problem. His politics are elemental and dogmatic. His literature is brilliant and insubstantial. He has created only one extraordinary character. Carlos Fuentes.—*Translated by Edith Grossman.*

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,320th day that Terry Anderson has been held captive in Lebanon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to proceed as if in morning business for an additional 5 minutes, and that my colleague from New Mexico, Senator DOMENICI, also be allowed to proceed for that same length of time on a separate issue.

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

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN, pertaining to the introduction of S. 1528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, before yielding the floor, I ask unanimous consent that the time for morning business be extended for up to 6 minutes, following the recognition of Senator DOMENICI, and that Senator KOHL be recognized to speak at that time for that additional 6 minutes.

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

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI, pertaining to the introduction of S. 1528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMMEMORATION OF GRANTS, NM, 50TH ANNIVERSARY AS INCORPORATED CITY

Mr. DOMENICI. Mr. President, I rise today to encourage my colleagues to join me in commemorating the 50th anniversary celebration to mark the incorporation of the city of Grants, NM.

It is appropriate at this time to review the rich history of Grants—its beginnings and its changing fortunes. From its beginnings as a Spanish frontier ranching settlement to its present status as the one-time uranium capital of the United States, Grants has shown a remarkable will to survive.

The present townsite originated at Los Alomitos—Little Cottonwoods—the ranch of Don Diego Antonio Chavez, who reportedly planted the cottonwood trees around a natural fresh water spring. Early homesteaders and settlers were sheep and cattlemen, who capitalized on the excellent grazing pastures and plentiful water.

Like many settlements in the West, Grants' early success was linked to the construction of the railroad. During the 1880's Los Alomitos became known as Grant's Camp, in recognition of Angus, John, and Lewis Grant, the three brothers who were awarded the contract to build the A&P Railroad. The name of the community was officially changed to Grants on December 1, 1931.

The lumber industry provided the first significant growth for Grants when the Breece Lumber Co. completed construction of a 38-mile railroad from Tenaja to the Zuni Mountains. This new industry made up for the losses in-

curred when a drought in 1918 crippled the livestock industry. Logging and lumber business became full-blown, employing 2,100 people and moving about 4,000 people into this northwest New Mexico town that boomed with hotels, cafes, general stores, saloons, dance halls, and even homes.

A decade of lumbering prosperity brought telephone service, an electric powerplant, a number of churches, and a high school to the area. The Grants Review, a local newspaper printed in Gallup, was distributed throughout the 1920's.

When the Great Depression stopped the lumber industry saws, completion of the Bluewater Dam brought the next economic boost to the town. The vegetable industry flourished in this new soil and water-rich valley, growing $2.5 million in produce in 1939. Unfortunately, changes in produce packaging eventually drew farmers away from the area and the community faced yet another economic setback.

In 1939, Grants flirted with the idea of becoming an incorporated municipality, but political pressures and livestock corralled within the would-be city limits kept the ordinance from becoming reality. Finally in 1941, a permanent legal city charter was approved. It is that distinct event that we celebrate now.

Although mining was not a new industry to the Grants area, it has represented the greatest and most sustained economic boom for the community. Pumice was regularly mined from Mount Taylor and copper ore was taken from the region, but Paddy Martinez' discovery in the early 1950's of the uranium proved to be a catalyst for decades of growth for the area. Five uranium mills—Anaconda, Kerr-McGee, Phillips, Homestake-New Mexico Partners and Homestake-Sapin—were built in the area by 1958.

Uranium boosted the population from 2,000 in 1950, to 7,000 by 1955 and more than 10,000 by 1960. In addition to the building of new schools, stores and banks, the city built the Cibola General Hospital in 1959. A public library was dedicated to the memory of Mother Whiteside, a frontier legend, and a branch campus of New Mexico State University was established there in 1968.

A historic event occurred in 1981, when Grants became the county seat of Cibola County, the first new county created in New Mexico in 32 years.

The following year brought the beginning of a precipitous decline in the uranium industry. Mines and mills closed. The town experienced an exodus of workers and families. Times were bleak. But many Grants residents remained, refusing to surrender to despair. These are the more than 11,000 residents who now celebrate their town's golden anniversary as new economic opportunities are created.

As the town begins its next 50 years of history, it looks forward to the advancement of two new State correctional facilities, the completion of a large electric generating plant, and development of a major open-pit coal operation. The city is looking toward a more diversified economy that will broaden its appeal as New Mexico, the Land of Enchantment, continues to grow.

I honor and commend the people of Grants and their forbearers who have created a hard-working, persevering community that represents the best of New Mexico.

And so, Mr. President, I encourage you and my colleagues, on the 50th anniversary celebration to salute the city of Grants, whose citizenry are eager to meet the challenges of the future as opportunities rather than impossibilities.

Mr. President, I inquire will we be back on the bill in 6 minutes, is that what the order is now?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

I yield back any time I have.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I ask unanimous consent to speak for 6 minutes.

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

(The remarks of Mr. KOHL pertaining to the introduction of S. 1527 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, parliamentary inquiry. Are we now back on the MFN bill?

The PRESIDING OFFICER. That will be the regular order, but we are not on it yet.

Mr. GORTON. What business takes place between now and then?

The PRESIDING OFFICER. Morning business unless consent is granted to the regular order.

Mr. GORTON. Then I call for regular order.

Mr. CONRAD. Mr. President, might I just inquire of the Senator from Washington. I had previously asked the managers if I might have 5 minutes to speak on the dairy bill that was previously introduced and had received agreement that that consent would be forthcoming to extend the period for morning business for 5 minutes. Perhaps we could find a way to work things out so that might occur.

Mr. GORTON. The Senator would be delighted to yield to his friend and colleague from North Dakota.

I ask unanimous consent that when the 5-mintue period is over, the Senator from Washington be recognized.

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

Mr. CONRAD. Mr. President, I thank the Senator from Washington. I appreciate his cooperation.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1527 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, parliamentary inquiry: Are we now on the regular order?

The PRESIDING OFFICER. If the Senator permits the clerk to report, that will be the case.

UNITED STATES-CHINA ACT

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1367) to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1992 provided certain conditions are met.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, with respect to debate on this bill at this particular point, this Senator feels like an orphan in the storm with no home apparent in sight. We now are dealing with a bill replete with conditions for the extension of most-favored-nation treatment to the People's Republic of China, beginning a year from now.

A similar bill passed the House with a very impressive majority and included a number of conditions, most or all of which this Senator felt to be appropriate. The Senate bill as was reported to the floor includes a number of additional conditions and is more stringent on several of those included in the House bill.

Last night, in the passage of the Bingaman amendment, we added additional and still more stringent conditions. I suspect we will continue to pile on what I might describe as "feel-good" conditions during the course of this debate today and until final passage of this proposal.

If MFN treatment for the People's Republic of China were a ship, it would long since have been loaded beyond its capacity and would have sunk without a trace beneath the surface of the sea.

We here in the Senate and our colleagues in the House may well feel that we have struck a blow for civil rights in China by the passage of this bill, but in fact we will not have done so. We know now the bill in its present form will be vetoed by the President. We know too that veto will be sustained.

Many of the Members, I daresay, who vote for the bill will be relieved at that result, and will have the best of both worlds.

If by some chance the bill in its present or future form should become

law, the People's Republic of China obviously would be unwilling to accept the conditions in the bill and MFN status will die.

Some of the bill's conditions are concerned with human rights in China, and most particularly, with the victims who protested in favor of democracy at Tiananmen Square. Others have to do with the behavior of the People's Republic of China; still others with its foreign policy.

We now have conditions which relate to its policies not only toward Taiwan, but also toward Cambodia, Tibet and potential customers for China's missile technology. Finally, there are a series of conditions that concern trade between the United States and China.

The consideration of this bill had one positive impact. At the beginning of the discussion of this issue, the distinguished and thoughtful Senator from Montana [Mr. BAUCUS] together with 14 other Senators, wrote to the President setting out what he and they considered to be reasonable administrative measures to address concerns with China.

Last Friday, the President responded to that letter in a modestly positive vein. While the response was couched in terms of statements that simply reiterated existing administration policy, in fact I think he went slightly beyond it. For the first time, the administration gave a relatively clear commitment that it would support membership for Taiwan in the General Agreement on Tariffs and Trade, the GATT. Admission is long overdue for Taiwan, which has become a major trading partner of much of the rest of the world. Taiwan's international trade rivals or exceeds that of the People's Republic of China itself.

The President also promised at least marginally more strict enforcement of section 301 provisions to address certain of the more egregious trade practices of the People's Republic of China. The President also spoke affirmatively to a number of the other concerns expressed by the Senator from Montana and those who joined with him.

While this Senator and others would have preferred an even more positive response, it is certainly sufficient to gain for the President the support of one-third plus one of the Members of this body, and very likely that number of Members of the other body, when and if the President vetoes this or a successor bill.

The net result in that this debate has now become a formality, largely without purpose. This Senator regards that as regrettable. I feel it to be a shame, almost a disgrace to this country and to its business enterprises, that the U.S. Trade Representative and the administration are so easy to push around on trade-related issues connected with the extension of MFN status.

Even Senators, who represent States most dependent on foreign trade, as this Senator does, can have certain doubts about the desirability of a trading system which is almost completely open at the American end of the pipeline, and largely closed at the other, except for a handful of goods which the People's Republic of China cannot produce for itself.

Our bilateral trade deficit with the People's Republic of China is $10 billion a year, and rapidly climbing toward or beyond the $15 billion figure. That is not because of any natural trade-related characteristics of the two nations, but because of the overwhelmingly closed and unfair nature of the government-operated trading system of the People's Republic of China itself. Clearly, this cannot continue unabated.

The administration's response to such trade issues, specifically those raised by the Senator from Montana, at best can be characterized as barely adequate, designed to result in a political rather than a fair-trade end.

But the real issue in this debate, and in all of the debates in which we have been engaged on this subject for more than 2 years, is not human rights, weapons proliferation, or even trade. The real issue is the Government of the People's Republic of China itself; a government which maintains itself by terror and repression. It is a government which is inevitably destined for the same fate as the Governments of Czechoslovakia and Romania. In fact, it may well parallel the Government of Romania more closely than it does any other government in what was formerly the Eastern bloc.

That repressive regime will not last, Mr. President. As a consequence, it seems to this Senator and to many of the business enterprises which he represents, that even from a trade standpoint, in the middle-term, not to mention long term, it would be far wiser to bet on the future rather than on the past.

Democracy, or at least the dismantling of the present Government of the People's Republic of China, is as inevitable as the overthrow of the Communist governments of Eastern Europe. Far better, Mr. President, that we have the support and the friendship of, that we be the guiding examples for, those who are attempting to create a democracy in China than those who have so far successfully repressed that inevitability.

In that respect, Mr. President, we are different from and have different interests than even the rest of our trading partners in the West. When the students and others began their drive for democracy several years ago in Beijing, they did not utilize a German or a French or an English symbol. Their symbol was their own recreation of the Statue of Liberty, just as it was the United States and not Western Europe which inspired the liberation movements in Eastern Europe and, for that matter, the Soviet Union.

So it is the example set by the United States which inspires the same feelings in the People's Republic of China. It is the words of the Declaration of Independence about the unalienable rights of peoples to life, liberty, and the pursuit of happiness. It is the words which are engraved into the Jefferson Memorial, less than 2 miles from where we stand, Mr. President, which has inspired the citizens of China: "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." It is these sentiments which inspire our relationships with China and, for that matter, with many other peoples around the world who seek liberty.

But we have reached a point in this debate in which we find ourselves on a dead-end street. I urge upon the majority leader and upon all of those in this body who are truly concerned about the future of the People's Republic of China, about democracy, about a long-term constructive and balanced trade relationship between the United States and mainland China, that this bill should be far shorter and far more simple than it presently is. We should remove from it all of the rhetoric about what the Government of the People's Republic of China has done, and remove from it almost all of the conditions which have been added by individual Members of both the Senate and of the other body. We should concentrate on the thoughts which moved us 2 years ago as we watched that courageous young man standing in front of a tank on Tiananmen Square and simply condition the extension of most-favored-nation treatment to China a year from now upon an accounting and release from prison of those citizens of China who demonstrated for democracy in Beijing and who were arrested and imprisoned for engaging in the most fundamental of all of our human rights.

Only in that fashion, Mr. President, can we focus the attention of the citizens of this country where it ought to be focused. Only in that fashion can we present to the President of the United States what is the overriding issue: future of democracy in China.

Mr. President, a democratic China will not export to the United States the products of slave labor. A democratic China will not sell its missile technology to unstable regimes in the Middle East. A democratic China will not oppress the inhabitants or citizens of other countries and of other nations. If we succeed in the goal of a democratic China, all of our other goals will be reached as well.

If as I expect, this advice is not heeded, if we go forward with the bill in its present form and perhaps add a few

other conditions to it, this Senator, regrettably, having started out as a sponsor of a very similar bill, will vote against that ultimate, overburdened product. But he will do so in the fervent hope that we will revisit this issue and that we will deal with it exactly as we dealt with the Soviet Union 15 to 20 years ago with Jackson-Vanik, concentrating on central human rights issues as a condition of this trade. We can now look back and say, though it took time, that approach brought spectacular results. It prodded the Soviet Union to free its people who wished to leave and helped to bring that country to the threshold of democracy and very great changes. We should be far more modest in our proposals, Mr. President, and far more direct. It is not appropriate for the United States of America simply to bow to every whim of the People's Republic of China in the course of this debate. It is not for us to fear the consequences of some kind of trade war with a nation which does not play fair and has a huge trade surplus with the United States. It is appropriate for or rather, incumbent upon the United States of America to stand up for the most fundamental of human rights in China itself, to stand behind those who took inspiration from the United States, whose symbol was the Statue of Liberty and to see to it that, at the very least, they are freed from the prisons to which they have been sentenced because they supported the ideas upon which this country was founded.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, we are on the Mitchell bill regarding MFN; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I know that others want to speak but I waited a little while yesterday and this morning. I want to make sure that everyone knows that I am not going to speak a long time. I think it might be 10 minutes, for those who are waiting, maybe slightly over that.

Mr. President, there can be no doubt that all 100 Senators in this Chamber support greater human rights in China. All 100 Senators, I think, support nonproliferation of strategic weapons, and all are concerned about the trade surplus between China and the United States, running in their favor. Every Senator in this Chamber and everyone who votes here, all 100, would like to see China provide greater protection for our intellectual property rights.

So in a very real sense, because of the democracy demonstrations that occurred in Tiananmen Square, we are tugged and I am tugged toward two different courses of action. My heart urges me to avenge the students who bravely faced tanks which the world was privileged to see on television. Some of the students died, some were arrested and remain in prison for little more than expressing their beliefs. So my heart, on the one hand—and I think that is what is happening in this body—beats to the rhythm of "deny most-favored-nation status." But my head argues for a more reasoned approach, carefully thought out to achieve changes in the governance of China, that would move it away from tyrannical dictatorial policies and obviously move it in the direction of a market-oriented economy.

In deciding how to vote on whether to renew MFN for China, should I listen to my heart or my head? Most favored nation is not really "most favored." MFN is a very misleading name.

On a scale of 1 to 4, 1 is the worst tariff treatment and 4 is the very best; MFN rates a 2. In the tariff pecking order, there is only one category worse than MFN. That category is a schedule based on the Smoot-Hawley tariffs guaranteed to kill trade.

MFN is the tariff schedule the United States uses for more than 150 countries. I think the distinguished Senator from Montana [Mr. BAUCUS] and the Republican manager on the floor, Senator PACKWOOD, have more than once told us what it means to recognize 150 countries of the ilk and type that some of them are, with reference to tyranny, dictatorship. Some of them recognize few human rights. It is inconsistent to come along and say in this case we are going to deny MFN to China.

A more favorable treatment than MFN is the generalized system of preferences. We grant that status to 134 countries and territories. And the very best tariff treatment is available under the bilateral trade agreements we have with Israel and Canada and soon, hopefully, with Mexico.

Having explained what MFN is, if Congress were to deny it, the question becomes: Who would our action hurt and how would it hurt them?

Denying MFN does not hurt the hardliners in China. The hardliners do not like the free market. They disdainfully, Mr. President, refer to entrepreneurs as "the peddlers." The hardliners live day by day, hoping they can rid China of the peddlers, and reverse the economic reforms.

If a recession comes to China's economy, the hardliners would be pleased to have the United States denial of MFN as a convenient and foreign scapegoat.

Southern China, the coastal provinces and Hong Kong would be economically damaged if MFN were denied. I do not think anyone denies that. Even for a country with a trade balance that is not running in our favor, it is estimated that 100,000 jobs would be lost in our country if trade with China were stopped. And believe you me, everyone agrees it would stop if MFN is denied.

Gao Xin, a well-known journalist who was one of the last four participating in the hunger strike in Tiananmen Square on June 14, 1989, has said, "Canceling MFN would help the hardliners. If MFN is withdrawn, the United States would lose the critical leverage needed to help the Chinese people." That is not President Bush talking. That is one of the four leaders of the democracy movement, who certainly knows his country better than most of us.

What is at issue is less a question of indignation than a question of judgment on how the American people can best play a role in influencing Chinese policies and liberalizing Chinese institutions. I believe just because we have seen great changes occur in Eastern Europe and even the Soviet Union, we have to understand the history of China. It will take a long, long time. As Senator BAUCUS said yesterday, it might even be something beyond America's strength and America's capability to literally cause a major change in China.

History provides ample precedents showing that almost every effort to coerce China through economic isolation has failed. On the other hand, almost every U.S. step toward constructive dialog has been met with some kind of liberalized response.

President Bush and his policy of engagement has resulted in an accounting of the participants from Tiananmen Square and the release of 970 detainees. Fang Lizhi was released as part of that dialog. The Chinese Government has made public commitments on its effort to prevent the export of prison labor products and has made positive assurances regarding family reunification. In addition, the Chinese are moving in the right direction on nonproliferation. Recently, they participated in several key meetings dealing with arms control.

I think we should follow the course set by President Bush. When I first heard his approach, frankly, I wondered whether it was right. But in the ensuing months, being able to participate to some extent and watching what occurred in committees that had jurisdiction, it appeared to me that the President was once again right. The letter he wrote recently to Senator BAUCUS of Montana, is a good game plan, one that we ought to be pursuing, one that we can do and yet retain MFN with China. Targeted sanctions are in place: These include termination of military exchanges, denial of export licenses, export restrictions on supercomputers, communications satellites, and a number of other initiatives.

We remain opposed to all World Bank lending except for basic human needs. The special 301 investigation on intel-

lectual property is moving ahead as it should. It should not be handled in this legislation. It ought to be handled under the law that creates that set of processes and procedures for addressing unfair trade practices.

Denying MFN will cause aging Chinese leaders to become even more isolated, less inclined to meet internationally recognized standards of human rights to correct the trade imbalance or to comply with nuclear nonproliferation.

In formulating this policy, it is valuable to look at history.

A nation-state, as China has been, is the longest running show around—3,000 years. Much of it has been in isolation with little or no regard for what others thought or for human rights. They evidenced little interest in trade. This history lesson should teach us that isolating China does not bring about democratic principles.

Prior to the opening of relationships in Beijing in 1971, the United States sought for two decades to isolate China economically and politically. The United States has virtually no trade with China, few social political contacts, and almost no ability to influence its policies.

President Nixon's historic opening to China enabled us to begin to discuss issues of mutual concern. However, it was not until MFN status was granted to China in the late 1970's that our relationship grew and we truly began to interact with the Chinese on a wide range of issues.

The granting of MFN also profoundly increased access to Chinese society and our impact on economic and political reform within that country. Withdrawing or conditioning MFN for China threatens all that we have accomplished over the past two decades. I believe we have accomplished something. I do not believe we would have had the outpouring for democracy that occurred in Tiananmen Square if we had continued to isolate China. It was, indeed, an indication we were getting through to the hearts and minds of the Chinese people.

The world is changing rapidly. A new world order is in the making. Almost 1 out of 5 people living on this Earth now live in China. There is over 1 billion, some say 1.2 billion, 1.3 billion, others say 1.1 billion living in the country of China, all striving for something better.

When Mao was Premier, he talked about the four modernizations and the four musts. The four modernizations were in industry, agriculture, science, and technology, and national defense.

The four musts were the Chinese equivalent of the American dream and the outer limit of materialist yearnings that Chinese could hope to aspire to own—a bicycle, a radio, a watch, and a sewing machine.

In the era of Deng Xiaoping economic well-being progressed so that people now aspire to the three highs and the eight bigs. The three highs are what a man needs to get a good wife: A high salary, an advanced education, and a height of over 5 feet 6 inches. The eight bigs are a color television, a refrigerator, a stereo, a camera, a motorcycle, a room full of furniture, a washing machine, and an electric fan.

There is a tremendous potential market there that we should not abandon. If we end MFN for China, it is almost certain China will retaliate against American exports. The $5 billion in United States exports to China will almost certainly go to American competitors in Japan, West Germany, and other Western nations. The Australians, Canadians, and Europeans are especially anxious to take American grain markets from the United States.

Instead, we should grant MFN and continue our policy of engagement on specific issues.

We should continue to reach out to the Chinese people. We should do what we can to stop the grim cycle of protest and repression in China. If we deny MFN we abandon the people of China and we really act against our own interests.

In summary, let me suggest that it becomes ever more evident we ought to be voting with our heads and not our hearts.

The conditions should be attached separately and achieved separately, not as a part of the granting or denying of MFN.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Thank you Mr. President.

Mr. President, I rise for purposes of offering an amendment to improve the condition of Senate bill 1367. This condition would require China to reduce its economic trade with Cuba.

Mr. President, there are many good reasons for voting for this bill. China has a miserable human rights record, which has been well documented during this debate. They continue to export arms to volatile regions of the world. And they cheat on their U.S. trade quotas.

This bill appropriately addresses those concerns. What it does not address is the question of the blossoming relationship between the hardliners in Beijing and Fidel Castro, the last dictator in Latin America.

At a time when many Senators oppose granting MFN to the Soviet Union because of its continuing economic ties with Cuba, is it not appropriate that we should apply the same standard in regards to the China-Cuba relationship.

Cuba is increasingly isolated. And yet China is one of the few countries in the world today that is forging closer economic, political, and cultural ties with the Castro government.

Perhaps their shared view toward human rights have brought China and Cuba together. Cuba refused to condemn China for the Tiananmen Square massacre and China refuses to support U.N. sanctioned efforts to investigate human rights violations in Cuba.

Whatever the reason, these two hardline regimes are daily strengthening their fraternal socialist ties, much to the regret, no doubt, of their own citizens.

Trade between China and Cuba has grown dramatically over the past 3 years. Bilateral trade in 1990 was $500 million, a threefold increase over the $150 million worth of trade conducted in 1987.

This year, even though China expects a record sugar harvest, the Chinese are expected to import some 800,000 tons from Cuba in barter trade while cutting purchases from other sources. China is the second largest purchaser of Cuban sugar behind the Soviet Union. By the end of 1988, China was Cuba's third largest supplier of consumer goods.

In fact, China allows Cuba to run a trade surplus. In the first quarter of 1989, Cuba sold China 67 percent more than what it purchased. And in May, China agreed to construct Cuba's first factory to make electric motors.

Mr. President, this is a relationship that is strong and growing stronger. Indeed, officials of both countries say trade and economic cooperation will increase in the future. Castro claims Cuba has much to learn from China's experiences in building socialism. No doubt. Perhaps he can get some hints on how to handle dissidents—although I am not sure he has much to learn in this area. Nevertheless, China has invited Castro to visit; he may as soon as early November.

Mr. President, Castro's economic ties with China are valuable. But he's benefiting even more by making it appear that Cuba is developing a special relationship with China, thereby giving lie to claims of Cuban isolation.

There should be no doubt about Cuba's isolation. Castro attended the Ibero-American summit in Mexico last week and got an earful. Portugal's socialist leader, Mario Soares, called Castro "* * * a dinosaur; that is to say, a prehistoric animal on the path to extinction."

In perhaps the deepest dig of all, Spanish Prime Minister Felipe Gonzalez, another socialist, called on Latin leaders to "* * * relegate guerrilla adventures to the tales of the imaginative novelist that this continent has in such great supply." But perhaps Miami television reporter Bernadette Pardo said it best. A Cuban exile who left Cuba when she was 10 and now reports for the Miami Spanish language station WLTV channel 23, Pardo caught up to Castro long enough to ask why he did not allow a free press in Cuba.

It was a tough interview. She said later that, "It was very sad afterward to think that this one man had changed so many people's destinies. It's almost as if I wish I could have changed him, I could have made him realize how many lives he has wrecked."

Mr. President, Castro continues to wreck a lot of lives. Now he is doing it with China's help.

We continue to pressure the Soviets to cut their ties with Cuba. We should do the same with China.

Mr. President, before I yield I would like to thank Damean Fernandez of Florida International University for his assistance and research on this issue.

Mr. President, in summary, there has been a dramatic increase in trade between Communist China and Communist Cuba, particularly in the period since the fall of the Berlin Wall. As the former primary political and economic allies of Fidel Castro, countries such as Czechoslovakia, and the Soviet Union itself, have receded, and have found Fidel Castro's policies, practices, and intransigence to be incompatible with the new spirit of openness and revolution in central Europe and in the Soviet Union.

Communist Cuba has looked elsewhere for allies. One of those allies has been found in Communist China. In the past 3 years there has been approximately a two- to three-fold increase in trade between Communist China and Communist Cuba. The amendment which I will offer would provide that one of the factors in the determination as to whether to continue the United States most-favored-nation policy toward Communist China would be a demonstration of a reduction of assistance to Cuba, whether in the form of subsidized trade, management of trade balances, or in any other form.

AMENDMENT NO. 803

Mr. GRAHAM. Mr. President, I sent 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 Florida [Mr. GRAHAM] proposes an amendment numbered 803.

On page 7, between lines 16 and 17 insert the following: ( ) in reducing assistance to Cuba whether in the form of subsidized trade, management of trade balances or in any other form.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, I rise to support the amendment proposed by Senator GRAHAM. I also have some remarks about it and the entire issue of most-favored-nation status with China.

Mr. President, I think the amendment of Senator GRAHAM is entirely appropriate, since clearly continued assistance to the most and last truly repressive government of our hemisphere is something which is not in the interest of China nor in the interest of peace.

Mr. President, I know of no Member of Congress, indeed, I know of no American, who is satisfied with the policies and practices of the Chinese leadership.

In an era when totalitarianism is approaching extinction, the aging tyrants who rule China persist in ignoring what are now the most obvious lessons of history: That the will to freedom is eternal in all societies, that democratization is essential to the progress of all humanity, that free markets require the participation of free peoples to function effectively.

At a time when the rights of man have gained ascendancy over the prerogatives of the state in one oppressed nation after another, China tragically remains a bulwark for those regimes which still dread the advance of human liberty.

When China's children bravely proclaim their human rights, China's rulers see only a rival claim against their own power and privilege. They respond to the just demands of their people with injustice. They greet the advance of democracy with a retreat from political reform. To paraphrase Churchill, China's leaders thought they had a choice between tyranny and disorder. They chose tyranny now, they will get disorder later.

Mr. President, our dissatisfaction with China's Government is not limited to its oppression of Chinese. Like all my colleagues, I have been gravely concerned by Beijing's role in the most dangerous and destabilizing problem of the post-cold-war world—the proliferation of weapons of mass destruction and the means to deliver them.

I have been appalled by Chinese material support for some of the most violently tyrannical regimes on Earth. The most egregious example of this, of course, is China's support for Cambodia's genocidal Khmer Rouge.

As an advocate of free trade, I am greatly disturbed by China's record of unfair trade practices. It is not the quality of American goods or the superior performance of our competitors that has caused the United States to run a trade deficit with China exceeding $10 billion. It is the theft of our intellectual property, the protection of Chinese markets, the fraud and deception of Chinese textile exporters, and other practices that is at fault.

For all these reasons and more, the American people rightly expect their Government to act forcefully and effectively to convince the Chinese of the error of their ways. And I understand my colleagues' desire to express their dissatisfaction with China's policies and to seek some way to effect changes in Chinese behavior. We are all determined to impress the Chinese with the depth of our aversion to their policies.

The vehicle at hand, of course, is the extension of most-favored-nation status. And I appreciate that many Senators may view the conditioning of MFN as a dramatic way to express our aversion. Such action would be a dramatic gesture indeed, Mr. President, but I fear that it would not serve as the best means to the ends we all desire: China's respect for human rights, for political reform, for international norms of behavior, for fair trade, and for the decent opinions of mankind.

Mr. President, I will not support the denial of China's MFN status. I did not arrive at this position easily. I made this decision after carefully anticipating the consequences of denying MFN, and after examining the other means at our disposal to influence China's behavior. I joined with Senator BAUCUS and other Senators in requesting the administration to identify its policies for affecting changes in Chinese policies. I have reviewed the administration's response to our request and am heartened by their commitment to achieving our shared goals. I have met with Chinese dissidents and found that while many support denying MFN, many others oppose it.

The undesired consequences of denying MFN include the closing of Chinese markets to American exporters, markets that accounted for $5 billion in American exports last year. American farmers, commercial aircraft manufacturers, and fertilizer manufacturers would suffer the most, but they would not be the only Americans to lose vitally important markets.

American retailers that depend on Chinese imports would also be grievously injured by the denial of MFN status. Many toy and footwear retailers could be rendered insolvent by such a decision.

Hong Kong, through which 70 percent of Chinese imports to the United States are shipped, would be enormously affected by revocation of MFN status. Indeed, Hong Kong's incorporation into China was negotiated by the United Kingdom and China with assurances that Hong Kong's unique relationship with the free world and its interdependence with Western economies would not be adversely affected. China's isolation from the United States would certainly jeopardize Hong Kong's future relations with the West.

Closing United States markets to Chinese goods would likely cause China to rely on other markets to secure hard currency. Unfortunately for United States security interests and world stability, one likely source of hard currency for the Chinese would be the international arms market.

There are a great many other likely consequences that argue against revoking MFN. But none of these consequences would have persuaded me to decline denying MFN, if I thought there was no other course for the Unit-

ed States to use in influencing Chinese behavior. There are other means, Mr. President. The administration has availed itself of many of them already. And President Bush has identified several other actions in his response to Senator BAUCUS' letter that has satisfied me that United States policy toward China is intended to strongly represent American interests and values.

Extending MFN status to China does not forfeit the use of economic and other sanctions against China. While other Western countries have pursued normal economic relations with China, the administration maintains in effect a number of severe economic sanctions until China makes substantial progress toward terminating its human rights abuses. For instance, the United States continues to oppose multilateral development loans for China that do not serve basic human needs.

With regard to proliferation, perhaps the most irresponsible of all Chinese policies, the President has taken strong actions to persuade China to abide by responsible norms of international behavior. The President has denied licenses to export satellite components to China, approved sanctions against two Chinese companies because of their involvement in missile equipment transfers, and directed that no new exports of high-speed computers or satellites to China be permitted until the United States is satisfied that Beijing observes international nonproliferation standards.

China's abhorrent use of slave labor to manufacture goods for export has also been the target of administration pressure. The administration has already obtained China's commitment not to export such products to the United States. As he indicated in his response to the Baucus letter, the President is not relying on Beijing's word alone that it will refrain from this despicable practice. He has instructed the Customs Service to investigate reports of slave labor exports and to deny entry to any Chinese products which are reasonably suspected of being produced by prison labor.

I am also encouraged by the administration's detailed response to China's unfair trade practices, as outlined to the signers of the Baucus letter. The President directed that China be investigated under the Special 301 provisions of the Trade Act for its failure to protect United States intellectual property rights, and he has promised to impose trade sanctions in the absence of China's correction of this failure. Moreover, the President has indicated his firm intention to use the prospect of 301 to compel China's cooperation in improving market access to American exports, and to curtail China's illegal textile exports to the United States through third countries.

The President has also informed us that he intends to work actively to promote Taiwan's accession to the GATT. I have long supported such a position, having twice cosponsored legislation introduced by Senator ROTH on the subject, and I applaud the administration's commitment to this goal. United States support for Taiwan's entry into the GATT may be premised on our appreciation for Taiwan's important contribution to the global trading system. However, I feel it is also an appropriate vehicle to register our disapproval with Chinese policies. And I am certain that signal will be understood by China's rulers.

Mr. President, China's responses to the United States' numerous concerns with the many repugnant features of its foreign and domestic policies have not been satisfactory. At times, China has seemed defiant, unwilling to respect international opinion, and seemingly oblivious to the march of history. However, this is not to say that there has been no evidence of Chinese cooperation in resolving some of the issues that concern us.

For example, China has now publicly promised to refrain from further support of the Khmer Rouge. This is long overdue, and the United States should carefully monitor China's compliance with this commitment and be prepared to take immediate and strong actions if China violates this pledge.

Also, China has lately evidenced a slightly better appreciation for United States views on nonproliferation. China played a constructive role in the recent Middle East arms control talks in Paris by endorsing the key provisions of the President's initiative, and has promised further cooperation in this endeavor.

Again, the United States should take the full measure of China's seriousness on this issue before believing these indications of their conversion to the principles of nonproliferation. Chinese sincerity will be more easily believed if they join the missile technology control regime and refrain from exporting M-9 and M-11 missiles. Until then, the United States must be prepared to respond forcefully to any further attempt by China to aggravate this already terrifying international dilemma.

On all the other issues, especially the flagrant abuse of human rights in China, there is yet little reason for optimism. The American people and their elected Representatives are right to expect United States policy to compel, by whatever means necessary, Beijing's belated respect for the values upon which this Nation was founded. The defense and promotion of those values, our impassioned advocacy of freedom, has been the principal pillar of our foreign policy for 215 years. We will not exempt China from our advocacy. I am certain that Senators supporting this bill are guided by that principle.

But the President has made a compelling argument for other approaches to achieve our shared objectives. He has on numerous occasions proven his competency as the steward of American foreign policy to the widespread satisfaction of the American people. I will not deny him his leadership of the policy.

Surely, Senators will not suggest that the President's commitment to freedom in China is any less firm than our own. Nor, given his many foreign policy successes, can we doubt his ability to effectively protect American security interests abroad. I intend to support the President and vote against S. 1367, and I urge my colleagues to do likewise. By so doing, I am confident that I join the President in the best defense of American values and interests, and in hastening the day when history will catch up to the rulers of China.

I support the amendment of my friend from Florida.

I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, for the majority side, I have examined the amendment of the distinguished Senator from Florida, and I think it strengthens the legislation. I have no objections to it.

Mr. PACKWOOD. Mr. President, I have looked at the amendment, also. I do not like the bill as we have it before us. I find it getting progressively worse. Although this amendment worsens it a bit more, I support it.

The PRESIDING OFFICER. Is there additional debate?

The question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 803) was agreed to.

AMENDMENT NO. 804

(Purpose: To add as a condition for granting most-favored-nation status to China Presidential certification that the Chinese government does not support a program of coercive abortion or sterilization)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, and Mr. WIRTH, proposes an amendment numbered 804.

On page 7, between lines 19 and 20 add the following:

(7) does not support or administer any program of coercive abortion or involuntary sterilization.

Ms. MIKULSKI. Mr. President, let me explain to my colleagues what this amendment does. It simply adds another condition which must be met before the most-favored-nation status could be granted to China. The condition is this: The President must certify that the Government of the People's Republic of China does not support or administer any kind of program of co-

erced abortion or involuntary sterilization.

This provision is in the House bill which was advocated by my colleague, Congresswoman PELOSI, and passed the House 313 to 112.

Why is this amendment necessary? Well, it is a human rights amendment. China has taken very stern measures to control its population, which is 1.14 billion. There are horrible reports of Chinese officials forcing women to have abortions, or to be sterilized against their will. If this is true, these crimes against women are repugnant and chilling—the worst sort of human rights abuse. They should be listed in this bill, along with other human rights conditions related to political prisoners, fundamental rights in China and Tibet, and others.

Mr. President, this is an issue with which I am quite familiar. In recent years, I have proposed, and the House and Senate have passed, amendments related to the U.N. Population Fund [UNFPA]. We are not participating in the UNFPA because this administration claims that because UNFPA maintains an office in China, it is therefore participating in the management of a program of forced abortion and sterilization. Since the Bush administration cites forced abortion and sterilizations in China as the reason we do not participate in the U.N. Population Fund, I thought we would apply the same standard to China's most-favored-nation status.

There are those who might say that there is a double standard in our policy to China, and that we have one standard when it relates to family planning, and another standard when it relates to trade; that we have one standard when it relates to women and another standard when it relates to profits.

Is China guilty of these crimes? Well, Mr. President, I do not know. That is why we will look to see if the President will certify that. The State Department's country reports on human rights says that the physical compulsion to support abortion and sterilization is not authorized, but there is evidence that this occurs as officials strive to meet population targets in local areas.

So it seems as if local officials rather than the central government are doing that. I do not have the wherewithal to verify that. But I want to be clear about congressional intent; that it is our intent that the certification apply only to physical coercion—not the system of incentives and punishment—and that this certification apply only to the policy of the central government.

So, Mr. President, we want to make sure that we have a consistent policy and, if the President wants to give trade benefits to governments, that they also have the same opportunity to participate in international family planning efforts.

Mr. President, I could elaborate on this amendment, but I think that essentially is the summary of it. So to recap, the Mikulski-Wirth amendment simply adds another human rights condition for most-favored-nation status: That the President must certify that the Government of China does not support or administer any program of coercive abortion or involuntary sterilization.

I hope the Senate adopts my amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, I am delighted to join with my old friend and colleague, Senator MIKULSKI, in sponsoring this amendment. This issue is not new to Members of the U.S. Senate. We dealt with this issue related to support for the U.N. Population Fund year after year after year. We run right into a brick wall every year because the administration comes back and says we are not going to support the United Nations because the United Nations fund coercive abortion programs in China. You end up with an enormous amount of frustration saying all the evidence we have, including that from the administration's own experts, says that is not the case, and yet they come back and make the statement and we lose the support every year.

But this is a "you cannot have your cake and eat it, too" amendment. We are saying to the administration, "If you want to grant most-favored-nation status to China, that is fine, but come back and certify that China is not offering coercive abortion programs.

The administration has to make up their mind. Which way do they want to go on this? It seems to me a perfectly logical situation for us to be in.

All of us are, or should be, concerned about the rapid pace of population growth around the world—particularly in the largest countries such as China. At a current growth rate of 1.8 percent, world population will grow from today's 5.3 billion to more than 6 billion by the turn of the century. Put another way, 274 human beings are added to global population every minute of every hour of every day—400,000 people per day. The best demographic evidence suggests that the global population will double and could triple in the latter half of the 21st century.

The implications of this growth—global environmental decline, pressure on political, economic, and social stability, and increased international conflict over scarce resources—are nothing but staggering. These trends are not perceptible at any given moment—but they are devastatingly clear over time. Indeed, I often wonder if we can comprehend what it means for the population to double. One only has to think about the problems we are having managing resources and the environment in a world of 5.3 billion to understand the magnitude of the challenge our children will face in managing 11, 12, or even 15 billion people.

Think of what is going on in the Middle East. We have all been focused on the Middle East where now population is growing more rapidly. The cadre of childbearing age population is larger than it has ever been. You have a large disillusioned unemployed, uneducated group of people. Their explosive political problem and economic problem, much less the demand on natural resources, is enormous with our current population and yet we are sort of whistling past the graveyard as we do not support the U.N. Population Fund.

Fortunately, the U.N. Population Fund was established to take on this issue. UNFPA is the premier international family planning effort. It conducts programs in about 140 nations, concentrating on the 90 countries whose population will double in the next 30 years. This organization provides one-third of all international funding for family planning programs. Unfortunately, the rising demand for the family planning services offered by UNFPA exceed its resources.

Regrettably, Mr. President, the United States—which pushed for the founding of the U.N. Population Fund—has not provided funding to UNFPA for 6 years. UNFPA is being caught in the contradictions of this administration's policy toward China.

As I mentioned earlier, on the one hand, the administration wants to provide MFN benefits to China. On the other hand, they have defunded the UNFPA because the administration claims it helps manage a concerted government program of forced abortion in China.

Does the Chinese Government manage a program of forced abortion and involuntary sterilization? I simply do not know. As the distinguished Senator from Maryland says, we do not know. If they do, Mr. President, it is such an egregious violation of human rights that I could not support extending MFN benefits to China. No responsible person would support a program of coercive family planning.

For too long, however, Congress has debated whether to provide funding to the U.N. program. Every year, an amendment is offered to the foreign operations appropriations bill to restore the U.S. contribution to UNFPA. And every year, the President vetoes or threatens to veto the legislation. Those who wish to restore funding to UNFPA have argued that even if China has a program of coercive abortion, UNFPA does not participate in the management of China's population program. Out of $1 billion in expenditures on family planning the United Nations provides only 1 percent, or $11 million, in funding. There are more than 200,000

individuals participating in family planning in China—UNFPA has four staff members in China. How can this organization—which represents only a small fraction of the overall effort in China—be helping to manage the program? It is nonsense.

UNFPA says it does not provide abortions or abortion services. UNFPA has made repeated pledges that it would prevent any United States funds from being used in China for this purpose. UNFPA has agreed to segregate and account for all U.S. funds. And yet the administration persists in withholding funds for population program help in China. Ironically, the programs offered by UNFPA are exactly the type of family planning programs that help reduce the need for abortion.

If we support the United Nations and do a little bit of prevention, we would not have this problem, but the administration does not even see that far.

Properly structured and aggressive family planning helps prevent unwanted pregnancies and the need for painful decisions about abortion.

It is time for the administration to make some choices. If the administration wants to continue MFN status for China, it needs to reconcile the issue of coercive family planning. If China has a program of coercive abortion, it should be held accountable—not a third party that has only four people in the country and provides about 1 percent of the funds for the over program.

If China does not have a coercive program and is thus worthy of MFN status, we should also begin immediately refunding the world's premier international family planning program.

Quite frankly, Mr. President, I am tired of fighting with a small group of ideologues in the White House about the UNFPA issue. We should be funding this organization now. UNFPA is directed by an outstanding and dedicated advocate of responsible family planning, Dr. Nafis Sadik. This organization does not support, provide, or promote abortions services in China. It is the one organization that is able to reach all of the most rapidly growing countries in the world. It is time that we refund UNFPA, and it is time that we fund these major international population efforts.

The amendment we are offering will force the President to decide once and for all what the situation is in China. And again, if the President decides that the Chinese population program is coercive in nature, we should not be extending MFN status to China. It is far past time to settle this debate and devote our full attention to the issue of population growth and global environmental decline. I hope that this amendment will help move us in that direction and I urge all of my colleagues to support the Mikulski-Wirth amendment.

Mr. President, I ask unanimous consent to print in the RECORD a piece on the U.N. Population Fund.

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

FACTS ABOUT THE UNITED NATIONS POPULATION FUND [UNFPA]

APRIL 1991.

WHAT IS THE UNITED NATIONS POPULATION FUND?

UNFPA is the largest multilateral provider of population and family planning assistance to the developing countries. The Fund was established in 1969 with strong encouragement from the United States. UNFPA is totally funded by voluntary contributions.

WHAT IS THE SCOPE OF UNFPA OPERATIONS?

In 1990, UNFPA provided support to 138 countries: 43 in Sub-Saharan Africa, 37 in Latin America and the Caribbean, 34 in Asia and the Pacific, 16 in the Arab States of North Africa and the Middle East, and eight in Europe, including six in Eastern Europe. Approximately one-third of all population aid to developing countries goes through UNFPA. Since 1969, the Fund has provided a total of $2.2 billion in population assistance to virtually all developing countries. The largest share goes to the most populous region, Asia, although Africa is receiving a growing proportion of UNFPA allocations. UNFPA assistance to all regions has continued to increase. The demand for population and family planning assistance from developing countries is increasing rapidly and far exceeds the available of UNFPA funds.

WHAT IS THE UNFPA POLICY ON ABORTION?

UNFPA does not provide support, nor has it ever provided support, for abortions or abortion-related activities anywhere in the world. This is in line with the recommendation of the 1984 International Population Conference in Mexico, which was affirmed by the UNFPA Governing Council in 1985. The Council's decision states that it is "the policy of the Fund . . . not to provide assistance for abortions, abortion service, or abortion-related equipment and supplies as a method for family planning." Neither does the Fund promote or provide support for involuntary sterilization or any coercive practices.

DO UNFPA-SUPPORTED PROJECTS HAVE ANY IMPACT ON ABORTION RATES?

As the provision of maternal and child health and voluntary family planning services and information is unquestionably the most effective means of preventing abortions, and as the greater part of UNFPA's assistance goes for projects in these areas, UNFPA should be in fact be recognized as a signficant factor in reducing the number of abortions in developing countries around the world.

WHAT IS THE UNFPA STAND ON HUMAN RIGHTS?

All UNFPA funds are utilized in line with the human rights language that is included in all UNFPA country program documents. This language requires that all UNFPA-funded projects must be undertaken "in accordance with the principles and objectives of the World Population of Action: that is, that population policies should be consistent with internationally and nationally recognized human rights of individual freedom, justice, and the survival of national, regional and minority groups; that respect for human life is basic to all human societies; and that all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so."

WHO CONTRIBUTES TO UNFPA?

The Fund's major donors are: Japan, the Federal Republic of Germany, the Netherlands, Norway, Sweden, Finland, Denmark, Canada, the United Kingdom, Switzerland, and Italy. In 1990 there were 106 donors, most of them developing countries who wish to demonstrate their confidence in and support to the Fund. Contributions to UNFPA are voluntary, and are not part of the regular United Nations budget. UNFPA's income (provisional) in 1990 totalled $212.4 million, an increase of 13.9 per cent compared to 1989. From UNFPA's inception until 1985, the largest donor was the United States Government. However, the US has not contributed to the Fund since 1985.

WHAT ARE UNFPA'S SPECIFIC AREAS OF ASSISTANCE?

Nearly half of UNFPA assistance goes towards maternal and child health care and family planning. Another 18 per cent goes for related information, education and communication. The Fund also provides support for population data collection and analysis, research on demographic and socio-economic relationships, policy formulation and evaluation, the status of women, and population and environment.

ON WHAT BASIS DOES UNFPA PROVIDE POPULATION AND FAMILY PLANNING ASSISTANCE?

UNFPA uses a set of criteria to determine which developing countries are most in need of population assistance. The criteria are based on: national income, family size, population growth, infant mortality, rural population density, and literacy among women. There are 56 priority countries, and 31 of them are in Africa. More than 70 per cent of UNFPA assistance has gone to priority countries in recent years. The target is to reach 80 per cent by 1983.

DOES UNFPA PROVIDE ASSISTANCE TO NON-GOVERNMENTAL ORGANIZATIONS?

Over 10 per cent of UNFPA assistance goes to non-governmental organizations. UNFPA was among the first of the UN agencies to support national and international NGOs and to recognize the advantages of the NGOs special expertise, innovative approaches and grass-roots experience.

DOES UNFPA MONITOR THE PROJECTS IT FUNDS?

A strict account system, periodic audits, and monitoring and evaluation reports ensure that UNFPA funds are used only for the activities stated in project documents. UNFPA is held accountable to its Governing Council for every penny it receives in contributions, and for every penny it distributes in assistance.

TO WHOM DOES UNFPA REPORT? WHO GIVES IT DIRECTIONS?

UNFPA is a subsidiary organ of the United Nations General Assembly. UNFPA also reports to the Governing Council of the United Nations Development Program which is its immediate governing body, and receives over-all policy guidance from the United Nations Economic and Social Council. The United States is a member of the General Assembly, the Governing Council of UNDP, and the Economic and Social Council.

WHAT IS THE UNFPA MANDATE?

UNFPA's mandate, established in 1973 by the Economic and Social Council of the United Nations, is to: (1) build the capacity to respond to needs in population and family planning; (2) promote awareness of population problems in both industrialized and developing countries and possible strategies to deal with these problems; (3) assist devel-

oping countries at their request, in dealing with their population problems in the forms and means best suited to the individual country's needs; (4) assume a leading role in the United Nations system in promoting population programs, and to co-ordinate projects supported by the Fund.

FACTS ON UNFPA AND CHINA

DOES UNFPA PARTICIPATE IN THE MANAGEMENT OF THE CHINESE GOVERNMENT'S POPULATION PROGRAM?

UNFPA does not participate in the management of the China program. Assistance from UNFPA amounts to less that 1.1 per cent of the total cost of the China national program (estimated at about $1 billion), and UNFPA has control only over UNFPA funds which are used for specific and stipulated purposes. As decided by the UNFPA Governing Council, UNFPA assistance for the period 1990–1994 can be used only for the following: (1) to provide better quality and more reliable contraceptives; (2) to extend maternal and child health care and family planning services to the 300 poorest counties where infant mortality rates are highest; (3) to develop special income-generating and community development projects to improve the lives and status of women; (4) to strengthen information, education and communications activities, particularly at the grass-roots level and among young people; (5) to improve contraceptive and demographic research; and (6) to improve the status of certain groups in the society, such as the young and aged, women, and ethnic minorities.

HOW ARE UNFPA-FUNDED PROJECTS IN CHINA ADMINISTERED

Nearly all UNFPA assistance to China is administered ("executed," in UNFPA terminology) by other United Nations organizations and by international non-governmental organizations, which also provide technical assistance in their specific fields of expertise. Of the approximately $16 million that has to date been allocated to projects in China for the period 1990–1994, ninety-nine per cent goes to the executing agencies, and one per cent to the Government of China. Among the executing agencies are the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Department of Technical Co-operation and Development (DTCD), and international non-governmental organizations.

WHAT ARE SOME EFFECTS OF THE UNFPA ASSISTANCE TO CHINA?

UNFPA-assisted projects have helped to prevent large numbers of unwanted pregnancies in China by making available safe and more effective contraceptives to replace less effective ones which had high failure rates. Three million improved IUDs are produced annually with UNFPA funding. The use of these three million IUDs would result in 324,000 fewer unwanted pregnancies. Fewer unwanted pregnancies result in fewer abortions. Another effect of UNFPA assistance has been the reduction of infant and maternal mortality rates. In UNFPA-assisted pilot areas, infant mortality rates have been reduced to between 12 and 20 infant deaths per thousand births, as against the national average of 32 infant deaths per 1,000 births for the period 1980–1985.

DOES UNFPA SUPPORT COERCIVE ACTIVITIES IN CHINA?

UNFPA does not provide support for coercive activities in China or anywhere in the world. UNFPA funds are used only for specific purposes described in detail in comprehensive project documents, which are prepared according to UNFPA guidelines, which provide lists of the activities that can be funded by UNFPA.

DOES UNFPA PROVIDE ASSISTANCE FOR ABORTIONS IN CHINA?

UNFPA does not provide support for abortions or abortion-related activites in China or anywhere in the world.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. President, if there is no further debate or no Senator seeking recognition, the manager for the majority of this legislation has looked at the amendment and has no objection to it.

Mr. PACKWOOD. Mr. President, as I made clear, I do not like adding amendments unrelated to emigration. But if we are going to add amendments, this is the most meritorious of the ones we have had so far, and the most meritorious of the ones we have heard about. To that extent, on the substance, I find it acceptable. I just wish we were not having any of these amendments.

The PRESIDING OFFICER. Is there additional debate?

If not, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 804) was agreed to.

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

The PRESIDING OFFICER. Without objection, a motion to lay that motion on the table is agreed to.

Who seeks recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

Mr. ROTH. 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. BENTSEN. Will the distinguished Senator yield for a unanimous consent request?

Mr. ROTH. I will be happy to yield to the chairman.

Mr. BENTSEN. As manager of the bill, I have discussed with the majority leader and, in turn, with the Republican leader, a unanimous-consent request that the time between now and 12:30 p.m. be limited to debate with no amendments at that time, anticipating a recess being called for the caucus of both parties.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent? Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in strong opposition to S. 1367. What we are really considering here is the eventual elimination of most-favored-nation treatment for China under the ruse of conditions. These conditions cannot and will not be met and no one should fool themselves over what is at stake in this debate.

Mr. President, I urge my colleagues to ask themselves two questions before deciding whether to support the measure now before us. The first is will it achieve the goals sought by its proponents? The second is how much importance does this body place on bolstering U.S. exports and competitiveness?

The answer to the first question is a resounding no. Not only will S. 1367 not bring about the desired objectives in human rights, trade, and weapons proliferation, it will lead China further in the opposition direction to the severe detriment of the people of China.

It will also inflict irreparable harm on China's neighboring countries and gravely affect our overall bilateral relationship with China.

I find it ironic that the very people we seek to help will be hurt the most if this legislation is enacted—those who are the most proreform oriented and offer the best hope for economic and political liberalization in China. Above all, they are represented by the Chinese people in the southern coastal provinces of China, such as the 60 million residing in Guangdong Province, the ancestral homeland of the vast majority of Chinese-Americans.

It has been precisely through the contact brought about by increased trade with the United States that has allowed provinces such as Guangdong to develop along market economy lines and, as a result, to improve the economic lot of the Chinese people. These changes, in turn, have been central to nurturing strong proreform political roots.

It is notable that the Central Government's reaction to the protests at Tiananmen Square was not duplicated by the local officials in Guangdong—according to testimony before the Finance Committee, the demonstrations that occurred in Guangdong were relatively peaceful and without violent incident.

Economic liberalization and improved economic conditions leading the way for political reform is nothing new—Taiwan and South Korea are telling models in that regard. Revoking MFN for China would present major roadblocks to this promising reform path and attempt to lead China down a different, much less-promising path. As seen from the examples of the Soviet Union and Eastern Europe, political reform driving economic reform is much more difficult than economic reform driving political reform.

From a U.S. policy standpoint, encouraging trade as an economic lever for political liberalization certainly

seems preferable to discouraging trade and being called upon years later to provide massive aid as a lever for economic liberalization.

But the proponents of S. 1367 seem to feel the opposite. They would like to penalize those who have moved in a progressive direction and have depended, in large part, on MFN to do it.

This is underscored by reliable estimations that up to half the total damage to China from revoking MFN would be suffered by Guangdong Province.

The proponents of S. 1367 also fail to factor Hong Kong and Taiwan into the equation. These two vital areas are increasingly integrated into the Chinese economy and have played a direct role in China's reform process. Hong Kong's fate, above all, is tied to China.

As it approaches the 1997 date for returning to full Chinese sovereignty, the United States should build stability and confidence among the people of Hong Kong, not the fear and economic disruption that would be caused by eliminating China's MFN status. In preserving MFN, the bastion of freedom and free enterprise in Hong Kong will be strengthened and will continue to serve as a dynamic model for all of China.

Chinese dissidents and the people of Hong Kong strongly support continuing MFN. They recognize its critical importance in paving the way for the proreform future of China and the setback to this future if MFN is revoked. I have a June 4 editorial here, which I ask unanimous consent be printed in the RECORD, written by one of the last four hunger strikers on Tiananmen Square.

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

[From the Washington Post, June 4, 1991]

FAVORED TRADE WITH CHINA? YES. USE IT AS LEVERAGE

(By Gao Xin)

As one of the last hunger strikers on Tiananmen Square in 1989, I can understand the anger that many Americans feel toward China's hard-line rulers. I share that anger, but not the conclusion that the United States should cut off China's most favored nation trading status.

Canceling MFN would help the hard-liners in what they have been unable to achieve on their own—a reassertion of control over the non-state and more progressive sectors of China's society and economy.

In the two years since the Beijing massacre, the central authorities have been unable to regain control over reformist strongholds such as Guangdong province on China's southern coast. Chen Yuan, deputy director of the People's Bank of China and son of conservative leader Chen Yun, has publicly admitted this. If MFN is withdrawn, it will be areas such as these that will be most adversely affected.

It is clear that pressure from the outside world since June 4, 1989, has forced the Chinese government to soften its repressive tactics and ease up on its attempts to strangle certain economic reforms. Despite their hard-line rhetoric, the Beijing leaders have made compromises. They granted permission to astrophysicist Fang Lizhi and his wife to leave the country and have released a number of political prisoners, including "black hand" activists such as Liu Xiaobo. This is perhaps the first time in history that the Chinese Communist Party has responded to such pressures.

Had MFN been revoked last year, it seems to me inconceivable that any of this would have occurred. These concessions were due in no small part to pressure from the United States over the past two years.

Now China has reached a stalemate. The market economy has not yet developed to the point where the reformists can win over the conservatives. But if MFN is restored, it will boost the developing market economy in those areas of the country that are most open to the West. On the other hand, a withdrawal of MFN would give credibility to the hard-line propagandists who proclaim that only socialism and self-reliance can save China.

He Xin, de facto mouthpiece for the conservatives in the government since the crackdown, has virtually admitted that the hard-liners do not want to see any improvement in Sino-American relations. He has written that relations have been characterized by misperceptions on both sides. The Americans mistakenly assumed that China was turning capitalist, and the Chinese were fooled into thinking that the Americans wanted to help China modernize. From the point of view of some conservatives, MFN is part of an American plot to convert China to capitalism.

Of course, U.S. policy makers must address a number of tough issues. The selling of Chinese nuclear and missile technology cannot be condoned, and pressure should be brought not only on the Chinese foreign ministry but also on key military officers to limit such sales and bring China into international discussions to control nuclear and missile proliferation.

While the trade deficit with China is a growing problem, the Chinese have responded to this issue with a willingness to compromise and recently sent a high-level purchasing delegation to the United States.

The Chinese are also likely to compromise on the issue of prison laborers producing goods for export. From my own prison experience, I know that items produced in many prison factories are of such inferior quality that they are noncompetitive, even in the Chinese domestic market. The Chinese leadership will not risk losing MFN over products that represent only a small part of the country's exports.

Since the June 1989 massacre, Chinese intellectuals have placed great trust in the United States and appreciate the pressures placed on the Chinese government. The Chinese people on the whole probably feel more friendly toward Americans than at any time since the founding of the People's Republic more than four decades ago.

During my six months in prison, a sympathetic Chinese police guard assured me that the Chinese government would have to soften its treatment of prisoners because of the worldwide pressures on China. When I heard this I was deeply moved. If not for such help from America and other democratic countries, I don't think that I, and hundreds like me, would have been released so quickly. And certainly without this outside pressure, I would not have been allowed to accept an invitation from Harvard Unversity to come to America and thus have the chance to express my opinions freely.

There are, of course, limits to the effectiveness of international pressure and limits to how much the conservatives can, or will, back down. Wang Juntao and Chen Ziming were sentenced to 13 years in prison for their atttempts to bring peaceful change to China. Many others are still imprisoned under harsh conditions. But in April of this year, two prominent leaders of the workers movement were freed. More recently, the government has permitted the wives of five "counterrevolutionaries" who escaped to the West to leave the country and join their husbands.

In the long run, as the reformers' positions are strengthened and a market economy is established, the system of ownership in China can be changed. Political liberalization will only come gradually and only after economic liberalization. Every step forward will depend on support from the world community. In this respect, American support is crucial.

The MFN debate constitutes a long-term means of continuing to pressure the Chinese leadership to improve its human rights record. If MFN is withdrawn, the United States will lose the critical leverage needed to help the Chinese people.

Mr. ROTH. Mr. President, I would like to read part of this statement by this dissident. He starts out and says that:

As one of the last hunger strikes on Tiananmen Square in 1989, I can understand the anger that many Americans feel toward China's hard-line rulers. I share that anger, but not the conclusion that the United States should cut off China's most favored nation trading status.

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It is clear that pressure from the outside world since June 4, 1989, has forced the Chinese government to soften its repressive tactics and ease up on its attempts to strangle certain economic reforms. Despite their hard-line rhetoric, the Beijing leaders have made compromises. They granted permission to astrophysicist Fang Lizhi and his wife to leave the country and have released a number of political prisoners, including "black hand" activists such as Liu Xiaobo. This is perhaps the first time in history that the Chinese Communist Party has responded to such pressures.

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only socialism and self-reliance can save China.

As I said, Mr. President, this statement was written by one of the last hunger strikers on Tiananmen Square in 1989.

This dissident, who was imprisoned for 6 months, supports continuing MFN and emphasizes that its loss would eliminate critical United States leverage in helping the Chinese people.

Even former President Jimmy Carter, known to many as the human rights President, supports retaining MFN for China. The people of Hong Kong, moreover, have been one of the most vocal in expressing outrage to the Tiananmen Square crackdown, as manifested by their huge marches in commemoration of Tiananmen Square victims. Hong Kong, at the same time, has been united in its support for unconditional MFN status for China.

The primary beneficiaries of revoking MFN are the hardliners in the Central Government. They seek every possible means to hold onto to their dwindling power. China is in the midst of fundamental transition and it would be absolutely unconscionable for the United States to provide the golden opportunity for Beijing hardliners to justify greater repression and isolation on external subversive forces. And that is just what we would do by enacting S. 1367; we would play right into their hands.

The other primary beneficiaries of revoking MFN for China are our Japanese and European competitors. This brings me to the second major question my colleagues should answer—how much of a priority do we place on bolstering U.S. exports and competitiveness? If this country believes we need to be competitive in the global economy, then it is high time we stopped using trade as the whipping boy for our foreign policy concerns with other countries.

The measure before us exemplifies this in the worst possible manner for here we are expanding upon an increasingly antiquated cold war trade law and unilaterally threatening to use it to severe our relationship with China for decades to come.

And we are willing to do so without giving serious thought to the fact that it will jeopardize the $4 billion in United States investment in, and the $5 billion in United States exports to, China, and without any serious thought as to what that means in terms of United States jobs and competitiveness. I have watched in the past what happened when we used trade sanctions as a tool for foreign policy. Who did we hurt? We hurt the U.S. farmers by losing major export markets for grain and soybeans.

The problem of short-term thinking among U.S. business appears to originate right here in the U.S. Congress. Just how can we expect United States industry to take the long-term view and get involved in trade when after having encouraged their entry into China we now want to pull the rug out from under them? Why should they now venture into Central and Eastern Europe when we may take similar action against that region down the road? It is about time we stopped telling everyone to do as we say and not as we do.

It has been only 3 years since we enacted the Omnibus Trade and Competitiveness Act, which sought to improve U.S. competitiveness through opening markets overseas. We seem to have forgotten that overriding objective for now we are proposing to shut ourselves out of one the potentially largest markets in the world.

Of course, and while we are talking about cutting off MFN for China, Prime Minister Kaifu of Japan is preparing to visit China, to build better relations. A key focus of Kaifu's visit no doubt will be to expand economic and trade ties, even though Japan had an almost $6 billion bilateral trade deficit with China last year. When it comes to competitiveness, actions speak louder than words.

Breathing new life into a cold war trade law to address all of our concerns with a particular country is not only counterproductive and self-defeating, it is both bad policy and bad precedent. Should we now move along the path of revoking MFN for all countries which do not live up to our human rights standards and which may have unfair trade practices? China is not the only country that does not fully respect human rights—Amnesty International's just-released annual report highlights that human rights abuses continued, and often worsened, in some 141 countries last year. Should we now strictly condition their MFN status? This could lead to Smoot-Hawley reincarnated. So much for the new world order.

Most-favored-nation treatment is a cornerstone of our multilateral trade system. At a time when we are attempting to conclude over 4 years of multilateral trade negotiations to strengthen and improve this system, this body is undermining one of its founding principles. No other country contemplates such action, and we are the only ones for which MFN normal tariff treatment is even questioned as a basic trade right for countries like China. In fact, with the exception of a very few Communist countries, we accord MFN to the vast majority of nations. these include countries such as Iraq, Syria, and Burma.

The proponents of S. 1367 lead one to believe that we have taken no action condemning China's human rights abuses. This clearly is not the case. In fact, we are the only Nation still maintaining the original Tiananmen sanctions. The President has made it clear that we will not normalize relations with China until there is substantial progress on human rights. Other steps have been taken to address our concerns regarding China's policies on weapons proliferation. With respect to our trade problems, we have launched a special 301 case against China for its violation of United States intellectural property rights, and we have been holding bilateral market access talks.

I recently joined my friend and good colleague from Montana, Senator BAUCUS, in urging the President to utilize all the tools he has available in addressing our manifold concerns with China, as well as suggesting additional steps that the United States should take.

In his written response of last Friday, the President made specific commitments along the lines we had outlined. These include aggressive action to prevent prison labor imports from entering the United States and a commitment to self-initiate a section 301 case should current bilateral market access talks fail to yield concrete results. The President has also committed the United States to begin working actively in support of Taiwan's GATT accession, a step I have been urging for some time.

I hope this process will proceed expeditiously with the extablishment of a GATT working party on Taiwan's application in the very near-term.

In sum, Mr. President, I would just like to emphasize that I share the worthy goals set forth in S. 1367. The President shares them as well, and we have and must continue to seek appropriate means to achieve them. Above all, we must work toward supporting progressive change in China, and to do so in manner that is in our own best national interests.

It is my firm belief that S. 1367 would only turn us in the opposite direction. While it might make us feel good here at home, it would be a very short-term sensation. Ultimately, it would harm both ourselves and the Chinese people. For all of these reasons, I intend to vote against S. 1367 and urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Illinois.

Mr. DIXON. Mr. President, the heart of the issue on whether or not to renew for 1 year most-favored-nation status for the People's Republic of China, is pressure—how much, and in what form. Strip away the tub- thumping speeches, and the lofty recitations on the theories of moral suasion, and what we have here is a debate about carrots and sticks.

Most-favored-nation status is one of the ripest carrots our Nation can dangle in front of other nations. We all know that most-favored-nation is a somewhat disingenuous term. The vast majority of the nations of the world

have such a trade relationship with the United States.

However, China is, and has been, viewed as a special case. The decision in the Carter administration to extend most-favored-nation status in 1980 to the People's Republic was a threshold event in U.S. foreign policy. Because of the historic isolation of China from the rest of the world, because of its population, and frankly, because of the market potential, extending MFN to the People's Republic of China was seen as opening the floodgates of commerce which would transform the Chinese people and the Government.

Tiananmen Square showed us all that a few tanks could stop progress dead in its tracks.

As the aging and crumbling leadership in Beijing continues to cling to its outmoded ideology, the opportunity and responsibility of the outside world to pressure for reforms and change grows ever larger.

In its effort to retrench, the Chinese Government has sought literally to beat the ideas of freedom and democracy out of its people. It has enslaved students, workers, and prodemocracy activists, and locked them away, out of sight. The "trials"—and I use that term loosely, Mr. President—of prodemocracy activists have chugged along at a steady pace, without international observers, or even family knowledge, in some cases. Asia Watch, a human rights watchdog group, uncovered documents that show convincingly that the export of prison made goods is not rumor, but horrible fact.

And we saw my friend, the senior Senator from New York State, hold up those stockings on the floor of this body that were made in Peking jail No. 3.

Were such human rights and trade practices anecdotal, the case for conditioning renewal of MFN would not be so strong. But human rights and prison labor are parts of a foul whole, a systematic attempt by the Chinese Government to be engaged with the outside world, yet insist on operating by its own rules and on its own terms. Our China policy since Tiananmen has, unfortunately, accommodated such behavior. Such a policy is no longer viable, and, indeed, is ultimately harmful.

It has been, and continues to be, the policy of the United States that human rights, fair trade, and one's behavior as an international citizen are legitimate considerations in our bilateral relationship. China has embarked on policies in the areas of nuclear weapons, and weapons technology proliferation, that are potentially destabilizing to the regions in which they have been sold. Continued sales of weapons by the Chinese undermine efforts to bring peace to such regions. Therefore, China's renegade sales are in no one's interest.

The question remains as to what pressure should be brought to bear on China to move it away from its path of political and economic retrenchment. The present policy, I would argue, contains few sticks, and gives the People's Republic the MFN carrot while it routinely runs roughshod over its people, and all principles of fair play and justice.

The release of some Chinese political prisoners, and the Chinese acquiescence on Operation Desert Shield and Desert Storm, are token gestures timed to coincide with actions in the United States related to their trade status. We should not roll over and allow the Chinese to again dictate what our relationship with them will be.

If the Chinese wish to continue to receive the generous benefits provided by MFN, they must meet our criteria. The United States values human rights. We value adherence to international standards of justice. We value a level playing field for trade. These are not inconsequential principles or standards. They are principles applied by the United States to all the other nations of the world.

They are the sticks with which we should prod China to end its unfair, oppressive, and stubborn policies. If the Chinese choose not to change, they don't get the carrot.

Some of my colleagues will argue that there are plenty of other measures in place to move China forward. I would argue that as long as those measures are not linked to China's trade status with the United States, little forward progress will be made by China. In essence, the only carrot that matters to the Chinese is MFN. All else pales by comparison. It is therefore fitting that we utilize MFN status as a means of promoting change. The decision is in the hands of the Chinese Government leaders. Should they allow communist policies to rot away at the fabric of the Nation for another year, they will have chosen a self-destructive course for their Nation.

The choice, Mr. President, is theirs.

Our choice today, is whether to use the tools of our trade policy to achieve the best results. S. 1367 provides the proper balance of carrots and sticks to a policy in dire need of change if China is to be considered worthy of most-favored-nation trade treatment.

I thank my colleagues.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Illinois.

Mr. SIMON. Mr. President, on the matter that is pending before the Senate, I just want to say very briefly that I think we ought to live up to our traditions and send a signal to the people of China that we are believers in human rights. For us to do anything less, demeans our heritage.

I know the political reality is that we are going to get a majority here to favor the Mitchell proposal. I also know the political reality is that the President is going to veto it, and we are probably not going to have the votes to override the veto.

The question is: Is it worth it to send a signal to the people of China that a majority of people in the U.S. Senate side with the people of China in their yearning for freedom and democracy, rather than with their oppressive leadership?

I say, by all means, it is worth it. For us to fail to stand up for freedom is to do less than what we should as a people. It is very interesting. And the Presiding Officer and I are old enough to remember when Jimmy Carter started talking about human rights, and there were those who snickered in the sophisticated circles about Jimmy Carter preaching about human rights.

But the message got across to the people of the world, and we are in a world where democracy and freedom are spreading. There is no question in my mind that a good portion of that is because we stood up for human rights. That is what we ought to be doing again. And my vote will be in support of the Mitchell proposal. I hope the people of China understand clearly that is where the people of the United States are.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. MITCHELL. Mr. President, will the Senator yield for a moment?

Mr. GRASSLEY. Yes.

UNITED STATES-CHINA ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, it is my understanding that several Senators wish to speak on the subject matter of the bill and that there are two possible amendments remaining, neither of which is at this moment ready for consideration. And so I am going to suggest that we extend the period that occurred just prior to the recess for debate only on the bill. I take it there is

no objection by any of the Senators wishing to be recognized and that their purpose is merely to discuss the bill. This will give all Senators an opportunity to discuss the bill while the Senators who have remaining amendments prepare them and prepare to offer them.

Mr. President, I ask unanimous consent that the period for debate only on the bill be continued until 3 p.m. and that at 3 p.m. the majority leader or his designee be recognized.

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

Mr. MITCHELL. I thank my colleagues and I particularly thank the Senator from Iowa for his courtesy.

Mr. GRASSLEY. Mr. President, just by way of information for my friends waiting to speak, I probably will only take about 7 or 8 minutes. I would like to address the most-favored-nation status, as the majority leader has suggested.

Mr. President, the granting of MFN tariff status to China was a key element in the process of normalizing our relations with the People's Republic of China and provided a framework for a major expansion of our economic and commercial relations with that giant country.

The overriding question this body must now wrestle with today, in light of the events of Tiananmen Square, is whether it is necessary to condition MFN in order to promote further reform in China? And I do not question the good motives of our colleagues who are trying to promote that concept, but I guess I disagree with it.

In addition, we also need to consider the effect conditioning MFN will have on the United States economically, and whether it is in line with our foreign policy objectives. And I would say it is neither good for us economically nor is it in line with our overall foreign policy objectives.

Another question focuses on whether conditioning MFN would have a major impact on Hong Kong's free market economy, which depends heavily on United States-China trade, as well as the health of export industries in south China.

I have had the opportunity to hear many individuals testify before the Finance Committee, met with others in my office, and had others write to me directly on this issue particularly many letters from my own constituents. After digesting all of this information I have come to the conclusion that while United States-China relations still cannot return to normal under current circumstances, withdrawing China's MFN status would harm vital United States interests.

My concerns for denial of MFN with or without conditions brought me to some of the following considerations.

Loss of MFN would spark retaliation of industrial and agricultural goods, threatening billions in U.S. exports and over 100,000 U.S. jobs.

United States leverage on a full range of our priorities with China from trade, weapons proliferation, and human rights would be sharply reduced if MFN were effectively terminated.

The United States is already using existing trade law, export controls, suspension of military and nuclear cooperation, and other methods to address our various problems with China.

Not granting unconditional MFN to China will only abandon this market to the Japanese, the Europeans and others who automatically give China unconditional MFN status.

To end MFN for mainland China will barely pinch Beijing's aging leaders who are the authors of the repression. Instead, it will hurt reformers in China, consumers in America and deal a heavy blow to Hong Kong.

Lastly, on the issue of human rights, our continued strategy of sanctions and engagement has led to the release of about 1,000 political prisoners, freedom for prominent dissident Fang Lizhi and his family, public commitments to prevent the export of prison labor, and positive assurance of reunification cases. The Chinese have agreed to have a high-level human rights dialog with the United States. This new dialog would likely be one of the first casualties of MFN withdrawal. Emigration and student travel to the United States, which has continued since Tiananmen, would also suffer.

Farmers have long been suspicious of attempts to use food as a weapon, and we would be using food as a weapon, or to send a message to some real or imagined international outlaw. Nearly all past attempts to punish foreign governments have resulted in drastically lower prices for American farmers and less food for the oppressed people our action is supposed to be saving. However, there are some generally recognized standards for making such international actions work. One necessary measure is to make such action multilateral. This ensures that others do not snatch away your markets. Another is to make such action across all commodities. Neither of these two activities are present with China.

Idealism will cost our economy, and particularly, for me, our agricultural economy, dearly.

Although wheat is the major United States agricultural export to China, this trade is important for my State of Iowa, even though we do not raise much wheat. First of all, the effects of a healthy agricultural economy spill over from sector to sector and region to region. The reverse is often also true. One example of this phenomenon is that when wheat prices become low, livestock producers will substitute wheat for corn in their animal feed rations. This has been occurring in sections of the United States over the last 9 months as a result of burdensome wheat stocks. Low wheat prices lead to feed substitution which displaces corn usage resulting in low corn prices—a phenomenon on my State right now.

Denying the Chinese MFN will in effect tell them to search elsewhere—to go buy the same commodities from our competitors in the European Community. As an important export market for our agricultural commodities, I don't see how I will be able to tell Midwest farmers how lower corn prices are going to make conditions any better in China, as long as China continues to buy all the grain they need even if they get it from the European Community.

Iowa farmers have been through this before and they are smarter than that. They have learned painful lessons from the past and do not wish to see the United States Congress experiment again with their livelihood, as we did with the last Soviet grain embargo in 1979 and 1980.

Let me be perfectly clear that it is not my intent to be critical of anyone who is on the opposite side of this issue from myself. Rather, I believe we all want too see greater respect for human rights, a stronger Chinese commitment to weapons nonproliferation and fair trade, and a continuation of positive social, political, and economic change. The question is how best to achieve these goals.

I don't believe that using MFN is the proper or most effective way to accomplish these goals. We are already pursuing our differences with China through a number of channels. There's no question that more needs to be done and that more can be done.

For instance, I would like to tell this body about a bill that I am a cosponsor of, that would encourage American companies operating in China to abide by specific principles. These principles include the protection of human rights and the environment, as well as the promotion of democratic values. It's only appropriate that companies benefiting from Chinese trade, be willing to aid the progress toward reform in China.

In addition, I have supported a proposal by Senator HELMS that would create a private right of action against those who import goods produced by slave labor. Mr. President, these are the kind of initiatives that we should be pursuing—not conditioning MFN status.

If MFN is the proper vehicle for venting our spleen on these matters, then why are we not discussing MFN status that exists with Iraq or Libya, or even more recently the Soviet Union in light of their human rights abuses? Why are we not discussing MFN status with Japan in regard to its unfair trading practices?

No, Mr. President, we are not discussing these matters. And I am concerned that this debate has become

more of a domestic political issue than a prudent discourse on how to bring about effective change in China. Just look at the Finance Committee vote on this bill. By a straight party-line vote, this bill was reported out of the committee without recommendation. The votes did not even exist to report it out favorably. I think the Finance Committee action gives us a good idea of what is yet to come.

Mr. President, I look forward to moving beyond this debate, so hopefully Congress can work with the administration in pursuing more effective and appropriate means to accomplish the goals in which we all agree.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I thank the Chair. It is not very often I disagree with my friend from Iowa. Let me make a point, that it is not an idealism that is being rejected, but a dependency that is being embraced. If money becomes more important to us than the principles and ideals of this country, some years down the road that dependency will create an intolerable inability to assert any posture.

The United States granted MFN in 1980 to encourage the economic liberalization that was beginning in the late 1970's. Earlier in that decade, we recall the 1972 efforts of President Nixon to open relations with the People's Republic in hopes of bringing that country into the community of nations. And, indeed, the opening exposed Chinese people to democratic ideals and the wonders of a free market.

The United States went on to normalize trade relations with the People's Republic of China, and later to grant them MFN trading status. But let me emphasize that it is a grant; it is not a right. Throughout the 1980's, privatization was encouraged, special economic zones were established, central government control over microeconomic decisionmaking was relaxed. Our country, indeed the world, was heartened and encouraged by their behavior. Perhaps, we hoped, irreversible, if incremental, change was finally underway. Many asserted that on this floor.

But as we watched the tanks of the People's Liberation Army roll toward the peaceful demonstrators of their own race and country, our faith in the Government of the People's Republic of China was challenged. As happened before, the Chinese Government retrenched. Change had not been irreversible. After the bloody crackdown on June 4 and ensuing purges of reform-minded Government officials, hardliners regained control and began dismantling the progress that had occurred in the decade prior.

So, despite what we wanted to persuade ourselves to believe about the People's Republic of China, it remained an autocratic state, answerable to no one, especially to its people.

The Beijing regime continues its murderous and illegal occupation of Tibet, Mr. President. We hear very little of that. This is an occupation which has killed 1.2 million people, a full 20 percent of a country's indigenous population. Virtually in silence we have witnessed the eradication of one of the world's oldest religions and cultures.

It has become clear to this Senator that the People's Republic of China does not view MFN as a privilege for its nonmarket economy but as its automatic right. And why should they not? Judging by their behavior and our response to it, they have no reason to fear that their preferential treatment will be threatened.

For 2 years, despite the horrors of Tiananmen, we have agreed not to condition most-favored-nation trading status for the Chinese. For 2 years we have allowed the President his prerogative to run the "China account." And while it does not relate directly to our debate here today, I would like to commend the President with regard to the rest of China, free China—Taiwan. In his response to Senator BAUCUS' letter, the President pledged to work actively to resolve Taiwan's application to the GATT in a favorable manner and so it should be. Taiwan is a country that in both freedom of economics and freedom of politics has earned inclusion in the GATT. But to do right by the people of Taiwan does not justify ignoring the calls for freedom by the people across the strait.

In the opinion of this Senator, with regard to the mainland, the President has exercised his prerogative with a lot of talk and very little action and with even fewer results. The Chinese people today see less, not more freedom. The climate for democratic change has worsened. Leaders in Beijing have taken a hard line toward intellectuals, and they have sought to impose their ideological uniformity on the people.

As in the era of Mao Zedong, the urban populace is forced to engage in weekly political study sessions. Censors monitor and ban artistic works. Leading universities are under intense pressure. Voice of America radio is jammed. The propaganda apparatus organizes campaigns to recall and emulate heroes of the cultural revolution era.

Trade barriers in China have gone up. China's surplus with the United States will approach $12 billion this year. Mr. President, that is no coincidence. In documents with restricted circulation, government officials state explicitly the importance of seeking foreign markets through the use of forced labor. In 1989, one official wrote:

> The development of a foreign-oriented economy is an important aspect of China's economic development strategy. It is also a brand new task assigned to the labor reform enterprises. * * * In my opinion, the labor reform enterprises should * * * adopt effective policies and energetically develop [a] foreign-oriented economy.

That is an official statement, but it is an official statement to earn hard currency and not economic freedom.

Trade with China is becoming one way, with the Chinese becoming ever more aggressive in United States markets while simultaneously erecting trade barriers to United States goods. And let me add that the United States is not the only country to maintain a trade deficit with the People's Republic of China. Japan maintained a $5.8 billion deficit with the Chinese in 1990 while the European Community had a $6.8 billion deficit with China.

While ignoring accepted rules of trade for many products, the People's Republic of China has become a rogue trader in sophisticated weapons capable of mass destruction.

Does this not beg the question that others state about how seriously we ought to be examining the behavior of other countries with this privilege?

All of us have reason to worry about the sale of ballistic missiles and nuclear technology to the Middle East and other countries in the world. If the gulf taught us anything it was that the missile proliferation is not a theoretical or academic concern, but a very real threat with real and potentially fatal consequences for American service men and women.

At the G–7 summit in London, leaders of the world's seven major democracies pledged to strengthen the United Nations and limit international arms sales so as to avoid repeating disasters like the Persian Gulf and its aftermath, and the same G–7 leaders, along with President Gorbachev, followed immediately with the recommendation that we grant MFN status to the Chinese.

Mr. President, it is hard to imagine more inconsistencies from the leaders of the greatest countries in the world.

How is it that they can sit back and watch what China is doing?

I am sure that the administration would say that the effort to control missile proliferation must be conducted through other channels, their favorite battle cry in our debates responding to the cynical ways of the old men in Beijing. But I, for one, have grown weary of this approach, an approach which has achieved precious little despite the tough rhetoric. Clearly little, if any, of what the President hoped for has come to pass. Even worse, the Beijing regime admits nothing and promises nothing. While even the most careful analysis and the most reasoned approach cannot guarantee the actual results of a nation's policy, one thing is predictable and guaranteed: If you do nothing, nothing happens. There is no better example than

the administration's "do-nothing new" attitude on China, and the "nothing is improving" response of the old men in Beijing.

In short, our renewal of MFN trading status without any conditions for the last 2 years—without telling the old men in Beijing that we are serious—has empowered them. We have encouraged them. Certainly that was not intended, but it is the result. So now in the face of Beijing's threats to retaliate, we bow.

While MFN on its own does not implicitly condone another government's behavior, unconditional renewal on top of a whole list of concessions—secret envoys to Beijing, receiving a high-level delegation in Washington when we supposedly banned such "high-level government exchanges," winking at World Bank and Asian Development Bank loans when clearly they exceed the exceptions for "basic human needs," and generally failing to send a unequivocal message to Beijing that the United States does not condone their behavior—is an objectionable state of affairs that desperately needs mending.

Some folk make much of the relatively free market and progressive atmosphere of China's southern provinces and I salute that and wish for more. Citing the huge strides made by democracy-advocates there, those favoring unconditional renewal of MFN assert that conditions—and thus the possibility of MFN's revocation—would only hurt the good guys and would not harm the old men in Beijing. But, it would not hurt them, the leaders in Beijing would not really care one way or another if it was renewed. Their actions, their threats to retaliate if we put conditions on MFN, which of and by itself, incidentally, is a condition—suggest otherwise. If they really do not care, then why has Beijing just hired Washington's largest and most prestigious lobbying firm, Hill & Knowlton, at some $150,000 a month to lobby on their behalf?

Mr. President, make no mistake, they care. They care very much. The United States currently buys 25 percent of China's $62 billion in exports. United States companies have contracted to invest $4 billion in China since 1979, making the United States second only to investors from Hong Kong and Macao. This is why Beijing is doing its utmost to prompt us in our decision today. This is why the Chinese Government is paying Chinese students in the United States to lobby against their own conscience on behalf of a regime only months ago they decried.

The argument that the involvement of American business in China has been a force for good is, overall, correct. It is my hope that ultimately it can continue. But at some level, at some time, we must look beyond profits, look beyond pure economic interests and consider two important facts. First: doing business is risky. It is more so in China—a country characterized by dramatic vacillations in the policies governing economic and political life.

But business investment is never a sure thing and if we buy into the argument that it should be, we obfuscate the most basic elements of a free market—risk taking and all the unknowns that characterize everyday business decisions. Second: profit seeking that is devoid of any moral basis is just plain wrong. America does not need that kind of dependence. To subvert the cause of freedom for the security of future profit streams is to engage in a perverse twisting of the notion that trade is always a force for good. If our foreign policy is indeed an extension of our ideals, how can we fail to encourage the basic principles which order our own society?

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I once again rise in strong support of the bill introduced by the distinguished majority leader to deny the People's Republic of China most-favored-nation trade treatment. Indeed, I would go even further. I have introduced legislation to immediately terminate China's MFN status, but that is not the issue before us today.

On June 4 of this year, 200 Chinese students assembled at Beijing University to mourn the second anniversary of the Tiananmen Square massacre, while the Chinese Government still steadfastly refused to acknowledge the deaths or the Chinese military's direct involvement in the massacre. More people would have attended, but the Government threatened reprisals against the peaceful demonstrators. Our President commemorated the anniversary a month later by once again trying to rally Congress to support his efforts to extend MFN status to China without conditions.

In the 2 years since the massacre, China has done nothing to demonstrate it is deserving of such treatment in international trade except to slide backward into the mire by further violating human rights. President Bush believes that we must allow China time to meet conditions laid out last year when he extended China's MFN status. We could examine the steps it has taken to meet these conditions. That will not take much of our time. Why? Because only minimal steps have been taken.

Indeed, the Chinese Government has had ample time to improve its human rights status and its treatment of its own people. It has had time to show that it is serious about extending to them their basic civil rights. Yet it has not. Two long years have passed since the senile Communist Chinese Government literally trampled the peaceful democracy movement in Tiananmen Square. Since that ruthless crackdown on the prodemocracy demonstrators, China has not yet progressed in meeting its obligations to the world and to its own people. Instead, it has regressed in these considerations.

President Bush attempted to justify his decision to extend this preferential treatment to China in a recent speech at Yale University where he said that "the most compelling reason to renew MFN and remain engaged in China is not economic; it's not strategic but moral." Moral for whom? I ask my colleagues, what is moral in rewarding a country which has refused to demonstrate any willingness to change its own oppressive policies in order to join the community of civilized nations? And what can be said about the morality of our country if we continue to ignore the atrocities and human rights violations by China?

The sad truth is that President Bush has essentially offered nothing constructive to the process of Congress' repeated attempts to hold China's feet to the fire on human rights issues. He pursues his counterproductive veto strategy, and makes policy by threatening vetoes. This can only serve to solidify the Chinese leadership against making any changes. They bcome even more convinced that President Bush will protect them and refuse to change their current repressive tactics. Thus the United States in put in the position of supporting this brutal regime.

It does not make any sense to examine the steps China has taken to demonstrate adherence to international principles of human rights because the steps are almost nonexistent. The Chinese Government has continued to persecute Chinese academics, journalists, police, and Government officials who demonstrated sympathy for the democratic movement. It has further restricted the international travel and study of any of those students who supported the prodemocracy movement in China.

Faced with the prospect of stiff sanctions during last year's MFN debate, the PRC released 200 prisoners incarcerated for nonviolent demonstrations. It later allowed physicist Fang Li-zhi to flee China to the West. You will recall that Dr. Fang had to take refuge in our embassy because he faced persecution and severe punishment, perhaps even the death sentence, from the Chinese Government. Ultimately this was to our immense advantage because, since his departure from China, Dr. Fang has accepted a professorship in the physics department at the University of Arizona. Dr Fang had been dismissed from the vice presidency of the University of Science and Technology at Hefei, Anhui, in 1987 for voicing support for the demoracy movement. He

was submitted to public vilification and abuse for his prodemocracy ideals. That was also the year he was expelled from the Communist Party. He had become politically visible as early as 1986 when he was accused of helping incite the first demoncracy demonstrations at the university, demonstrations which later spread across the country.

This year, two peace leaders were released as we approached this debate. My colleagues will note that these gestures coincidentally accompanied obvious threats of sanctions and the denial of MFN status. This demonstrated to this Senator that China is vulnerable to sanctions and could be convinced of the need to cease and desist in its current tyranny given appropriate, measured gestures from the United States.

The People's Republic of China continues to hold demonstrators in detention without trial or charge. It has executed more than 273 prisoners of conscience in the wake of the 1989 prodemocracy protests. As Amnesty International has reported, 10,000 Chinese citizens were arrested in Beijing alone for their participation in the Tiananmen demonstrations.

The People's Republic of China has sent unknown numbers to labor camp after harsh, secret trials, when they bothered to hold trials at all. As Timothy Gelatt reported in the Christian Science Monitor of July 11, 1991, "China has been using prisoners undergoing 'reform through labor', including those convicted of 'counterrevolution', to enrich its foreign exchange coffers by producing export goods." The bill before us today strikes at the heart of the issue of slave labor. Who in this body can justify allowing such practices to continue unimpeded?

The People's Republic of China still illegally occupies Tibet. It has reportedly killed 1 million Tibetans in its continued policy of genocide toward these oppressed human beings. The Dali Lama, in his moving presentation to Congress, confirmed these atrocious acts against a peaceful, independent people. The Tibetans are denied freedom of worship in their own country, while the Chinese leadership denies that Tibet is anything other than a contented Himalayan Shangri-la. Eyewitness reports from Tibet graphically refute this.

We have seen reports of Chinese doctors being jailed for removing Government-mandated intrauterine birth control devices from women who wanted more than one child under China's abhorrent birth control policies. The Senate addressed this issue earlier today when it accepted the Mikulski amendment opposing these onerous policies. It is common for IUD's to be routinely inserted in women after they give birth to the one child they are permitted, and it is illegal to remove the devices without state approval.

Yet the Chinese Government insists that its family planning policy is voluntary. It fines parents or fires them from their jobs for violating the voluntary policy. Of course, if a woman succeeds in becoming pregnant, a forced abortion remains a Government option.

The State Department's Country Reports on Human Rights Practices for 1990 documents the human rights situation in China since President Bush's 1990 announcement of a 1-year MFN renewal for China. Because the Chinese Government has lifted martial law in Beijing and Lhasa, apparently concluded investigations of the Tiananmen protestors, and allowed Dr. Fang to leave China, the State Department has noted "cooperative behavior on the issue of human rights." However, the State Department acknowledges that abuses continue. Many detainees who disappeared after the 1989 demonstrations are not yet fully accounted for. Reports of degrading and harsh conditions in all Chinese prisons have been included in investigations by the Supreme People's Procuratorate. Reports of 500 cases of abuse represent a 59.6-percent increase over the same period in 1989. Officials confirmed 300 cases of torture in 1990. "Hundreds if not thousands of participants in the 1989 demonstrations have been assigned without trial to re-education through labor camps. In two re-education through labor camps near Beijing, for example, over 800 of the inmates consisted of youths detained for activities during the demonstrations. They were charged with hooliganism and destruction of property and were not included by Chinese authorities in any accounting of detentions in connection with the demonstrations." Even though the PRC officials protest that they have no political prisoners, of 1.1 million inmates in Chinese prisons and reform camps, 5,500 are there for counterrevolutionary crimes. Freedom of speech, self-expression, emigration, and peaceful assembly are severely restricted, and Chinese students and their families overseas have been threatened with reprisal if they don't stop their political activities.

But it is not merely a question of civil and human rights abuses. We have also witnessed China's continued proliferation of military technology and weapons of mass destruction to unstable parts of the Third World. In fact, there is a whole list of China's activities in the field of uncontrolled weapons trade. Until now, we have not received any assurances from the Chinese Government that it is willing to cease the proliferation of these weapons. It has sold nuclear-capable weapons and technology to the terrorist States of Syria, Iraq, and North Korea. China is constructing a nuclear reactor in Algeria which reportedly will have the capacity for producing plutonium which can be used in the development of nuclear weapons. China sold Iraq the lithium hydride used in the production of nerve gas. It continues to deliver weapons to the Khmer Rouge guerrillas in Cambodia. North Korean Scud missiles developed with Chinese technical assistance are being sold to Syria.

Yet the President maintains a firm determination to renew MFN status for China. The most shameful rationale the administration has proffered is that, if we, the United States, don't extend MFN status to China, other countries will jump into the void and take advantage of United States absence. Morals seem to have no place in our economic tactics and thirst for profit. But, as I will now explore, even the economic gain argument is a farce.

We have been told that United States businesses in China will suffer if the MFN status is withdrawn. The truth is that United States businesses have already suffered under China's manipulative protectionist trade practices. China has achieved trade surpluses on over 90 items with the United States. Their trade surplus with the United States went from zero in 1985 to $3.5 billion in 1988, then tripled to $10.4 billion in 1990. It is expected to reach $15 billion by the end of 1991, and conceivably $20 billion within a couple of years. Let me continue: While China's exports to the United States increased by 27 percent between 1989 and 1990, our exports to China decreased by 17 percent! The bottom line: A whopping trade deficit increase with China of 67 percent between 1989 and 1990. And, when you compare these figures with China's trade relationships with the rest of the world, the fact is that their worldwide positive balance derives from their trade relationship with us. And we want to further benefit them and reward them with most-favored-nation status?

Not only does it practice protectionist trade policies, China pursues unfair trade practices. The level of the United States intellectual property rights protection is largely nonexistent. Illegally pirated American copyrights, trademarks, and computer software are permitted in China. The Bush administration's assistant United States Trade Representative, Joseph Massey, described China's software piracy as enormous when China was cited for these illegal practices less than 3 months ago. Book and tape piracy is widespread, so American publishing, record, and tape industries have suffered substantial financial losses. China's current patent laws fail to provide adequate protection of pharmaceutical and chemical products. American chemical companies' products are sold without a license, not only for the domestic markets, but for export markets as well. China's trademark law enables Chinese companies to use well-known United States trademarks.

There is no adequate protection for trade secrets. Economic gain for the United States? I think not.

Are these the actions of a nation which accepts its responsibilities in the community of civilized nations? Of course not. Yet President Bush's decision to extend MFN status is a signal to China that these deplorable actions make the Chinese Government worthy of MFN treatment.

The Department of State is attempting to persuade the Congress that in every area in which we have concerns, China has already undertaken certain steps to rectify the problems. That indicates to this Senator that China can meet basic conditions it if is indeed serious about taking its proper place among civilized nations. Considering the evidence we have in front of us, we can only say that China has fallen short of our expectations. In fact, it appears that President Bush's policy toward China has the opposite effect. It has emboldened the Chinese leadership to ignore the world's outcry of "shame!" What will be the reaction of the people yearning for democracy all over the world to a U.S. policy which coddles dictators and human rights abusers? We must not abandon them.

Mr. President, I have searched my heart, making every attempt to be open-minded to the plight of China as a large, hungry, overpopulated country in an effort to understand any reason at all that the Government would not be open to reversing its policy of oppression they have practiced for centuries. I cannot fathom any reason a government would not perceive that a happy, satisfied, well-treated populace would contribute to a productive country so much more than a downtrodden, ignorant, and dissatisfied people. If the leaders of that country are intent upon continuing the subjugation of their people, it is only honorable and humane that we offer every condition and support we can to ensure they are forced, yes, forced to comply with the attainment of fundamental human rights and privileges for all their people.

Let China make respect for human rights a common practice. Let's insist on this, not because an illusory and probably fictitious economic reward hangs in the balance, but because the Chinese people are human beings deserving of these rights.

The conditions established in the leader's bill are fair and achievable. The Chinese Government is given an additional year—in essence a total of 3 years—to respond to the world and to the cries of its people. These conditions must be fulfilled by next year if China wants to have the MFN status renewed. This bill will send a very strong and clear message to China's Government. I urge my colleagues to support this important human rights legislation. Let's vote in support of human rights.

This country can stand with great pride, Mr. President, under Democrat and Republican administrations, under Democrat and Republican Senates, and the Democratic Congress; it has continuously stood for the last 75 years in opposition to granting any kind of preferential treatment on trade with the Soviet Union and the Eastern Bloc countries. Why did we do that? Well, some might say it is because the Soviet Union entered into the Helsinki Act in 1975. Indeed, they did. They promised to subscribe to human rights standards but indeed they did not. This was also a principle that this country subscribed to even before 1975 when the Helsinki Act was enacted. The Soviet Union signed the Helsinki Final Act that year as did 34 other nations, including the United States and Canada. Prior to that we stood up for human rights, for the individual, which is far different in our society than it is in the Soviet Union and in Eastern Europe.

So what ultimately happened? Over a long period of time this country continuously, at every meeting of heads of State, Secretaries of State, trade missions, exchanges between the Congress and the Supreme Soviet or any other opportunity, we stood up for human rights. It was the No. 1 issue on the table for discussion. Political prisoners were named and identified and we asked that they be released. The Helsinki Watch group in the Soviet Union was jailed and Congress passed resolutions time after time to free them. And something happened. Mr. Gorbachev made some changes. The Communist regime has fallen apart and human rights are now flourishing in those countries.

We did not waver as a nation. We stood fast. We did not grant any preferential trade treatment to the Soviet Union or Eastern bloc countries until they had elections, until they started to subscribe to human rights principles. And yet we have a different standard for China. Oh, yes, this is different all right. It is different because we have ignored the moral obligation that this country has which is not to continue to do business as usual.

I understand the economics. If wheat was very important to my State, I might think a little differently, but I do not think so. We export goods to China from Arizona. We have an aircraft industry. We have a computer industry that exports to China. We also grow cotton and export some of that to China.

It does not make moral sense to grant China preferential status at this time.

I hope this Senate will strongly support this legislation and I hope the President will see the fallacy of his judgment. This is a moral issue. The President said it is a moral issue. But his rationale to extend MFN status cannot be subscribed to or substantiated or supported based on morality, or for any other reason.

I submit, Mr. President, that the legislation offered by the majority leader, cosponsored by this Senator, should be adopted.

Mr. PACKWOOD. Mr. President, could I ask, before the Senator from Indiana speaks, one question of my friend from Arizona. He may yield the floor on my time to answer a question. Should the same standard on human rights be applied to other countries in terms of most favored nation?

Mr. DECONCINI. In my judgment they should.

Mr. PACKWOOD. I thank the Chair.

Mr. DECONCINI. Absolutely. If the Senator will yield for 30 seconds, that is exactly the point I guess I did not make in my statement, but I thank the Senator for underscoring it. If we stand for human rights, and we do as a nation, we have pride in that. I believe it really played an important role in turning the Soviet Union and Eastern European countries away from their Communist system and their persistent violations of human rigths. We should apply the same longstanding principle to the People's Republic of China.

Mr. PACKWOOD. Could I inquire further, there may be an exception or two, but therefore withdraw the status from all of the countries in Africa with maybe one or two exceptions?

Mr. DeCONCINI. I have no trouble with that.

Mr. PACKWOOD. Most of the countries in Asia with maybe half a dozen exceptions?

Mr. DeCONCINI. Point them out. Which ones?

Mr. PACKWOOD. All right, let us start down the line from the list of the State Department on those countries that violate human rights. India.

Mr. DeCONCINI. If it is violating human rights, and I do not have the latest State Department report on the region, it should be on the list.

Mr. PACKWOOD. Burma.

Mr. DeCONCINI. What do we do with India? We do not provide India with that much aid. Burma, the same thing. Where is the principle, I ask the Senator from Oregon?

Mr. PACKWOOD. That is fine. It is interesting. I am inclined to agree with the Senator from Arizona if we are willing to apply it uniformly, but we suddenly come here on the floor and say apply it to China, when we have this list from the State Department of countries that are as bad as China or worse. The most extraordinary example I can think of is Syria bombing——

Mr. DeCONCINI. I could not agree more.

Mr. PACKWOOD. It gets most-favored-nation status. A number of years

ago they leveled the town of Hama in a religious dispute, men and women. Tanks surrounded the town and leveled it. It ground into the ground in some cases civilians with tracks of tanks, leveled the town, gone. They get most-favored-nation status.

Mr. DeCONCINI. Will the Senator yield? The Senator makes an excellent point. The point to me is we should not grant it to Syria. Granting MFN to Syria and making a huge mistake, as the Senator pointed out, certainly gives no justification in granting it to China. What we have to do is stand for the pride and the principle that we did apply this principle strictly to the Soviet Union and Eastern Europe, and it made some difference. But now we are willing to compromise on this principle because of international politics or for financial reasons. It just is not right. I thank the Senator for his question.

Mr. PACKWOOD. I thank my good friend from Arizona.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, in 213 B.C., the first Emperor of a United China ordered the execution of over 400 opponents of his oppressive regime and decreed that every book of history or philosophy in the kingdom be destroyed by fire. In one act, he intended to eradicate the written memory of anything preceding his rule. His purpose, as he stated it, was to prevent the "use of the past to discredit the present." The only way he could find legitimacy was by erasing history.

The first Emperor's dynasty barely outlasted his death. The power he exercised could instill terror, but it could not destroy memory. Seven years after his order to burn every record of the past, a rebel army destroyed his capitol city and massacred his imperial line.

Two years ago, another repressive Chinese regime began a similar attempt. Tanks were sent to respond to philosophy—a philosophy of freedom and individual worth. New restrictions on thought and expression were enforced to shape and obscure the past—a past that could be used to discredit the present. China was transformed again into a nation where principled men await execution. A nation where historical honesty is a crime against the State.

A British historian once said, "the most frightening of all spectacles is the strength of civilization without its mercy." China's Communist Party has proven again that it is not an instrument of reform, but a tool of power, untempered by mercy. It has lived down to Mao's blunt description: "Communism is not love. Communism is a hammer which we use to crush the enemy."

When the avenue of eternal peace was littered with the bodies of peaceful protesters, it was only the beginning. The tragedy of Tiananmen Square was the opening episode of the "the great leap backward," a broad, sustained campaign to reimpose the worst of Maoist oppression and warp the memory of recent history. The Chinese Government has set a course again to transform that nation into what's been called the clean, well-lit prison of a socialist utopia.

The catalog of crimes lengthens. And those memories, on our part, should inform every stage of this debate on relations between China and the United States. Whatever view we hold on trade, the extent of this repression cannot be minimized or dismissed. Recent concessions aimed at American opinion have been largely cosmetic. What we have seen is public relations, not the public apology that is owed to the victims of oppression, or the public renunication of organized terror we require.

In 2 years we have seen instead from China a pattern of abuses that is undeniable and unacceptable. The aftermath of Tiananmen is still with us. A human rights organization, Asia Watch, has documented the names of 860 prodemocracy protestors still in prison, but still untried. Estimates of those arrested following Tiananmen Square range from 3,000 to 30,000. Chinese authorities have reported less than 1,000 as being released, but refuse to provide their names.

The trials of dissidents lack the minimum standards of fairness or due process. Verdicts raise suspicion by their quickness. Defendants have little opportunity to prepare a defense. Independent observers are forbidden at the trials. When Wang Juntao was sentenced to 13 years of hard labor, his wife expressed the hopelessness of victims of China's corrupt legal system:

> I feel tiny and weak, as insignificant as a droplet of water in the sea. When I call out on behalf of my husband, I hear not a sound in response.

China will not allow international human rights organizations to go behind the walls of its labor camps and prisons. But we have enough information to be outraged.

It seems clear that China forces political prisoners into producing goods for export. It is believed that labor camps currently contain more political prisoners than at any time since Deng Xiaoping assumed power. Up to 30 people are crammed into small cellblocks, with inadequate rations, limited exercise and unsanitary conditions. Asia Watch reports beatings, use of electric cattle prods in torture, and solitary confinement in tiny cells with only enough room to stand. Political prisoners are forced to work in factories during the day, and endure endless political indoctrination and self-criticism at night.

The idea of factories behind prison walls is not, in every case, objectionable. Meaningful work for those justly convicted of crimes can be an effective alternative to idle boredom—a practice of other Far Eastern countries. But in the aftermath of the Tiananmen Square arrests, China's prison population has swelled with political prisoners, unjustly convicted, that may be employed in producing goods exported to the United States. And Asia Watch believes, in addition, it is common practice for China to keep prisoners in labor camps after they have completed their sentences in order to keep up the number of goods produced for export. That is nothing less than slavery.

The Chinese Government's repression of Tibet remains a policy of cultural genocide. In 40 years, attempting to eradicate Tibet's distinct history and identity, China has killed more than 1 million Tibetans through execution, warfare and famine. Tibetan religion has been a special target. Monasteries have been systematically destroyed—just 13 out of more than 6,000 remain. Monks have been routinely arrested and tortured.

The repression of that mountain kingdom continues despite the lifting of martial law in May 1990. The Chinese have refused to allow the celebration of the traditional Tibetan Great Prayer Festival. Monks have been arrested while demonstrating. Just last April, a demonstration of 100 monks, nuns, and workers was met with gunfire by the Chinese police. Asia Watch reports that Tibetan political prisoners have suffered torture: beatings with rifle butts, shocks with cattle prods, and attacks by dogs.

China has also begun a new offensive against that nation's 3.5 million Catholics. Recently, close to 150 bishops, priests and laymen have been arrested. Three Catholic seminarians detained in January 1989, according to Amnesty International, were "stripped naked, beaten, forced to lie on cold concrete and burned with cigaretts while in police custody." In April, several hundred Catholic Chinese were beaten by police in a raid on a village in Hebei Province. Two youths were killed while over 300 others, including children and the aged, were injuried—88 seriously. Amnesty International also reports that Chinese authorities have detained and harassed members of Protestant groups.

The list of China's abuse of human dignity and international trust goes on and on. Every month brings some new revelation.

Forced abortions and sterilizations are Government policy. In Gansu Province, 731 people with low IQ's were sterilized last year under eugenics regulations that prohibit birth to people with mental handicaps.

China has exported ballistic missiles to Syria and Pakistan and assisted in building a nuclear reactor in Algeria.

All university students now receive a month of political indoctrination. The

entire freshman class of Beijing University and Shanghai's Fudan University were sent to an isolated military camp for a year of ideological thought control—in order, according to Chinese officials, "to unify people's thinking."

In a massive economic crackdown, China has closed more than 2.2 million private business enterprises.

When this record is recounted and weighed, in the words of one Western diplomat, it amounts to nothing less than the "slow asphyxiation of a culture."

This much should be clear: There can be no attempt to hide or excuse China's cold and careful abuse of human dignity. I do not believe the President has attempted to do so. I hope his supporters on the issue of trade will not make that mistake. But when the dismal facts of this record are granted, a question of policy and strategy still remains. What is the best way—not to show outrage—but to bring about change?

Here it is possible for people with the same facts, and the same deep concern, to remain in disagreement. The President has clearly stated his case for keeping China's favorable trade status.

"The people of China who trade with us are the engine of reform. Our responsibility to them is best met not by isolating those forces * * * but by keeping open the channels of commerce.

Isolation has always been a tool of Chinese repression, the argument goes. Openness is the route for change.

If we knew without question that cutting our trade relationship with China would lessen the burdens of oppression, I would support the efforts of some of my colleagues to deny favored trade status to China without any hesitation. But that, to me, is far from clear. It seems even more likely that isolation is the best hope of Chinese hardliners. And it is equally clear that the strength of China's commercial class is the strength of future Chinese reform.

The President is convinced that the catalyst for change in China lies in continuing a relationship through trade. Because of MFN, the southern provinces have achieved economic prosperity and a degree of autonomy. Private enterprises in China have put to work over 1 million people. United States business joint ventures, comprising over 1,000 U.S. companies, have showed the Chinese in the southern provinces the advantages of a free market system. Two-thirds of China's industrial output of joint ventures and private enterprises is produced in the three provinces of Guandong, Fujian, and Shanghai. Income per capita in Guandong is double the national average. In fact, 20 percent of Guandong's gross domestic product [GDP] goes to the production of goods for U.S. markets. It is estimated that without MFN, losses to the Guandong Province could be as high as one-half their GDP. Businesses which have grown in the rocky soil of a Socialist state because of the favorable trade relationship would be uprooted.

MFN has had the effect of giving the provinces leverage over the Beijing Government because of the revenue they produce. Warren Williams, president of the American Chamber of Commerce in Hong Kong, reports that Beijing has sought more control through regulation and taxes. But the provinces have managed to avoid paying higher taxes by organizing local political support.

The PRESIDING OFFICER. The Senator from Indiana will suspend.

Under the prior order, the Senator from Maine, the majority leader, is recognized, the hour of 3 o'clock having arrived.

Mr. MITCHELL. Mr. President, let me assure my colleague we will arrange it so he can complete his remarks in 5 more minutes.

We had extended the period for debate only until 3 p.m. awaiting the arrival of one of the two or three remaining Senators who has an amendment. I see the distinguished Senator from Nebraska on the floor ready to proceed.

Would it be agreeable to the distinguished manager, following the remarks of the Senator from Indiana, that the Senator from Nebraska be recognized to offer his amendment so we can proceed with that amendment?

Mr. PACKWOOD. That is fine. I think it will be 2 or 3 hours. I do not think there will be any lengthy amendments or lengthy debate. That is fine with me.

Mr. MITCHELL. I hope to do that in less time than that, if possible.

Mr. PACKWOOD. I think the leader is correct.

Mr. MITCHELL. Mr. President, if agreeable to all concerned I ask unanmous consent that the Senator from Indiana be permitted to complete his remarks, and upon completion of remarks the Senator from Nebraska be recognized to offer his amendment.

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

The Senator from Indiana is recognized for the completion of his remarks, and thereafter the Senator from Nebraska is recognized for his amendment.

The Senator from Indiana.

Mr. COATS. I thank the majority leader for the opportunity to finish this statement, and indicate to him and the Senator from Nebraska that I should not be more than 4 or 5 minutes, or so, until the completion of my statement.

Local officials have shown increasing independence from Beijing. And businessmen in the southern provinces have become the greatest source of political moderation, providing large amounts of money to protesting students, and have even risked their own lives to participate in the democracy movement. Our continued relationship with these Chinese can only strengthen their resolve and desire for reform. In a Washington Post editorial, Gao Xin, one of the hunger strikers who was imprisoned for 6 months following Tiananmen Square, expressed his belief that maintaining MFN and using it as leverage would be the only way to strengthen the reformers' positions and bring eventual change in China. "Political liberalization will only come gradually and only after economic liberalization," he writes.

Trade is not merely an exchange of money but an exchange of ideas—an instruction in the practice of freedom. It opens doors that allow Western democratic ideals to follow. The kind of contact between Chinese and Americans achieved through business relationships, travel, and study may help give deeper root to reform.

The future of Hong Kong should not determine our decision on trade, but it is important to consider. This is a colony which means a great deal to American interests in Asia. If China's favored trade status is repealed, Hong Kong will suffer. Most of Hong Kong's manufacturing is done in China's southern provinces by Chinese firms employing 2 million people. Seventy percent of China's exports go through Hong Kong. In his testimony before the Senate Finance Committee, the president of Hong Kong's Chamber of Commerce reported that one dollar of every six of Hong Kong's currency circulates in China's Guangdong Province rather than in Hong Kong itself. "Because Hong Kong is China's primary trade, foreign exchange, and technology window," he testified, "the burden of United States denial of MFN status to China falls disproportionately on Hong Kong." Without MFN, the Hong Kong government estimates that the colony would lose $8.8 to $11.7 billion in trade. The chamber also believes that 70 percent of American businesses in Hong Kong would be hurt by removal of MFN.

There are other ways to express our condemnation of Chinese brutality than removing favored trade status. The President favors a more selective application of pressure and has taken pains to show Beijing that we will not ignore its oppression. The President has announced that the United States will ban equipment and technologies for export to any Chinese company found to be violating standards in missile equipment transfer. He has limited the sale of high-speed computers to China. He has designated China under Special 301 provisions for violation of intellectual property rights. He has stopped grants from going to the Trade Development Program and to the Overseas Private Investment Corporation. And the President has refused to ap-

prove licenses for exporting United States satellite components to China.

In the last few days, in response to a letter from Senator BAUCUS and other Senators, the President reaffirmed his commitment to pressuring China toward reform. At the recent economic summit in London, he discussed his concerns about China's human rights abuses with our G-7 allies and emphasized to them that the United States would not support multilateral loans to China, except for basic human needs. He also pledged continued pressure on China to adhere to the Nuclear Nonproliferation Treaty and the missile technology control regime. The President has called on the Customs Service to investigate reports of the exportation of goods made from prison labor and to enforce the 1930 Trade Act Prohibitions on forced labor. He will pursue an agreement with China to set up procedures for speedy investigation of violations of United States law. In the meantime, if the United States suspects that goods have been produced by prison labor, they will be denied access to our markets.

The President also made a commitment to take the lead in pushing for Taiwan's entrance into the General Agreement on Tariffs and Trade. Such a move would reward Taiwan for its economic and political freedom while making very clear to China that reform is essential.

In the last 2 years China has provided a disturbing record of repression. But I am convinced, with the President, that the best strategy to seek change is continued trade. President Bush said in his address to Yale University, "[But] the most compelling reason to renew MFN and remain engaged in China is not economic, it's not strategic, but moral. It is the right to export the ideals of freedom and democracy to China. It is the right to encourage Chinese students to come to the United States, and for talented American students to go to China. It is wrong to isolate China if we hope to influence China."

Carlos Rangel writes:

> Marxist-Leninist socialism bases its stability on the concentration of all power; on a permanent readiness to employ any degree of repression as broad and brutal as may be necessary; and on the monopolistic grip on the economy and media. These last dissuade the population of any hope that there is a way out, a way back, and further deepen that hopelessness by drilling into subject's minds the deterministic notion that inevitably the rest of the world will be sooner or later infected by the same plague.

But today, in our world, we see just the opposite—a world that is recovering from its long bout with that plague. Once it was socialism that fed on claims of inevitability. Now freedom seems to have an inevitability of its own. Economic and political freedom are an infection that spreads across borders. They are transmitted through contacts of learning and trade into the most isolated pockets of fearful repression. Trade with China can continue to be route of reform, a method to spread the infection of freedom.

It is reported that Chinese hardliners have distributed a 1-hour video entitled "Eastern Europe in Turmoil." According to one viewer, the tape was created "to make local Communist officials realize that if in a crisis they fail to hitch a line to the Communist boat, they will all sink together, like Ceausescu."

That fear is the substance of Chinese hope. The timetable is unclear. Chinese history refuses to be hurried, but it makes sense to support those elements in China already skilled in the lessons of economic freedom. We can do so, I think, with a broader confidence. In Edmund Burke's works, "Depend on it: that the lovers of freedom will be free."

Mr. President, I yield the floor.

Mr. SANFORD. Mr. President, the President has, for the last few years, justified continuation of most-favored-nation [MFN] status for China on both moral grounds and the insistence that a strong, trading relationship with China would give the United States leverage to encourage changes in that country.

I recognize the advantages of a healthy trading relationship with China, but unfortunately I am concerned that this has not happened, nor will it happen, if we continue to allow China unconditional MFN status.

The world was horrified at the events in Tiananmen Square over 2 years ago. Since that time, repression and serious human rights violations have continued—albeit less blatantly—despite pressure from abroad. If the United States is an advocate of freedom and human rights, the Congress must now send a stronger message, requiring the Chinese Government to account for and release those thousands who were unjustly detained for nonviolently demonstrating their beliefs. In addition, this bill calls for significant progress on other aspects of human rights in China. Obviously, reform does not happen overnight, but there has been virtually no progress in the past 2 years. Where is the morality in turning a blind eye to that?

Furthermore, China's flagrant contribution to Third World nuclear proliferation make granting MFN suspect at best. Selling nuclear capability to Pakistan, Algeria, Iraq, and Syria, and supporting the Khmer Rouge in Cambodia—despite frequent assurances that they are not doing so—has established China's reputation as an irresponsible partner in the world arms market. China should not be favored for such deal-making. S. 1367 takes into account the urgency and importance of stopping these military transfers.

Finally, and perhaps most relevant to United States-Chinese trade relations, are that nation's trading policies. The extension of MFN status for China has had a profound impact on North Carolina and other textile-producing States. Almost 14 percent of all United States imports are textiles from China. It is difficult for United States companies to compete when hourly wages for textile workers in the United States are around $9.74, compared to China's $0.37.

MFN status was intended to benefit the United States to the degree that it would hurt us to withdraw it. In fact, it is hurting us to continue it. In the past 2 years, United States exports to China have fallen while Chinese exports to the United States have risen, increasing our trade deficit with China by 67 percent to $10.4 billion. Judging from such a trade deficit, we are not only stagnating when it comes to trading with the Chinese, we are rapidly falling behind.

The reason for this inequity is not American incompetence, but unfair Chinese trading practices. Prison labor is an integral part of the Chinese economy and the goods so produced are being exported, although this is a violation of international and United States domestic law. One prison cotton mill earned $28.51 million through the export of cloth to the United States, Germany, and Japan. Additionally, the Chinese often mislabel their goods by shipping them through other countries, a process called transshipping. A United States Customs officer in Hong Kong estimated that $2 billion worth of textiles and apparel entered the United States fraudulently in 1990. This is clearly damaging to North Carolina and the United States economy.

MFN status is a courtesy intended to foster a mutual trading relationship between two nations. The evidence clearly demonstrates, however, that there is nothing mutual about MFN between China and the United States. We are granting the Chinese the easiest possible access to United States markets, while they persist in raising tariffs, regulatory taxes, and licensing fees; engage in patent, trademark, and copyright piracy, and tighten administrative controls to restrict access to Chinese markets. The list goes on. The scales are unfairly weighted to benefit the Chinese. This bill requires them to begin rebalancing the scales.

The word favored in most favored nation can be misleading. Very few of the many nations we trade with are not accorded this status. However, with China's appalling lack of regard for human rights, international stability, and fair trade, I cannot at this time condone granting them equal status with our more responsible trading partners.

We as Members of the U.S. Congress, must hold other nations accountable to the agreements they make with us and to international standards and laws. When China meets the conditions stated in this bill, our trade relations will

continue as before. Otherwise, the Senate must exercise its will and condition the extension of MFN on China's compliance with our requirements. To do so is in the interest of American workers, Chinese workers, freedom, and human rights.

Ms. MIKULSKI. Mr. President, I rise today to speak out on an issue which I should not have to speak out on. We are debating an issue which we should not have to debate. The issue is whether to extend unconditional most-favored-nation status to China.

What forces us to address this issue is the Bush administration's abdication of responsibility. What we have here is essentially a failure to communicate, a failure on the part of this administration to communicate to the Government of China our opposition to its repugnant and worsening human rights policies, its illegal trade practices, and its reckless nuclear proliferation program.

We all know what the Chinese Government is doing: It is detaining prodemocracy movement members without trial, executing political dissenters, using prison labor, and harsh import restrictions to produce an explosive trade surplus with the United States, marketing missiles to the Middle East, and reportedly forcing abortion and sterilization on its women.

Nobody debates these charges. The question is, what are we going to do about them? President Bush wants to do nothing. President Bush wants to pursue quiet diplomacy with his friends in Beijing. Well, Mr. President, the Senate should not be quiet or diplomatic on an issue of this importance. Quiet diplomacy for President Bush means business as usual, and that isn't good enough for this Senator.

What has been the result of the Bush administration's business-as-usual policy? According to Asia Watch, China's prisons and labor camps now hold more political prisoners than at any time since Deng Xiaoping's rise to power in the late 1970's. As former Ambassador to China Winston Lord testified earlier this summer, formal martial law in China and Tibet has been replaced by equally tight controls that serve the same ends. China's judicial system remains a cruel farce.

And China's unfair trading practices continue, the result of which is an astounding projected trade deficit of $15 billion for the United States this year, third in size behind our deficit with Japan and Taiwan.

What would be the result of a continued business-as-usual policy, of unconditional MFN extension? It would help convince Beijing that Americans are indifferent to their internal policies of repression. It would betray the hopes of those progressive democrats in China who have been looking to the United States for help. It would say that we are not going to fight for fair market access. And it would surrender the most potent instrument of leverage we have, favorable access to the world's greatest market.

Besides business-as-usual, what are our options? Immediately revoking MFN or conditioning it. Is the immediate cut off of MFN too drastic of a step? Possibly. Is a conditioned MFN too blunt a tool? Maybe. Maybe not. But we have no other option. Furthermore, MFN is the most appropriate tool we have. Since the early 1970's, we have used MFN to express our justified human rights concerns.

Some argue that conditioning MFN will hinder America's economic competitiveness and cost American jobs. Let me say right out, Mr. President, that no one in the Senate is more concerned about America's economic competitiveness and American jobs than I am. And if Beijing weren't unfairly restricting our imports, mocking our intellectual property rights, and running up such a huge trade surplus with us, I would be more worried about the possible negative consequences of a conditioned MFN for Maryland business. But how much worse can it get? A glance at the one-way flow of goods and today's trade statistics will reveal a very one-sided, unfair trading system—one that the current business-as-usual policy has done nothing to address.

With arguments eerily reminiscent of those used against imposing sanctions on South Africa in 1986, some today also assert that conditioning MFN will undermine China's progressive, free-market forces. Unfortunately, many of these prodemocracy advocates are either dead, exiled, in prison, or in hiding. Furthermore, it is only the pressure of a conditioned MFN which can simultaneously prod Beijing into liberalization and embolden China's remaining prodemocracy, free-market forces. Economic pressure against South Africa brought about positive changes. It can do the same in China.

Mr. President, we have no option today but to condition MFN for China. The Bush administration has given us no choice. It has failed to communicate. It has failed to enforce basic human rights and fair trade standards. Because it has abdicated this responsibility, it is up to the Congress to communicate to China—to the repressive leaders in Beijing as well as to the reformers in the countryside—the principles of democracy and liberalization our country stands for.

Mr. ADAMS. Mr. President, I am sure that all of us in this Chamber agree on the policy goals of the United States with respect to China: Political and economic liberalization as exemplified by open markets, freedom of speech, travel, and religion, and adherence to international standards in the areas of nonproliferation and human rights. The continuing repression in the wake of the Tiananmen Square crackdown is a testament to how far China still has to go. Unfortunately, no one can say with certainty which is the best course to help the Chinese people get back on the track of democratic reform.

All of us seek respect for human rights in China, and are particularly concerned about the fate of those arrested during Tiananmen Square. All of us deplore the sale of sophisticated weapons to unfriendly countries in the Middle East. And all of us would like China to eliminate barriers to American exports.

The United States should play a constructive role in shaping the future of China, but I question whether trade is the most effective tool. Many argue that withdrawal of MFN would remove one of the best avenues for dialogue with the Chinese on human rights, arms sales, nuclear nonproliferation, and a host of other matters.

Renewal of MFN for China is a decision that must be made pursuant to the relevant statutory requirements. The highly charged rhetoric emanating from both capitals is not conducive to a serious dialog. I, personally, am dismayed that Premier Li Peng chose to single out Boeing with threats of cancelled contracts if most-favored-nation [MFN] trade status is not renewed on China's terms. Such threats are frankly counterproductive to efforts to extend MFN. As one of the last four hunger strikers in Tiananmen Square wrote recently in the Washington Post:

> Canceling MFN would help the hardliners in what they have been unable to achieve on their own—a reassertion of control over the nonstate and more progressive sectors of China's society and economy. * * * A withdrawal of MFN would give credibility to the hardline propagandists who proclaim that only socialism and self-reliance can save China.

I would argue that China achieved far greater progress in the decade of openness to the West than in the previous 40 years of isolationism. The decision on MFN will determine whether China is integrated into or isolated from the global trading system and the world community at large.

Washington State has more at stake in this decision than any other State. Washingtonians and many of our companies were pioneers in reopening trade relations with this venerable nation. Today, Washington does more business with China than any other State—nearly 16 percent of all United States trade with China. Our companies sold 864 million dollars' worth of products to China last year, and imported a whopping $2.27 billion. China is especially important to our wheat farmers, whose crops are already suffering the devastating effects of a severe winter freeze.

Although MFN benefits flow automatically from membership in the General Agreement on Tariffs and Trade, known as the GATT, for nonmarket economy countries like

China and the Soviet Union, MFN is a privilege, not a right. This privileged status makes MFN a powerful instrument in our commercial relations with nonmarket economy countries.

In considering the legislation before us today, I would suggest that the most important yardstick is whether the bill provides for meaningful and achievable conditions. Unattainable conditions will not serve our interest in pursuing a broad agenda with the Chinese. Meaningless conditions undermine U.S. credibility. I believe the Mitchell bill, which extends MFN to China for 1 additional year, incorporates conditions that are both realistic and achievable.

It is also important that our policy on MFN for China be consistent with the policy we have followed for other MFN beneficiaries. We cannot impose upon China higher standards than we use for other nations, like the Soviet Union.

The Senate and House have the opportunity to use the annual congressional review of MFN to choose between a policy of cooperation or confrontation with the Chinese. A return to the failed isolationism of the past would be wrongheaded politically and devastating economically to the citizens of Washington State. I will work to assure that the Congress chooses cooperation.

Mr. CRAIG. Mr. President, the Senate's debate and vote on S. 1367 will greatly affect the future of relations between the United States and the People's Republic of China. S. 1367 applies a number of conditions to the future renewal of most-favored-nation [MFN] trading status for China. The reason for applying these conditions is to push the Chinese Government into making changes in its domestic policy.

I doubt there is a Member in this body who is not concerned about the human rights abuses that have occurred in China since the suppression of the Tiananmen Square democracy demonstration. Last year's debate centered on the human rights problems in China. Now MFN has turned into the pill designed to cure all of China's ills. But we must ask ourselves, Mr. President, what can be done to resolve these problems? Is the path to resolution, conditions on most-favored-nation trade status? I would argue "No."

Mr. President, MFN is a trade relationship that mutually benefits the United States and the corresponding country through lower tariffs and trade barriers. It is a trade relationship that we enjoy with all but a handful of nations. Eleven countries do not receive MFN status from the United States: Albania, Cambodia, Cuba, Laos, North Korea, and Vietnam; Afghanistan and Romania had MFN but lost it; Bulgaria, Mongolia, and the Soviet Union have received Jackson-Vanik waivers, but MFN cannot be extended until Congress approves the trade agreements. The list is small, Mr. President. If one looks at our relations with the countries on this list, one can see that applying conditions or revoking MFN for China will certainly not enhance our ability to influence the Government in Beijing.

The human rights situation in China has improved immensely since MFN was first granted in 1980. Part of the improvement has been through the direct contact between United States private industry and agriculture, and their counterparts in China. One of the most effective means we have of causing change in China is through our economic ties with that country, and through continued dialog. Part of the grassroots prodemocracy movement in China has resulted from this economic interaction. Those provinces with the best human rights records are also those provinces that are most heavily involved in trade with the United States. Mr. President, United States trade with China is not merely the trade of economic goods, it is also the trade of ideas—ideas about democracy, capitalism, and freedom. Revoking MFN, or applying conditions to MFN will terminate that grassroots influence in China.

Again, Mr. President, what are we trying to achieve here, and how can we best meet our goal? We are trying to improve human rights in China. Revoking MFN will not resolve that problem. Revoking MFN to improve human rights in a Communist country has not worked in the past, and there is no indication that it will work now. The suspension of MFN for Romania only served to damage our relations with that country, having no effect on the human rights situation there.

Some have said that the United States should take the lead in this problem. If the United States applies conditions, our trading partners will follow suit. Taking unilateral actions such as this legislation would impose, will result in providing a greater market share in China for our trading partners. The increase of Japanese and European activities in China does not support the theory that our trading partners are waiting for the United States to take action. The United States is now alone among Western countries in continuing to maintain its original Tiananmen sanctions against China. No other country has considered withdrawing MFN trade status in response to concerns about Chinese policies. If we take these actions, Mr. President, we take them alone, and we put our own producers and manufacturers at a gross disadvantage. The products we sell to China are easily provided by other producers, and given the competition for markets, the void we create in China will quickly be filled by one of our trading partners.

As I said, Mr. President, MFN is a trade relationship. There are problems with that trade relationship which need to be resolved through trade actions such as section 301, not by cutting off trade. We have problems with other trading partners, but we would not revoke MFN status to resolve market access problems with countries like Japan, or the nations of the European Community. Therefore, revoking MFN should not be used to resolve our market access problems in China.

China is also an important market for United States agriculture products. For example, China is the United States' largest cash customer for wheat. Given the current glut of wheat in the international market, loss of this market would be devastating to U.S. farmers. Last year, United States farmers sold almost 500 million dollars' worth of wheat to China; part of which was wheat from my State, Idaho. Loss of this market would be disastrous to my farmers, and to the whole economy of the State. The United States exports over 500 million dollars' worth of phosphates to China, a significant portion of which comes from Idaho. The United States has a significant trade deficit with China, Mr. President, but cutting off current trade will not improve our overall trade deficit. Rather it will aggravate it.

Applying conditions to MFN would amount to a public challenge by our Government that would be impossible for the Chinese leadership to meet. The Chinese Government would never succumb to this sort of unilateral pressure because it would imply a weakness on their part. Therefore attaching conditions will simply serve as a 1-year notice of termination of relations between the United States and China.

The reaction of the Chinese Government after the House voted for conditions clearly tells us that conditions will not produce change. The Chinese Government denounced congressional action as a "gross interference in China's internal affairs, which the Chinese Government firmly rejects." According to a Washington Post article, foreign ministry official Duan Jin said, "We would like to urge the U.S. Congress to stop this kind of practice * * * so as to avoid a serious retrogression on the relations between China and the United States."

Mr. President, there are other options at hand that can be used to resolve these issues; options that will help work to resolve some of the problems that have been highlighted by proponents of conditions. I recently joined my colleague from Montana, Senator BAUCUS, in sending a letter to the administration requesting comment on the various problems that have been raised in this debate. I hope that my colleagues will take a moment to look at the administration's response and weigh the merits of targeted actions versus revoking MFN. I think they will see the value to both

the United States, and to the people of China, in addressing the specific problems in China with specific actions rather than following a blanket policy that will serve only to obscure this issue in the United States Congress.

Let's begin with the main issue behind conditions on MFN, human rights. The administration has publicly expressed concern regarding the situation in Tiananmen Square, and subsequent actions taken by the Chinese Government. We have suspended bilateral programs and high-level exchanges. Only a limited number of visits addressing issues like human rights, nonproliferation, unfair trade practices, and narcotics have been approved. All military exchanges have been suspended. There has been a halt to the transfer of military or dual-use technology, and we have worked with our Cocom partners to suspend planned liberalization of export controls to China. The administration has also been committed to an ongoing dialog with the Chinese, addressing the human rights problems—this would of course end if conditions are applied to MFN. Progress has occurred, but a great deal remains to be done. Through the commitment of the administration to continue these efforts, our Government will have far greater impact than by cutting off relations with China.

Nuclear proliferation and arms sales have been added to the laundry list of problems that revoking MFN can resolve. In response to the Baucus letter the administration outlines its efforts with the Chinese, discussing issues of nonproliferation. The Chinese have responded positively. They played a constructive role in the recent Middle East arms control talks in Paris and have agreed to work in followup meetings to resolve remaining issues. And, as I said, there have been efforts to restrict technology transfer with our trading partners while this issue is unresolved. Applying conditions to MFN status, Mr. President, will not induce the Chinese Government to continue working toward resolving this problem.

Our current trade deficit with China has been brought into this issue of applying conditions to MFN status. The administration in April, directed the United States Trade Representative to identify China as a priority foreign country under the Special 301 provisions of the Trade Act because of problems with protection of United States intellectual property rights. The administration has committed to further trade actions if no progress is made during the investigation. In regards to access problems, meetings with Chinese trade officials are scheduled for this August to continue talks initiated in June of this year. If the Chinese fail to make commitments to improve access, the administration has committed to self-initiate further action under section 301.

The administration has also made a number of assurances to block the import of goods produced by forced prison labor. The administration has stated that they would continue to closely monitor this issue and strictly enforce relevant legislation concerning prison-labor exports. The President has committed to the following additional actions:

> The Department of State will seek to negotiate a memorandum of understanding with China on procedures for the prompt investigation of allegations that specific imports from China were produced by prison labor. Pending negotiation of this agreement, the United States Customs Services will deny entry to products imported from China when there is reasonable indication that the products were made by prison labor.

The President also stated he would provide additional Customs officials for identifying prison-labor products and illegal textile transhipment.

Some very positive actions have resulted from this debate, such as the administration's actions outlined above. However, there is one that I would like to highlight, and that is the comments the President made regarding Taiwan's accession to the GATT. In his response to the Baucus letter, the President stated that:

> The United States has a firm position of supporting the accession of Taiwan on terms acceptable to GATT contracting parties. The United States will begin to work actively with other contracting parties to resolve in a favorable manner the issues relating to Taiwan's GATT accession.

Many of us here in the Senate have long been supportive of this action, and are pleased to see this commitment to action by the administration.

Mr. President, applying conditions to MFN will not resolve the problems that have been addressed on this floor. Human rights are not going to improve if we apply conditions to MFN. Our trade deficit is not going to lessen if we apply conditions to MFN. Chinese arms sales are not going to end if we apply conditions to MFN. Mr. President, creative thinking and targeted actions such as those the administration has recommended will work toward a resolution of the problems that exist in the relations between the United States and China.

Mr. MURKOWSKI. Mr. President, the administration has asked the Congress to continue to extend most-favored-nation status to China without conditions. Having listened to the litany of problems we have with China, this seems like an unreasonable request. But I urge my colleagues to examine this question very closely.

We must ask ourselves what is the most effective way to influence the policymakers in Beijing, the people who make the policies which we in America so detest. Revoking MFN now may slam shut the door to relations with China after so many have worked to crack it open.

STRENGTHENING THE HARDLINERS

I share the concerns of many of my colleagues that somehow we must force China to respect international law. However, removal of MFN is not the way to influence policy in China. Throwing China back into the isolation she experienced from the 1950's to the 1970's will strengthen the very leaders which ordered the tanks into the streets in June of 1989. Those leaders were faced with demands from their own citizens to reform their economic system, to reform their political system, to end their daily practices of corruption.

The protesters in the street during the Tiananmen incident were begging their leaders to allow them some of the same freedoms that we enjoy in America and the West. Those protestors learned about what they wanted from their Government through trade and exchange with the West. In fact, events in Eastern Europe in recent years have shown just what a powerful influence western ideas can have on a totalitarian society.

But the leaders in Beijing realized that the protestors' demands meant that their own power was in jeopardy, that their own system of dictatorial rule was close to collapse. So the leaders cracked down on the students and workers and demonstrators.

What else did that leadership do? It tried to curtail the opportunities for its citizens to engage and exchange with the West.

Trade, education, literature, media contact—all these things represented a threat to their grip on power.

And for a short time it worked. Students were denied the right to come to the United States to study. Foreign exchange was tightly controlled, disabling businesses with joint venture partners from the West from completing contracts.

But, Mr. President, the good news of reform had already spread in China, and its symptoms are again beginning to appear. Studnts are finding ways to go abroad for study. Entrepreneurs are setting up enterprises to earn foreign exchange and they are trading abroad.

Just as the reformers—the students, the workers, the protesters—are slowly and quietly finding ways to push back on the open door, we in America are contemplating ways to give the leadership in Beijing the fuel to slam that door shut again. For just as soon as we lay down the conditions stated in this bill, you can rest assured that the small group of very old men at the top in Beijing will grab at the chance to shut out what they claim to be the "evil West."

REVOKING MFN WILL CUT OFF OUR INFLUENCE

If we chose to revoke MFN, surely many changes in our relationship with China will follow. Contacts with the United States will halt on all levels. Students will be denied visas to come

to the United States to study. Foreign exchange controls will stiffen, market reforms—which are just starting to take off again—will end, and those who engage in free enterprise may be subject to reeducation and political training.

What will this lead to? Our ability to influence policy in China will drop to zero. Instead America will be the favorite target of those struggling to keep communism alive in China, as it dies around the globe. We will lose the ability to try to force China to respect laws of international trade.

We will lose the ability to influence China to release political prisoners. We will increase the likelihood of sales of weapons of mass destruction by ensuring that foreign exhange will be in greater demand.

LOSS OF MFN HURTS WRONG PEOPLE

Mr. President, my colleagues have been very eloquent in describing the long list of interests that will be hurt if we decide to revoke most-favored-nation status from China. I will not dwell on them all but let me just highlight a few:

Removing MFN will almost immediately put at least 2 million Chinese citizens from the most reformed coastal regions out of work.

Removing MFN will greatly destabilize a Hong Kong which is already suffering from an uncertain future.

Removing MFN will harm American business interests—interests that bring western ideas of democracy and free markets into China.

CONCLUSION

Mr. President, no one is pleased with the present state of relations between China and the United States.

As vice chairman of the Intelligence Committee and member of the Foreign Relations Committee, I am deeply concerned over reports of China's missile sales to the Mideast. I am also greatly concerned with unfair trade practices and human rights abuses.

None of these issues can go unanswered; we must pressure China to conform to international norms of behavior. But the past 2 years have not been "business as usual" as many critics of administration policy have claimed.

There is a long list of sanctions already in place and I support these sanctions The President has initiated a 301 trade investigation on intellectual property rights.

The President has instructed U.S. Customs to deny entry to any good suspected of being produced by forced labor.

Satellite sales and other high technology goods have been denied export licenses.

Our highest level human rights officials have held talks in Beijing to impress on China the importance of accounting for and releasing any political prisoners.

There is also a long list of sanctions and actions which the administration outlined last week that will be pursued in the future if China is not forthcoming on addressing our concerns. These specific actions are the correct way to influence policy in China and to keep the pressure on. What we need is a targeted approach that will take true aim at each issue.

Removing MFN is a broad stroke that may very well inflict pain on reform elements in China and bolster a dying Communist regime.

Mr. McCONNELL. Mr. President, I rise today to strongly endorse an unconditional renewal of most-favored-nation trading status for the People's Republic of China.

Until recently, I was genuinely undecided on this issue. It was with an open mind that, over the Fourth of July recess, I visited Hong Kong and Thailand. While there, I discussed the issue with Hong Kong and People's Republic of China Government officials, politicians from both ends of the political spectrum, American and foreign businessmen, and working men and women in the region. My colleagues might be interested to know that, after 7 days and dozens of meetings, I could not find one person who thought the United States should withdraw MFN status or extend it with conditions.

To the contrary, these folks agreed unanimously that the reform movement within the People's Republic of China, as well as the long-term interests of the region and of the United States, will be best served by an unconditional extension of MFN.

Before voting on the Mitchell bill, I urge my colleagues to step back for a moment and examine what we really hope to accomplish here. Is our goal to simply express outrage and punish China for its egregious behavior? Or is our goal to encourage long-term internal reform in that country? I believe, Mr. President, our goal should be reform. And the facts have convinced me that reform is best achieved by engagement through MFN trading status.

To be sure, the temptation to punish China is strong. Beijing's behavior since June 4, 1989, has been outrageous and out of step with global events. While the rest of the world moves toward freedom and democracy, China continues to suppress human rights, ignore international efforts to control arms sales, pursue Machiavellian trade policies—including the export of products made by prison labor—to increase their foreign reserves, and lend moral and financial support to murderous organizations like the Khmer Rouge.

Indeed, Mr. President, Beijing has done an excellent job of putting its MFN status at risk. And some now say we should punish China by denying MFN renewal or by attaching conditions that make renewal next year impossible.

Well, doing so will certainly constitute a punitive action. Unfortunately, it will punish all the people of China for the actions of a few octogenarians in Beijing. It will further isolate China and limit our influence there. It will snuff out the faint but hopeful flame of free market growth in southern and coastal China. It will damage the booming economies—and struggling democracies—in Hong Kong and Taiwan. And it will undoubtedly, make many Members of this body feel good.

But it will not bring about political reform in China. My meetings in Hong Kong and Thailand have convinced me that the driving force behind political change in China is and will continue to be economic development.

Take, for example, Guangdong Province. Guangdong, which borders Hong Kong, has a relatively free market and healthy economy. The province enjoys close commercial and social ties with Hong Kong. Hong Kong's economy is increasingly tied to the export industry of Guangdong Province. Thousands of Hong Kong firms have shifted export-related production facilities into southern China, creating thousands of jobs in the region. Not surprisingly, Guangdong Province is a reformist stronghold over which Beijing has been unable to gain control.

Punishing Beijing by withdrawing MFN will kill reform efforts in areas like Guangdong Province and hand the hardliners exactly what they so desperately want: control over the social and economic systems in these progressive regions.

It will also hurt Hong Kong's ability to export Western ideals to the southern provinces of China. It is estimated that withdrawal of China's MFN status could cost Hong Kong 43,000 jobs and $1 billion in income. Such a blow would further erode local confidence in a smooth transition in 1997 and accelerate outward migration from Hong Kong, already at alarmingly high levels. It would also certainly stifle the current attempt in Hong Kong to develop a system of direct elections prior to the 1997 reversion.

Mr. President, we all abhor China's behavior and we all want to see political change in that nation. But I urge my colleagues to resist quick, feel-good solutions.

Gao Xin, a dissident who spent 6 months in a Chinese prison for his hunger strike on Tiananmen Square in 1989, is closer to the issue than any of us here. I think he summed it up correctly in a recent Washington Post editorial. GAO Xin writes:

> I can understand the anger that many Americans feel towards China's hard-line rulers. I share that anger, but not the conclusion that the United States should cut off China's most-favored-nation trading status. * * * The MFN debate constitutes a long-term means of continuing to pressure the Chinese leadership to improve its human rights record. If MFN is withdrawn, the United States will lose the critical leverage needed to help the Chinese people.

I say to my colleagues, let us not play into the hands of the Beijing hardliners by canceling MFN or attaching conditions that will result in a cancellation next year. Let us not give up this leverage. We have a duty to the Chinese people to remain engaged with Beijing through economic relations to bring about political reform.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is recognized.

AMENDMENT NO. 805

(Purpose: To require the President to undertake efforts to ensure that other countries impose trade restrictions against China if restrictions are imposed by the United States)

Mr. KERREY. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 805.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SANCTIONS BY OTHER COUNTRIES.

If, pursuant to this Act, nondiscriminatory (most-favored-nation) treatment is denied or a decision is made to terminate such treatment, most-favored-nation status for the People's Republic of China shall be rescinded 60 days after such denial or decision to terminate. During such 60-day period, the President shall undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

Mr. KERREY. Mr. President, I first of all want to applaud the distinguished Senator from Texas and the distinguished Senator from Maine in their effort to bring this bill to a vote. I know it is difficult to do. And I must say, at the same time, that I have a great deal of respect for the distinguished Senator from Montana. I know he is concerned about potential adverse impact upon U.S. economic interests.

But I must say, Mr. President, I have heard many of the arguments against the bill and I would like to very briefly comment on some of them. But as a foundation, Mr. President, one of the questions I think that all of us have to ask and answer is whether or not the United States under any circumstance should attempt to interfere with the internal policies of another nation.

We very often hear in response to our criticism of either the military policies or the trade policies or the domestic policies of some other nation, we hear their leaders saying, "Don't meddle. You are meddling in our internal affairs and thus you should not engage us in that way. Allow us to take care of our own internal affairs," we are told.

Mr. President, perhaps prior to the events of the last 3 years that kind of an argument would have persuaded a majority. I would observe in my own case that I possessed far more skepticism 3 years ago about our capacity to influence in a constructive fashion the events of internal affairs of some other nation. But after listening to Vaclav Havel, Lech Walesa, and Nelson Mandela come to joint meetings of the U.S. Congress and say to us "Thank you for standing for our freedom," most of that skepticism is gone.

I still hear the same arguments, any time it is proposed that Americans sacrifice for the freedom of others, that perhaps the sacrifice is too great; the same sort of arguments that were used against taking action on behalf of the freedom of now the President of Czechoslovakia, and the President of Poland, and Nelson Mandela. The arguments essentially were, "The price is too great. We can find other ways. We can accomplish the objective in some other way."

Personally, I hear in the words of the President of the United States, President Bush, at Yale, saying that we should continue the course that we are on with China and we are exporting the values of democracy. And I find myself reflecting instead on a different course, the course in fact that we are suggesting that should be taken with this bill. That is the course that recognizes that freedom is gained, freedom is secured, freedom is guaranteed when we are able to set aside our fear of losing not only what we own but perhaps even life itself.

Mr. President, the old men who run the Chinese Government place a very high value on order, and we will say that they need to press their people, they need to take action against their people in order to preserve order. They say we just do not understand that order is a very high value and if we only understood that, we would not be interferring in this way.

Mr. President, I believe the people of the United States do understand that there are tradeoffs between order and freedom. Those of us who believe that the United States should stand for freedom understand that there are times as well when we do have to pay a price, when we do have to set aside an economic interest and volunteer to go to serve our country, volunteer to wage the battle for freedom.

Mr. President, we all have given speeches on the Fourth of July and on Memorial Day and other sorts of events when we pause to reflect upon those who have paid a price. This proposal is a suggestion that we are going to pay a price again and that it is worthwhile paying, Mr. President.

None of us underestimate that fact. None of us, I believe, have not evaluated and calculated what sort of a price the United States of America could pay to assist the people of China in their struggle for freedom.

I believe that is the essential question here in this debate. Are we prepared to pay a price? Or do we simply want to continue the course of diplomacy and negotiation and discussions to try and move and dislodge the Government of the People's Republic of China?

I do not think there is much dispute that something needs to be done. I have heard the debate and I hear those who oppose the Mitchell proposal. I do not here them saying that they believe that something should not be done.

I just heard the distinguished Senator from Indiana identify the problem very articulately and suggest an alternative course. It seems to me that is a presentation that fairly accurately represents even those who strongly oppose this action in this legislation.

There are some who have argued very specific alternative courses that would, they believe, be better than this particular course of action. But, Mr. President, it seems to me that what all the alternatives lack is that hard willingness to give for somebody else, that incalculable willingness to sacrifice.

There is still in the alternative proposals a belief that somehow we are going to secure freedom easily, that it will occur without an effort, that we can do it just with a little trade, that we can do it with just a little negotiation, that in a little time perhaps the People's Republic of China's Government will moderate their policies.

Mr. President, I do not believe freedom is secured in that fashion. I do not think it falls like manna from heaven. I do not believe it springs from out of the the ground by accident. And the skepticism I had in fact here when I arrived in 1988–89 has been substantially diminished as a consequence of substantial sacrifices by the American people on behalf of the men and women of Eastern Europe and the men and women of South Africa and the men and women throughout this world.

Mr. President, in the postcontainment world, we are increasingly going to be called upon and are going to have to answer the question: Are we ready to pay a price? And if we do not, Mr. President, I believe freedom will retreat. I believe that the boundaries that now encircle free men and women on this Earth will be beaten back.

I know that there are some who have argued against using most-favored-nation status as a tool, and some have presented some persuasive arguments for alternatives that do in fact require some sacrifice.

I have heard some say "Well, other nations do not do it. Other nations have not proposed to do this." Mr. President, the United States of America has led in many instances where no other nation was willing to go, where no other nation was willing to pay a

price, where no other nation was willing to make the sacrifice. And we should not, simply because the evidence shows that other nations are doing nothing, retreat from I believe a serious cry for freedom coming from the people of China itself.

I have heard secondary arguments that this is inconsistent, that what we do with the Chinese is not being applied to the people in other parts of the world. I hear persuasive arguments, in fact, for doing the same thing for Syria and other nations who engage in terrorism. But, Mr. President, with all due respect for the argument of consistency, I have heard it used too often here in the short period of time that I have been here to believe that it has much merit, particularly in the area of foreign policy.

The question here is not are we going to try to make certain that our foreign policy is consistent across the board; the question is do we recognize the cry of freedom from the people of China and do we recognize that China is exporting weapons, Mr. President, and God forbid that our sons and daughters are called upon to fight an enemy that is using the weapons that are being exported by the People's Republic of China.

The People's Republic of China cannot be restrained; it seems to me that we must take action and not fall upon a sword of consistency. Mr. President, when the call comes to fight for freedom, we should only ask ourselves, are we going to respond?

Last, Mr. President, there is a concern that the United States not simply go it alone. I find that to be somewhat of a persuasive argument and the amendment that I have introduced attempted to address that. It does not relieve the United States of America from the burden of leadership. It does not say to us, well, as soon as the Swedes do something, as soon as French do something, as soon as somebody else takes some action, then we will respond. As soon as we get a majority, then the United States of America will lead. It does not relieve us, Mr. President, from the burden of leadership. That burden still falls heavily upon us, and I believe we should assume it, with great respect for the people who have presented us with the freedom we have in America.

Mr. President, it simply says the President of the United States, if he believes that most-favored-nation status is going to be rescinded as a consequence of the People's Republic of China not adhering to the simple conditons that are laid out in the bill before us, that the President of the United States is asked to put together an international or multinational coalition.

He is asked to make an effort to put together a multinational effort, economic effort, in support of an objective of greater freedom for the People's Republic of China, for the cessation of abuse of human rights, for the cessation of trade policies that on their face deserve swift and stern action by the United States of America, and for cessation of weapons sales to nations that no one in this Congress trusts.

This simply presents to the President of the United States the opportunity to lead an international coalition as effectively as he had demonstrated the capacity to do in marshaling the forces of this world against the nation of Iraq. I believe this is a reasonable amendment that enables us to make certain that it will be a multinational effort; it will be not just the United States alone.

But I say for emphasis, it will fall upon this country many times in the future to assume the mantle of leadership. And it will occasionally be lonely. And it will occasionally be frightening. And we will occasionally wonder what is the economic impact going to be; what are we giving up in order to secure something as intangible as freedom? I hope and pray we do not shirk that responsibility in the future. We have not shirked it in the past and, as a consequence, the advance of freedom appears to be inexorable.

But I do not believe it is. It has been secured with sacrifice, and it will be preserved and expanded only with sacrifice.

I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, as manager of the bill for the majority, I have examined the legislation of the Senator from Nebraska. I want to congratulate him. I think it aids the piece of legislation. What we are talking about is, if we go ahead and deny MFN to China, the President himself should do everything he can to get the international community to support it.

International sanctions are really more effective when you get a multilateral approach to them; when you get other countries involved. I think a good example of economic sanctions working was what happened in South Africa and the change of course there. And, of course, what the President was able to do in Iraq: Putting an international embargo in effect on Saddam Hussein and having a considerable impact on that country.

So I think this is a plus. It is helpful to the legislation, and I support it.

The PRESIDING OFFICER. Is there further debate? The Senator from Nebraska.

Mr. KERREY. Mr. President, I would add some additional detail that is important only in the regard that it makes clear how I have arrived at the decision I have arrived at, which is to support the bill before us and to offer this particular amendment.

Mr. President, earlier this year I had a difficult vote presented to me in the form of a question: Should we give the President fast-track authority to negotiate an agreement between 107 nations, called the General Agreement on Tariffs and Trade, and a new agreement between the United States and Mexico that would include Canada, and thus has been described as the North American free-trade agreement.

It was a difficult vote for me. I unquestionably see some potential negative impact. I am concerned about that potential negative impact. It is not clear by any stretch that the General Agreement on Tariffs and Trade is going to be negotiated satisfactorily. There are a number of roadblocks still in the way.

But I want to establish for the RECORD that I voted with the majority. I was persuaded most particularly, I will say, by the distinguished senior Senator from Texas. His arguments on behalf of free trade and looking to lower barriers for trade were most persuasive. I believe that the long-term interests of the United States of America are served by us leading the world again.

There is no question we will have to lead the world in the area of trade. Thus, this action we take now should not be reduced simply to a trade issue, as many would like to do. This is not a trade issue. This is a moral issue. This is an issue of the United States of America leading in a very important moral sense.

As I said earlier, and I say again for emphasis, the highest morality of all is illustrated by our actions when we demonstrate that we are not afraid of losing those things that we have; that we are not afraid of losing, perhaps, our own life in behalf of someone else.

This should not be seen as a trade issue. It is not, in my judgment, anything other than the United States of America attempting to influence the People's Republic of China, and to say that we believe in much higher values than we see being expressed by that Government.

I appreciate further that the People's Republic of China buys a large number of products from the United States. Particularly, they buy a lot of agricultural products. I have heard from a large number of producers in my State, farmers in Nebraska, who are concerned about the potential adverse effect that this legislation would have; that sending a signal like this to China, attempting to influence China, could cause the Chinese to buy their product from someone else.

I point out two things in that regard. One, the Chinese have used our Export Enhancement Program to purchase wheat, and then have used that wheat to substitute for feed grains, and then turned around and exported corn in competition with us. So the slate is not quite as clean or clear as might appear on the surface. It is not a question,

simply, that the United States of America is giving up market share. In fact, some of our sales have caused us to lose market share.

I have heard, as well, some say the French made a major sale of wheat to the Chinese recently, and more of that will happen if we enact this legislation. The way to stop that sale of wheat from France to China is not by voting against this bill. The way to stop that sale is to encourage the President to be far more forceful than he has been willing to be in persuading our friends in the European Community that they should accept the recommendations made by Mr. McSharry that call for substantial reductions in their internal subsidies and their external subsidies.

Once again, I must say it appeared to me, though the President said a few things about it last week in London—he talked a bit about wanting to do it—it appears to me again the President was a little bit worried about, perhaps, offending our G–7 colleagues, and thus did not spend a great deal of time pointing out that unless the Europeans make those reductions, not only will we not have an agreement on GATT, but we are apt to have a very expensive and very damaging trade war.

So rather than using the sale of French wheat to China as an example of something that might happen if we vote now, I believe that serves as a very strong example of what the Government of the United States needs to do under all circumstances to reduce this kind of subsidized sale that the French and Europeans are far too willing to participate in that indeed is distorting trade; that is making it difficult for us to capture fair share of market; and is not only costing our farmers and our taxpayers, but in the end, produces, I think, significant distortions throughout our policy.

Mr. President, I hope that my colleagues not only will accept this amendment but they will vote for the bill. I know it is difficult. I know that there are pieces of concern that we have, that we have heard from business interests, that say the price is too great. I do not believe that the price is too great, Mr. President. I believe the price that we will be paying with this particular action is warranted by the evidence at hand that we have and the behavior of the People's Republic of China.

Mr. President, before I explain my amendment, I would like to comment briefly on the general issue before us.

Included among the many appeals that we have received from the administration on the China-MFN issue are numerous warnings such as the following:

> By threatening to withdraw or condition MFN, we allow this vital link to be held hostage to the reactions of a small group of hardline leaders in Beijing.

By the administration's own admission, the policies that govern a nation of more than 1 billion people, and the U.S. response to those policies, are being shaped by "a small group of hardline leaders in Beijing."

In view of the administration's extreme sensitivity on the MFN issue, and its reluctance to push the Chinese on the whole range of concerns that gave rise to the majority leader's bill, it is clear to me that in fact it is administration policy that is being held hostage to "a small group of hardline leaders in Beijing."

In the face of the President's just-be-patient appeal toward China, I am inclined to conclude that administration policy entails little more than waiting for this small group of hardline leaders to quite literally, pass on.

Mr. President, in the brief time that I have been in the Senate I have seen the likes of Vaclav Havel, Lech Walesa, and Nelson Mandela come before Congress to describe their courageous efforts to replace repression and tyranny in their own country with freedom and democracy. Each of those remarkable leaders thanked the American people and the U.S. Government for standing with them in support of democratic ideals, and for giving force to that support in the form of political and economic sanctions.

I do not believe that Lech Walesa would be the popularly elected President of Poland today if we had told him, "Be patient, your time will come. Your elders will eventually leave the scene. Until then, the United States will continue business as usual, and we'll just wait them out."

The single question I ask of the President is: Why is China different?

Mr. President, the purpose of my amendment is to help ensure that the United States does not go it alone if we attempt to promote U.S. policy through the imposition of economic sanctions.

My amendment simply says that, should most-favored-nation treatment for China be denied or terminated, MFN status for China shall be rescinded 60 days after the denial or termination. During the ensuing 60 days when MFN for China remains in effect, the President is directed to undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar actions with respect to the People's Republic of China.

I should make clear that this amendment differs slightly from the amendment I circulated nearly 2 weeks ago. My original amendment simply directed the President to seek multilateral cooperation after the United States had taken action to revoke China's MFN treatment.

In response to the legitimate concerns raised by some that the United States should seek multilateral cooperation before MFN revocation becomes effective, I have modified my original amendment to give the President a full 2 months to enlist international cooperation in imposing sanctions against China before withdrawal of MFN takes effect.

Mr. President, to get to the point, I offer this amendment because I strongly believe that multilateral action should be a cornerstone of sanction measures such as the bill before us.

That is why, for example, I sided with a small minority of Senators who on July 27 of last year voted against an amendment to the 1990 farm bill that would have cut off United States agricultural credits to Iraq without regard to whether or not our major competitors in world agricultural trade were prepared to take similar action. Although Iraqi behavior prior to that date clearly demanded a response, that response should have been multilateral in scope. Had we unilaterally cut off United States export credits to Iraq at that time, the United States would have simply forfeited to the Europeans, the Australians, the Canadians, and others an important market for such United States commodities as wheat, rice, and edible beans.

Those who voted for unilateral sanctions last summer apparently had forgotten the costly and painful lesson of the 1980 Soviet grain embargo. In that case, the United States acted unilaterally in January 1980 to suspend grain sales to the Soviet Union following its December 1979 invasion of Afghanistan. The net result was to cede the Soviet grain market to the European Community, Argentina, and others. The Soviet Union, the target of our action, was merely inconvenienced. Only American agriculture suffered. That mistake must not be repeated.

By enlisting an international response to the policies of the Chinese Government, United States policy is made more effective. Moreover, the burden of enforcing that policy does not fall disproportionately on U.S. industry, whether its agriculture or aircraft.

I noted yesterday that the Republican leader termed my amendment an Alice-in-Wonderland approach. Perhaps he doubts the President's ability to marshall an international response to Chinese atrocities in the same way that the President was able to assemble international sanctions against Iraqi atrocities. Indeed, the success with which the President was able to assemble the coalition against Iraq—and the moral conviction that he brought to the effort—inspired and excited many who thought the New World Order of which the President spoke promised a bloodless, but still forceful approach to ensuring world peace.

If there are no doubts about the President's ability to successfully engineer a concerted response to China's offensive policies, then perhaps there is some concern about the President's

willingness to lead such an effort against his Chinese friends, given his often expressed proclivity on the matter. My only response to any such concern is that this amendment directs the President to seek multilateral cooperation, and I certainly do not question the President's willingness, as Chief Executive, to carry out the law.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, yesterday I referred to this amendment as an Alice-in-Wonderland amendment. It is an apt description.

In my view, there is not the slightest chance—not one chance in a million—that any one of our GATT partners—or, for that matter, that any other nation on Earth—is going to join us in putting restrictions on trade with China. The G-7 leaders specifically and unequivocally made that point to President Bush in London again last week. If we terminate MFN, we are going to be out there all alone—the Long Ranger—and we are going to pay the price:

Our farmers and manufacturers are going to pay the price, in lost exports:

Our importers are going to pay the price, in lost suppliers;

Our consumers are going to pay the price, literally, in higher prices;

Our workers are going to pay the price, in lost jobs. And someone is going to pay the price, in terms of the reaction of our constituents.

This amendment is an attempt to shift the blame. It is an attempt by those who support the resolution to say: "It's not our fault." We told the administration to "ensure" that our allies did not take advantage of our folly. We instructed the administration to "ensure" that our allies do not replace our exports, buy up China's cheap goods, or continue other normal economic relations with China.

"It's not our fault all this happened," they will say. It is the administration's fault, or it is the allies' fault. It is not our fault.

This amendment, pure and simple, is a raincoat against the political storm which supporters of the resolution would face from their constituents—whose exports, and incomes, and jobs depend on trade with China—should this resolution be enacted into law.

Apparently, some think MFN may be the wonder weapon. Maybe they think that we should tell Australia, and Japan, and France, and Germany, and all the other allies, either you terminate MFN for China, or we terminate MFN for you. After all, if MFN is such a powerful weapon—that can bring great nations to heel—maybe it can scare the Australians, and the Japanese, and all the rest to follow Uncle Sam's lead.

Mr. President, this is Alice-in-Wonderland. Like most fairy tales, it is feel good. But, like all fairy tales, sooner or later the fantasy ends and reality sets in.

And one reality of enacting the underlying bill—with or without this amendment—is lower farm prices, reduced exports, higher prices, increased unemployment, all to no good end.

Mr. President, I think this amendment will be accepted, but I wanted the RECORD to reflect that it is not much of an amendment, and I would like to indicate that. I have great respect for my friend and colleague from the Midwest, from the State of Nebraska. I referred to this yesterday as an Alice in Wonderland amendment, and I still think it is an apt description. As I read the amendment, unless it has been modified, it says that the President shall undertake to ensure that members of GATT and trade take similar action with respect to the People's Republic of China.

Mr. KERREY. Will the distinguished Republican leader yield?

Mr. DOLE. Yes.

Mr. KERREY. There has been a modification to the amendment, I say with respect to the distinguished Republican leader. I did not want him to go further and make comments—it may not be a sufficient change to persuade him from making any further comments. I should point out it says on line 9 the President shall not just ensure, it says the President shall undertake efforts to ensure.

Mr. DOLE. Undertake efforts to ensure.

Mr. KERREY. I say to the distinguished Republican leader what I am attempting to do is similar to what was done last summer with the State Department authorization bill that was passed, I believe—Members can refer to it—title IX referencing the People's Republic of China. It actually calls upon it in one article, "* * * if systematic pressure in China deepens, the President should consult * * * (B) with the other signatories of the General Agreement on Tariffs and Trade [GATT] for the purpose of reviewing the People's Republic of China's observer status. * * *" It calls upon to use the membership of GATT. I selected the membership of GATT, Mr. President, as a consequence of this previous effort to direct our attention inside this particular body recognizing that one of the concerns we have is the potential impact upon trade.

Mr. DOLE. Mr. President, maybe I misunderstand the amendment. Let us say the President does undertake, maybe has a discussion or meeting, and they talk about GATT countries taking similar action with respect to the People's Republic of China. The similar action will be what, terminating most-favored-nation treatment?

Mr. KERREY. That is correct.

Mr. DOLE. I think that is the point I want to make.

I do not believe there is the slightest chance, not one chance in a million, that any of our GATT partners, for that matter any other nation on Earth, is going to join us at this time in putting restrictions on trade with the People's Republic of China. In fact, the one point that was made today at the Republican policy luncheon by the President's Chief of Staff, Mr. Sununu, was the fact that the G-7 countries in every instance were urging the President to do what he could to make certain we could continue MFN treatment with China. So I think as recently as the last 2 or 3 days there have been indications that this is not going to happen.

Again, the amendment is going to be accepted. The theory is the more amendments we accept, the better, the more conditions we put on. It responds to the very argument that we made at the outset: There should not be any conditions. Either we extend most-favored-nation treatment or we should not. We have already postponed indefinitely, which means that has been killed. So that question has already been answered. Now we are on the floor debating the resolution by our distinguished colleague and friend, the majority leader, and other cosponsors, where there is no time agreement, where we are trying to add conditions, where we are saying add MFN for a year and it will not be renewed unless certain conditions are met.

Again, the same point I made yesterday, do we want to be the Lone Ranger, the only country on the face of the Earth? And how many political prisoners are going to be released if we follow some of the actions that we hear from the rhetoric on the other side? How much are we going to increase trade if we follow some of the actions that I hear recommended on the other side? Who is going to pay the price for some of the actions, some of the rhetoric that I hear coming from opponents of extending most-favored-nation treatment?

My own view is that we have overplayed what we mean by most-favored-nation status. There are seven, eight—the distinguished chairman said there are only about nine countries that do not have most-favored-nation status. This is not a big deal. Russia does not have most-favored-nation status now but they might by the next weekend or weekend after that when the President goes to the Soviet Union or some time very soon. Cuba does not have most-favored-nation status. Libya does not have most-favored-nation status. I think we have set this up as the end-all here: Once we threaten anybody to take away their MFN status, they are going to buckle and do anything we want. That is not the case. But somebody is going to pay the price, and I think in this case, it is going to be farmers and manufacturers who are going to pay the price in lost exports. The importers are going to pay the price in lost suppliers. Consumers are

going to pay the price in lost jobs. Someone is going to pay the price in terms of reaction from our constituents. It seems to me this amendment, in effect, says it is not our fault, we told the administration to "ensure that our allies did not take advantage of our folly." We are saying if we make a mistake and we engage in some folly, we ought to make certain that we get everybody else to engage in that folly. We are not going to do that. We are not going to legislate what any other country in the world can do. We are not going to intimidate the People's Republic of China. Either we ought to be in the loop or out of the loop. We ought to be having influence or not having influence. I think that is the choice we are going to face up to fairly soon.

This bill is not going to become law. It may receive a majority of the votes—I hope it will not—on final passage but it is not going to become law. The veto is going to be sustained. We have many more than the required 34 votes to sustain a veto. So I think this amendment is sort of a raincoat. It is sort of a political cover saying, if we do this, everybody else ought to do it and the President ought to ensure everybody else ought to do it and he ought to undertake to ensure everybody else ought to do it. I am not certain that is going to provide much protection if we get into a heavy storm.

Mr. President, though I respect the distinguished Senator from Nebraska and worked with him in a number of areas, I think there is an area we share a common interest in. When it comes to agriculture, we happen to see the result differently, but, in my view, we ought to accept the amendment; the amendment is going to be accepted in any event. We ought to have 30, 40 more amendments, put more conditions in this bill and make it even easier for some of us not to defend this bill, but certainly to indicate to the American people that President Bush was right in the first place, there should not be conditions. We cannot extract promises from our allies in this case, and, in the final analysis, the losers, as I said, are the farmers, the exporters, the consumers, the retailers, and the other people in the United States of America. The winners are going to be all those other countries who are going to rush in and pick up whatever we leave. As I said, I believe, yesterday, there are going to be a lot of parties in Australia, Japan, France, and Germany picking up all the business we are going to leave behind. This may be an issue somewhere. I have not yet determined where this is a big issue.

Most of the Chinese students in this country support President Bush. Maybe we ought to add a provision in this bill that in any country determined by Amnesty International that has a human rights problem they should not get most-favored-nation status. I wonder how many Senators would vote for that? Probably not a majority. But maybe we ought to be leveling the playing field and say, if we are going to apply this to the People's Republic of China, why not apply it across the board? Why not say to any country in the world, "If you are guilty of any human rights abuses determined by Amnesty International and some other group or by the U.S. Treasury report, then you lose your MFN status."

We do not like what we see in the People's Republic of China. I joined with the distinguished Senator from Montana, who made an excellent statement on the floor yesterday, in extracting from the administration answers to very difficult questions. In my view we are on the right track, and we ought to continue the initiative taken by the distinguished Senator from Montana, Senator BAUCUS, and others, Republicans and Democrats. This is not a partisan issue; it should not be a partisan issue. We should not attach conditions to the most-favored-nation status unless we are going to make them universal and apply them to every country, not just pick out this country or that country. Let us make them apply across the board if it is such a wonderful tool and weapon that we can work miracles with.

Mr. President, I yield the floor.

Mr. KERREY. Mr. President, I will just make a few additional comments in closing and then I will be prepared to yield on this issue.

Again, for emphasis, I am not trying to attach an amendment that provides cover. This is not for me a feel-good amendment of any kind. I understand what is at stake, and I listened to those who are concerned about losing market share and other nations rushing in while the United States of America takes a principled stand. I acknowledge that concern, and it is felt by me as well.

There is always potential loss, as I said earlier, when one takes a stand for freedom. It always is there. It seems to me that the United States of America has at its finest moments not waited for a majority to rally around it. This amendment says directly that the President of the United States should make an effort to assemble an international coalition, but that the President of the United States should also declare directly that we are prepared to fight for the freedom of the people of China; that we are prepared to put it on the line for the people of China and their freedom; that we are prepared to confront their trade policies with force; that we are prepared as well to do all we can to make certain that weapons sales do not occur. In fact, they are occurring today.

Mr. President, with this bill, I do not underestimate what I am asking the people of the United States to do. I am not suggesting that it is pain free. I am not suggesting that somehow this is an easy course of action. Quite the contrary, Mr. President. I am suggesting that the easy course of action should be rejected, that the easy course of action, of negotiating, of meeting, of trying to speak some reason and hope that time takes a better turn somehow—I heard some even suggest, well, the men who are in charge of the Chinese Government and the People's Republic of China are old and they will perhaps be passing on soon, to wait until they pass on perhaps and then we will get better policies.

Mr. President, I accept what the Republican leader has said that it is likely the votes are not here in this Senate to sustain a veto, it is likely that the President's course of action will be accepted, and perhaps you could rally a majority of Chinese students who would say do not do anything further. But I am not certain that that is a persuasive argument at all.

I think this is a bill that gives the United States of America an opportunity to stand tall for something in which all of us believe. Not only do I appreciate the distinguished Senator from Texas accepting this amendment, but I appreciate those who are willing to vote for this legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to address the underlying bill, not this amendment. I will be brief.

Mr. President, I intend to vote against the bill. I intend to vote to sustain the President's veto, and I hope that we will be successful in doing that.

I have heard a lot of good debate on this subject. I think Members are very sincere on both sides of the debate. I think, quite frankly, it is an open question as to whether we can influence China more by confrontation or more by engagement. Strong arguments have been made on both sides. I think it is an open question.

Mr. President, it is not an open question as to whether the President of the United States feels strongly that the way to go is through a policy of engagement. I submit that the President of the United States has more practical experience in this area than any Member who is currently serving in the Senate.

This is one of those close issues where one can make a strong argument on both sides. Here, however, the President is a legitimate expert. The President has strong feelings, based on practical experience of having served in China, knowing the leadership in China, knowing the Chinese people. I believe that as a result of that knowledge and as a result of the fact that it is an open question, we ought to give the President the benefit of the doubt.

I know this President is a Republican. I have never served in the Senate

when we have had a Democratic President. But I believe that maybe the American Government would work better if on those issues that are close, from time to time we did a better job of giving the President the benefit of the doubt and giving him an opportunity to make his programs work.

So I do not know with any surety what the right path is. I do not know for certain whether we would achieve more through confrontation or more through engagement. The President has pratical experience in this area. He feels strongly about it. I for one intend to support him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. KERREY. Will the distinguished Senator from Wyoming yield. I know he is speaking to the underlying bill. I have a pending amendment. I believe it is going to be accepted. I wonder if it is possible to get that amendment accepted and then move back to the underlying bill itself.

Mr. SIMPSON. If the floor managers agree to that, that is certainly appropriate with me, I say to my friend from Nebraska.

Mr. KERREY. I thank the Senator.

The PRESIDING OFFICER. Is there any further debate on the amendment offered by the Senator from Nebraska, No. 805?

Mr. BENTSEN. Mr. President, as manager on the majority side we have no objections to moving forward on it.

Mr. PACKWOOD. I have objection but I am prepared to accept it.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 805) was agreed to.

Mr. BENTSEN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I rise to speak on the underlying resolution rather than the pending amendment, if I may. I do so admire my colleagues who are managing the floor discussion, Senator BENTSEN and Senator PACKWOOD. They are deeply respected people in this body.

I have watched personally the effectiveness of Senator BENTSEN with regard to the fast-track legislation. He was extraordinarily impressive in marshaling the forces and the effort to get that done.

Then, of course, Senator PACKWOOD has always been involved in some of the major issues of the day in previous years when he served as chairman and as ranking member of the Finance Committee.

I agree with the Senator from Texas, this is a plenty tough issue.

In my job as assistant leader of our side of the aisle, I sometimes do end up supporting the President when I have had to take a deep breath, a swallow and then jump in. I do know that feeling and I try not to do that too many times a year. Constituents might take a rather dim view of that if it were done too often. There must be a sensitive balance.

This is not one of those instances. I think the President is absolutely right. I have come to this conclusion in my own chain of thinking, a rather simplistic way, perhaps. There is not a single one of us who is not appalled by the human rights conduct of the Chinese.

It seems to me that no one is in disagreement about the condemnation of what the Government of the People's Republic of China did in Tiananmen Square; their defects in the area of human rights, and opposition to the sale of certain missile and nuclear technology to Algeria and other countries.

Those concerns are all real, and I would be very disturbed if the administration were not dealing with them. But they are dealing with them, and dealing with them in a very crisp and businesslike fashion.

To me it simply comes to this: How in the world do you continue a dialog with a country, with one-fifth of the world's population, by withdrawing a trade status, which we give to 162 other nations on Earth?

This is not some crown jewel that we keep in a special case and then grant to certain people. We have given MFN status to some real rounders in our time. If we are going to make that the condition, then we should certainly treat some of those other countries the same way.

If we are really going to deal with issues like global warming; really going to deal with the real issues of the day like the global population. We must include in those discussions the People's Republic of China. It is always startling to me how, on this floor, we have all heard the great passionate debates on the environment, human rights issues, and this condition on MFN or that condition, knowing that unless we get a handle on the global population, the world's resources will be consumed before our eyes. But no one seems to want to talk about or deal with that issue. That is the critical issue of control of the global population. Try that one.

I am not referring to abortion. I am not talking about that at all. I am talking about how many footprints there are on the Earth, and can be sustained by the Earth? It seems to me there is one country we ought to talk to about that a lot—and that is the People's Republic of China, since one-fifth of the people on this planet are right there.

The opponents of China's trade status focus their arguments on other issues, especially human rights standards. Those concerns have been deeply rooted since the Tiananmen Square tragedy in June of 1989. Every high-level meeting with the People's Republic of China since that event has been devoted to discussing human rights issues. Although this point is refuted by some, immediately following the Tiananmen Square event the administration embarked on a multifaceted strategy to very clearly, unequivocally, and tangibly express our condemnation of the human rights abuses that took place at that time in the PRC.

The President was the first world leader to condemn the forceful suppression of the student demonstrations. Do not miss the fact that even though there are few activists who favor the Mitchell resolution, there are many more Chinese students in this country who very much are saying what the President is saying; and that is: "Do not close off the People's Republic of China or they will go back to being a cloistered, restrictive, regressive society as they have been in the past. Keep that door open."

Remember this also, it is a curious thing sometimes people forget that we are carrying on immigration with the PRC. Some 30,000 visas, some tens of thousands of nonimmigrant visas have been granted. We have programs going on in the commercial area. There are numerous student exchanges benefitting young people. What is the purpose of shutting that off? What is gained by closing down programs that were the very programs that gave these courageous young people the energy to protest in Tiananmen Square? Those are the important things that I speak of.

The President has never waivered from his position regarding the protection of those Chinese students in the United States. They are receiving that protection. They will continue to receive it. They will not lose it. He has continued to express our national criticism of China's human rights record.

He has neither been conciliatory, nor waffling in that approach. In June 1989, he announced the suspension of a number of bilateral programs including high-level exchange visits with the Chinese Government, and the transfer of military equipment and technology. The administration has maintained a continuing dialog with Chinese officials on human rights. A few high level visits to China were authorized so that United States officials could personally, face to face, outline the threat that the human rights abuses which were taking place posed to our bilateral relationship.

These United States officials suggested steps the Chinese could take to address our deep concerns, our anguish, and our disapproval of their conduct. General Scowcroft, Deputy Secretary of State Eagleburger, Assistant Secretary Schifter, and most recently

Under Secretary Kimmit, have participated in this important dialog to stress the need for reform in China.

Because of this dialog, there have been some modest, admittedly modest, but positive steps made to improve the situation. Martial law was lifted in Beijing in January 1990, and in Lhasa, 4 months later.

Most of those detained after the Tiananmen tragedy have been released. Sentences meted out to political dissidents are now less severe, admittedly still beyond the ambit of our approval, but less severe than those that were routinely issued before and immediately after the Tiananmen Square demonstration. Political activists and their families have been allowed to leave the country. And I have described the situation with regard to immigration.

The progress made so far is not enough. However, we are seeing the beginning of some momentum needed to achieve greater freedom and democracy in China. We cannot afford to simply shut down the channels of communication and the possibility of achieving improvements in the behavior of the Chinese Government which we all seek. We need to be at the table. So do the Chinese, if real and permanent human rights progress is to be made. That is critical.

I have also heard many of my colleagues voice their concerns about the trade imbalance. That too is a critically important issue. Yet, we must keep in mind that MFN is not some special benefit awarded to only select countries. It goes to an extraordinary number of countries with whom we sometimes disagree with even more vehemence than we do with the People's Republic of China.

Of the 100 countries who grant China MFN, the United States is the only country considering the revocation of that status. So where would we be then? Any United States action that would label China the pariah of the world in the trading community provides no incentive to the Chinese to join us at the negotiating table to discuss the most important issue of market access. We cannot be naive to the fact that if MFN is denied, or renewed with unattainable conditions attached, China will simply close its markets to United States businessmen and agricultural producers while remaining open to our foreign competitors.

You do not have to look very far back in history to realize that unilateral actions of this type, the grain embargo for instance, have always backfired on us and our domestic producers. Every single one of them has backfired, and the greatest injury has been to our national competitiveness. That is what we always find. It is the same every time.

We can look at the most recent statistics which indicate that United States exports to China declined 17 percent in 1990, while the Chinese exports to the United States increased 27 percent. I am also aware of the granduated increase of the trade deficits since 1987—$2 billion in 1987 to $10 billion in 1990 with a 1991 projection to raise to $15 billion. It is serious. The trade deficit must be dealt with immediately. I do not argue with that one whit. Yet tying the trade imbalance to the renewal of MFN is not the answer.

Are we saying that we do not have other bad trading partners? We do have some that really put us in the box regarding trade deficits. I can think of one which has a $50 billion imbalance with us. We deal honestly with other countries where we have large trade deficits in an effort to try to reduce those figures. That is what I think we must do here.

Without MFN, we are going to lose our ability to negotiate increased U.S. market access for U.S. products. We will abandon any leverage we have to reduce trade barriers between our two countries. As long as we can keep the channel of communication open between the United States and China, there remains the possibility for a most prosperous and democratic China.

Those Chinese students are telling us the same thing. Please hear that. Oh, yes, there are some who are easily located by the media and presented to the American public who say: "MFN is a terrible thing. Close them up and teach them a lesson." But the vast, great majority of those fine, young students, in my State, and around the United States, are saying: "Do not take away MFN. Do not put conditions upon it that cannot be met, and human rights abuses which happened and which we endured are not likely to take place again."

That is what they are saying to us.

Let us keep the channel open. China is opening to the outside world, especially to the United States, and has reformed what was a stagnant economy to a more market-oriented economy that is striving to provide a higher standard of living for the Chinese people.

China claims at least 30,000 foreign joint ventures with a contract value of $40 billion—of that total 1,000 American companies have committed investments of more than $4 billion. Each one of us in our own States know of these things.

My fine State of Wyoming would be greatly impacted if MFN were revoked. In 1990, $790,000 in agricultural products were exported to China, down from a high of $1.3 million in 1989. Over $1 million of Wyoming-produced chemicals have been exported annually to China for the last 3 years. Other Wyoming exports include livestock, fish products, lumber, textiles, and many others—totalling $4.8 billion in 1990.

Since no other countries would be withdrawing MFN, U.S. wheat producers would be put at an extreme competitive disadvantage. Wyoming wheat exports valued at around $12 million would be at stake, and the entire U.S. wheat industry, valued at $511 million, would be in complete jeopardy.

But I am not going to put it solely on the basis of parochial economic gain. I am going to put it on the simple basis: How do you affect change in the PRC? You make change in that country by putting the hammer on them in the various ways within our system of government, and we are doing that. But you do not do it with MFN. MFN is not the place to address the grievances that all of us have with their Government.

I spent several hours with the Chinese Ambassador to the United States. I happen to feel that he is a very extraordinary person, doing an extraordinary job, in extraordinary times. He does not happen to be in the United States at this particular time. He has been called back to his country for deliberations and discussions of which I am not privy. But I can say to you that I would hunch that part of his mission is to try desperately, I think, within his own professional diplomatic agenda, to assure that these reforms do take place, and that these past terrible abuses do not continue, and that we continue to progress with this dialog, which is so important to both countries.

There is a final note, and it should not be the controlling one either. There are so many other important components to the argument against this resolution such as the need for dialog on the nuclear issue, and the issue of PRC's support of the United Nations during our very successful war in the gulf. There were 14 resolutions passed by the Security Council in support of the policy we executed so successfully, with great international cooperation, in the gulf. The PRC, could have derailed the entire process by exercising their right to veto each and everyone of those resolutions. They could have prevented us, on an international basis from achieving consensus on gulf policy. The world looks upon the Security Council cooperation in the gulf as an act of finally sticking close to the principles, and the mission, and the reputation of the United Nations.

You cannot dispute the fact that China's trade relationship with their allies in the Security Council did not affect the way they voted. Where would we be if as many of the supporters of the resolution argued in 1990, that we should have rejected MFN then? Where would we have been if we had rejected MFN status early in 1990? I know where I think we might have been. By that one vote in the Security Council, we would not have had the international support of the United Nations. The United Nations finally functioned in a way they

had previously never functioned. It worked. The United Nations worked.

That was another side benefit of the extraordinary activity in the gulf. It worked because the PRC, the People's Republic of China, determined that they would support the international community—for their own purposes; I know that.

In conclusion, the Presidents desire to extend MFN is our best hope for dialog on many issues which are deeply troubling. We are all sometimes compelled to make progress when we deal within, and not outside, the framework of discussion and cooperation. MFN is just exactly that.

Isolating China at this time will not help them address the issues of nonproliferation. Why would they want to come to the table to talk about nonproliferation? No reason at all, when you isolate them. Why would they want to come and talk about any issue that confronts the world? Global warming? Why would they want to talk about population control? What do they care about human rights, when we begin to shut the door?

I think that anything constructive can only occur with dialog. You cannot do anything in this world by giving each other the ice treatment. It does not work in marriage. It does not work in relationships between parents and children. It does not work anywhere. It will not work here. If we look at the Middle East, I think we will slowly see that it will not work there either.

Sometime, at some point, you have to sit down, just like we do in this body, and meet and talk with people that we really have a lot of problems with—maybe personally, or with their philosophy, or with their ideas; or maybe we have been into one with them and we have not forgotten 6 years ago when old so and so did that.

But that is not the way you make progress. It is not the way you legislate or do the Nation's business. And it is not the way you address the international problems that confront the world. You cannot get there by simply using power, pressure, intransigence, stubbornness, past pain, past anguish, and past grievances. If we did that, there would be no progress in any form of human activity.

I thank the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I say to my colleagues that I will be very brief. Just to update my colleagues where we are on this bill, I think we have one, maybe two pending amendments that will be offered. It is the hope on the part of the managers that we can do this process rather rapidly this afternoon, so the Senate might have a chance to adjourn before dark. There have been a lot of comments of late about votes around here at 9:30 at night. But that seems to be when the votes usually start, somewhere between 9:30 and midnight.

If I can summarize very shortly, I will yield the floor to those Senators that have been waiting patiently to speak on this bill and offer amendments. Some resist. As I see it, the old guard is dying off in Communist China, and this is one time when we in the West can probably outweigh them. They are all over 80, and we have a much younger President that looks like he has about 6 more years left on his term, we hope. Our President has had a lot of experience with respect to dealing with the Chinese Communists. According to my recollection, he is the President.

The Senate has the right to pass a bill and the President has the right to veto it. And if the majority leader and his troops have the votes, they can then take this power from the President and have their say. If they do not have the votes, they cannot do it.

So why do we have to hang around here for 2 weeks or a week, or 2 more hours, to argue over this issue? I think we all know where we are on the issue. Everyone has made up their mind.

So my view of this is we should, if there are Senators who have amendments, let us offer the amendments. Let us get a vote on them, and let us vote on the final passage and disposition of this resolution.

I think the majority leader has the votes to pass them. We will see if he has the votes to override the veto and get on with it so we can adjourn and get out of here this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have not spoken on this issue, and I am a little hesitant to do so because I know there are very persuasive arguments on both sides. However, after reflecting on this during the debate, I have concluded that I am going to vote for the bill that came to the floor without recommendation and which would grant MFN status to China under the conditions listed in the bill and some of the amendments that have been adopted here.

Mr. President, in 1971, I was Governor of my State, and I went with a group of other Governors to the Soviet Union. As we left the Soviet Union, we came out through Romania. We went to Bucharest and had a couple of hours' conversation with Ceausescu, a very low-key, soft-voiced man whom I knew little about. He has only been in charge of Romania for about 4 years, and he immediately brought up the subject of most-favored-nation treatment.

I was just a country lawyer that had become Governor, and I did not have a clue as to what he was talking about. I did not know anything about most-favored-nation-treatment.

So when I came home, I asked my staff to do some detailed work on it. I found that in 1945, when the GATT countries were set up, it was generally agreed that all of those countries would provide equal tariff treatment to each other. And then, in 1951, Congress adopted a law that said: "We will not provide most-favored-nation treatment to any of the Communist countries, but principally the Sino-Soviet bloc, the Soviet Union and China."

That was in 1951, Mr. President. So neither of those countries had ever enjoyed this preferential treatment that we give to our good trading partners.

And then in 1974 we passed what has been popularly known as the Jackson-Vanik amendment that said, "We are not going to allow most-favored-nation treatment to anybody who does not allow free emigration." The reason for that being that the Soviets refused to allow Jews to emigrate from the Soviet Union.

I say all that just as a historical background of what we are debating here and what is involved, and whether or not this most-favored-nation treatment is being applied equally to the other countries of the world.

To go ahead with a little personal vignette, I read a book about 3 years ago by Madam Chiang, who had been imprisoned in Shanghai during the Cultural Revolution. I was so impressed with the fact that she spent 7 years in prison during the Cultural Revolution, and what she did to survive during that period of time: Innocent—innocent as she could possibly be—and yet under that crazy Cultural Revolution, she was imprisoned for 7 years under the most unspeakable conditions which she described in her great book, "Life and Death in Shanghai."

So I called her. I told her I would like to host a luncheon for her and six or seven other Senators just to talk to her. She was delighted. It turns out she is a member of the same church I am here in Washington. I did not realize that. She had gotten out of China, and through Canada, came to the United States, where I assume she still resides.

But in visiting with her and talking to her that day with the Senators that I invited, I remember I told her, "If I had been you, I would have crawled up in a fetal position and died." She said, "Well, you just think you would. Actually, I survived," she said, "because I was so angry at the thought that these people could do this to me, and I was absolutely determined to survive." And she said, "I made life almost as difficult for them as they did for me. I thought if they kill me, I will have done all I know to do."

She was certainly a very courageous woman. But I just thought, how on Earth could something like this happen, where just innocent people are dragged out of their homes and impris-

oned, and with the end of the Cultural Revolution? Actually, before Mao Zedong died, the Cultural Revolution came to an end. And up, as you know, until recently, Mao's wife, part of the Gang of Four, was actually in prison. I think she died recently.

My point is this: Here is a nation which had made some improvements. Deng Xiaoping's son or daughter—I forget which—was victimized by the Cultural Revolution.

But China does not have a democratic history, nor does it have a history as a nation that has complied with human rights. They have come some distance, and everybody in this country thought they were going to go the rest of the distance until all of a sudden Tiananmen Square occurred 2 years ago.

Mr. President, would it not have been so easy for China, with all of their manpower and the army and their police departments, to have gone out to Tiananmen Square and personally picked these people up, put them in paddy wagons, and taken them to jail? They do not have the right of habeas corpus. They do not have all those rights to be informed as to what they are charged with, any of that. But they could have at least picked those several hundred students up out in Tiananmen Square and taken them to jail.

But instead, Mr. President, they chose to start mowing them down with guns and machineguns, and killing them. And nobody knows to this day how many people were killed.

It was an egregious violation of human rights by any definition, by any person in the world. And after that was all over, they detained 1,800-plus of those students. And today, so far as anybody knows, roughly 800 of them are still in prison for simply exercising what the people of this country take as a God-given right under the first amendment, and that is to express an opinion.

And they actually executed 50-plus people as a result of Tiananmen Square for exercising what we take for granted in the first amendment: the right to speak; the right to demonstrate. And the fact that 800 of those people are still in prison ought to be enough to cause the people of this body to have a second thought before they vote.

You can say, as I have said to myself: We are not going to alter the conduct of the Chinese with this legislation. I believe that. They are a tough lot. And while I would like to say to them, "We are pleased that you are not quite as big a violator of human rights as you used to be," we have not said that to the Soviet Union.

The Senator from Wyoming said, well, we have given most-favored-nation treatment to a lot of other countries that violate human rights, which is another way of saying two wrongs make a right. I will come back to that in just a moment.

But I want you to think for a moment about what has happened in the Soviet Union. The Berlin Wall; in less than 5 years time, the Berlin Wall has come down. They got out of Afghanistan. They say now that the state may not violate freedom of religion; Eastern Europe is free. All of those things. All of those things have happened in less than 5 years, and much more. Elections are being held.

I do not mind saying that Gorbachev has not gone as far as I would like, but every time I pick up the paper, there is something new. Just this morning, he has announced that if the Soviet Union is going to remain Communist, they are going have to be a democratic socialist state. And the truth of the matter is, the handwriting is on the wall for the Communists in the Soviet Union. It is simply a matter of time until the people can express themselves on it.

And yet, despite all those things, which were thought unthinkable by ever single Member of this body 5 years ago—you could have gotton 100-to-1 odds against that anyplace on the floor of the United States Senate—we do not grant most-favored-nation treatment to the Soviet Union.

Yet all that change has happened. And yet not one suggestion, during this entire debate, not one suggestion from the White House that we accord the Soviet Union most-favored-nation treatment. It is not a big issue with me. But when Gorbachev said, you want the Jews to emigrate, we are going to let them that seemed to meet the Jackson-Vanik test. Their policy is not perfect yet. I read a story in the New York Times Sunday indicating that everybody that wants out is not getting out. But tens of thousands of people whom we have been fighting for since the Jackson-Vanik amendment of 1974 suddenly can leave, and what was the first pronouncement of the Reagan administration when Gorbachev said, "go." Our first statement was: "Don't come here. We can't take you. We don't have room for you." So not a word about the repeal of Jackson-Vanik or MFN treatment for the Soviet Union.

And you think about what happened there and all over Eastern Europe in the past 5 years and then compare that with Tiananman Square. I am not here thumping the tub for MFN treatment for the Soviet Union. I am simply saying that there is something strange here that a nation that is hardcore Communist, permits no freedom of speech, no elections, no religion, no nothing, we are being asked to give them most-favored-nation treatment, but not the Soviet Union.

What is the rationale? Does this mean if George Bush had been Ambassador to the Soviet Union instead of China the results would be different today?

The suggestion is made that it was because he was Ambassador to China he knows those people. I do not doubt that, and I am not questioning that.

Somebody said, well, this trade is all free and fair. Is it? The United States Trade Representative has confirmed that China is engaging in numerous unfair trade practices toward the United States and other countries. They include the imposition of tariff and nontariff administrative controls to restrict foreign firms' access to its markets, and on and on. I will not bore you with what our own Trade Representative says about the unfairness of China's trade policy toward the United States and other countries.

And what has happened? Look at the charts. China in 1990 became the second biggest trade deficit holder against us of any nation on Earth. Japan was, is, and probably will always be No. 1. And Taiwan was No. 2. And now China has replaced Taiwan. In 1990, we sold the Chinese, I believe, $4.8 billion in goods and they sold us $15.2 billion.

Mr. President, when you look at what China is doing with the Germans, the Japanese, the Italians, the French, everybody, you find that there is very little disparity between what they import and what they export. They are fairly even. And here they hold over a $10 billion trade deficit; they have now become the No. 2 country as far as holding trade deficits against the United States. And you have the Trade Representative of the United States, George Bush's nominee, his appointee, saying they are guilty of all kinds of trade discrimination against the United States.

Finally, Mr. President, I remember in the last days of the air war before the ground war started in Iraq, a Saudi pilot was absolutely euphoric because he had shot down, I believe, two Silkworms made in China and sold to the Iraqis. And Iraq at this very moment has a lot more Silkworms, sold to them by China. And there is a real question that is not resolved by this administration to the satisfaction of a single person in this body as to what China is going to do, so far as sales of their M-9 and their M-11 missiles are concerned, to both Pakistan, which is in a very volatile environment in South Asia, and, even more volatile, Syria, which, with an M-9 missile with a 350 kilometer range, could wreak all kinds of havoc on the Middle East. Have you heard anybody come on this floor and tell you categorically that China will never sell those missiles to Pakistan and Syria? You have not.

I was standing in the salad line yesterday down in the basement of the Dirksen Building. And a fellow came up to me and handed me a packet of materials from the American Ambassador to China, a nice gentleman, who I know

around here. He is a lobbyist. And I assured him I would look at it, and I kept my promise. I did.

In the American Ambassador's statement he says that we have China's commitment that no deliveries—now you have to be a country lawyer from Charleston, AR, to pick up on those little words—it says we have their word that no deliveries of missiles have been made to either Pakistan or Syria. It does not say that a sale has not been consummated, nor does it say that a sale will not be consummated, nor that missiles won't be delivered in the near future. What it says is, we have their assurance that no missiles have been delivered yet.

The other day I was heartened, admittedly heartened, when I saw the five permanment members of the Security Council of the United Nations—France, Britain, the Soviet Union, China, and the United States—all met and they agreed to quit selling what they called unconventional weapons in the Middle East or anyplace else. Now what is unconventional, I am not sure yet. Normally we think of nuclear, chemical, any weapon of so-called mass destruction. I was pleased to see that statement.

I would like to support the President on this because there are people in my State that really want me to vote against the Mitchell proposal, there are people who have a very strong economic interests in continuing to import from China and I understand that and, believe you me, I do not like to vote in a way that offends one single person in my State. But I can tell you categorically the thing that bothers me more than anything else about this, Mr. President, are these arms sales. If we did not learn anything else in Iraq, we should have learned not to start again arming both sides of every conflict we could find. The Mitchell bill, as one of the conditions for most-favored-nation treatment, says that the Chinese will not assist the Khmer Rouge with weapons. Now how could anybody here object to a condition like that? The Khmer Rouge are the most brutal, barbaric group of people I believe the world has ever seen. It is commonly estimated—and not one person in this body should ever forget—that the Khmer Rouge killed 1 million of their own people; 1 million, out of a population of about 7 million.

I think the most graphic, poignant movie I ever saw in my life was "The Killing Fields." I guess the reason it was so poignant and so dramatic was it portrayed what the Khmer Rouge did to the poor Cambodians precisely the way I have envisioned it in my imagination.

Why would anybody vote to say we are going to grant you most-favored-nation treatment whether you continue supplying arms to the Khmer or not? Is that not a legitimate complaint? Is it not legitimate to require that you will not sell to Syria and Pakistan those missiles which have the potential for so much mischief in these volatile areas of the world? Is it not fair to say I am not going to vote for most-favored-nation treatment for the Soviet Union until our Trade Representative tells us that they are no longer discriminating against our products?

Mr. President, if you do not think there is discrimination, in 1988 we sold them $5 billion worth of goods and they sold us 8.5 billion dollars' worth. Two short years later we sell them $4.8 billion; less than we sold them in 1988. And they sold us $15.2 billion; 3 to 1, and that occurred in 2 short years. Do you think that is just an accident?

Who could resist a proviso in this bill that says you will not ship goods until we are satisfied that these goods have not been made by slave labor? I can remember when the people of this place were salivating all over themselves, on top of their desks, pounding them, when that same amendment was offered here about the Soviet Union and slave labor. Now everybody says it is just hunky-dory, including the President. Why would the majority leader not put a proviso in this bill saying we would like some satisfaction that the goods you are sending here were not made by slave labor?

So despite all those things, it is kind of a tough vote simply because I can tell you most people of this country do not know what MFN is and they do not really care that much about it unless they are directly involved in importing from China or are farmers, from an agricultural State, and they know some agricultural products are being exported to China. But when we look at those agricultural exports, they are not that great.

I have nothing against China. I am not here as a tub thumper against China. But it seems to me the Mitchell proposal is the very least that a democratic Nation, committed to human rights, ought to demand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this decision on trade status for China has great significance. If the Congress succeeds in imposing discriminatory conditions on trade between the United States and China, the interests of our country will be sabotaged by our own Congress. China has no more advantages than more than 100 other United States trading partners, under the present relationship. The question is not whether we will give China special privileges but whether we will permit bilateral trade to continue without discriminatory impediments or harmful provisos.

We are all dissatisfied with the policies of the Beijing regime. But placing tariffs on Chinese goods is not an effective way to help change those policies. The fact is, reform, when it finally comes in China, will come from within China and will not occur because of any effort by the United States Government to impose reform upon China.

Ending the trade relationship we now have with China would have serious consequences for the United States in at least three major areas.

First, Chinese products would become more costly to American consumers. Tariffs on Chinese goods would increase dramatically. United States consumers would pay substantially higher prices for Chinese-made clothing, footwear, toys, tools, and electronics.

Second, United States exporters would lose Chinese markets. A change in United States trade policy with China would provoke trade retaliation and put at risk billions of dollars in United States exports. Since no other country is imposing any discriminatory new trade restraints on China, businesses and exporters in Japan, Europe, Australia and Canada would quickly fill in behind United States firms and take over that vast market. Investments that have been made by our Government and U.S. business firms will be lost, at very great economic cost.

Third, the forces for reform and development in China, including moderate elements within the Chinese leadership, would suffer a mortal defeat. China's most dynamic region, the southeast, would be damaged substantially. We would punish the Chinese who are most western oriented and most committed to economc and political reform.

Some opponents of the President's policy of engagement and negotiation claim that their purpose is only to promote reform in China. But conditional extension of our trade rules would be little better than an outright embargo. Companies could not make long-term commitments knowing that continuation of trade depended on the short-run judgments of Congress regarding China's political behavior. United States investment would dry up, along with the dialog and engagement that offer the best chance for progress in China.

To yield to the pressure from the Senate Democrat leadership is to give up on our effort to influence reform in China. It would replace the current policy with a shotgun blast against the Chinese people and the United States economic interests.

The President's steady but aggressively policy of engagement is focusing on human rights, weapons control, fair trade and political reform. He is using his authority under existing law to target these and other issues in ongoing discussions with the Chinese. Progress has been made in some areas and more

progress is likely if we will support our President.

Setting congressional conditions on trade would undermine the President's leadership and erode the foundation on which this progress has been built. It would destroy all incentives for China to respond in a favorable way to our Government's efforts.

Over the last decade, Sino-American trade has produced much more than financial transactions among Americans and Chinese. It has led to dramatic improvement in living standards for hundreds of millions of people in both of our countries. It has led to constructive contact, to the sharing of ideas and values, and to progressive developments in China.

Americans have contributed to the emergence of a new generation of Chinese businessmen and consumers. Western ideas have spread from the intellectual elite to the bureaucracy, the urban work force, and even the rural population.

In 1980 when President Jimmy Carter suggested, and the Congress approved, most-favored-nation status for China, that country was far more authoritarion than it is today. We acted then not to reward China for its human rights performance, but to demonstrate the benefits of trade and to expose China to American ideas and institutions. That decision to pursue a policy of engagement at a time when Chinese human rights practices were worse than they are today stimulated positive changes in China that very few thought possible at the time.

China is moving toward several important and historic new reforms. The attempt by the hardliners there to modernize economically without changing politically is bound to fail. The road may be difficult but the movement toward freedom will continue if we do not mess it up. The duty of free nations everywhere is to do everything possible to promote this change and that is better done through dialog and engagement, than through isolation.

Now more than ever the United States should have contact with China. Their future in the world community ultimately depends upon an open door to the world's ideas as well as its goods and services.

I urge the Senate to support President Bush and refrain from closing that door.

Mr. President, I ask unanimous consent that a copy of a table showing the value of United States agriculture exports to China over the past 5 years, and a copy of this morning's editorial appearing in the New York Times be printed in the RECORD.

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

VALUE OF UNITED STATES AGRICULTURAL EXPORTS TO CHINA

[In millions of dollars]

	1986	1987	1988	1989	1990
Wheat	0	139.2	698.3	1,099.0	497.3
Cotton	.5	.2	25.2	258.8	277.2
Corn	4.2	95.0	0.	33.5	15.0
Soybeans	25.4	85.9	0	0	0
Sugar	.....	15.6	.2	.1	.1
Poultry meat [1]	.....	0	.....	.2	1.9
Hides and skins	13.1	10.6	6.5	7.0	1.3
Baby chicks	1.3	2.8	6.7	4.1	5.6
Soybean meal	0	0	0	6.5	0
Sausage casings	.8	1.8	4.2	2.6	1.7
Breeding stock	3.8	1.0	.5	0	.7
Tobacco	.7	0	3.7	0	.9
Horticul. Prods.	.6	1.7	.8	3.0	1.5
Seeds	.7	1.3	1.8	2.6	.7
Feathers and down	.....	.7	2.5	1.0	2.5
Ginseng	1.0	1.3	.2	1.1	.....
Other	7.9	8.8	8.6	5.2	12.2
Agricultural total	58.4	362.1	759.0	1,424.7	814.0
Forest products	183.8	167.2	448.2	181.0	179.9

[1] Significant sales of United States poultry meat, especially chicken feet, are transshipped through Hong Kong and do not show up on United States Census export figures.

Source: U.S. Census Bureau.

[From the New York Times, July 23, 1991]

RENEW CHINA'S TRADE STATUS

(By Li Xianglu and Lu Mai)

Since the violent suppression of the student movement in Tiananmen Square in June 1989, condemnation of the Government has been near universal. But revoking its most-favored-nation status with the U.S., or attaching conditions, is the least effective means of improving China's human rights picture. This move, which Congress may vote on today, would punish the wrong people by damaging economic reform that is helping bring about a free market.

Chen Ziming, a prominent dissident, agrees. Though sentenced to 13 years for his role in the 1989 demonstrations, he suspended a hunger strike lest U.S. critics of China use his protest as a reason to revoke most-favored-nation status. Such revocation is the last thing reformers in Beijing want.

The economic innovations of the late 70's have produced a private sector and market-oriented collectives, which have liberated hundreds of millions of peasants from deep poverty and state control. The introduction of new ideas from the outside world and growing freedom in the newly pluralistic economy have generated pressures for social and political change.

Foreign trade and investment are the driving forces behind the growth of the private sector. The State Statistical Bureau says that in 1990, while the output of state enterprises grew at an annual rate of about 4 percent, the private sector's output grew at a rate of more than 20 percent and that of enterprises involving foreign investment leaped more than 30 percent.

Some point to the release of the dissident Fang Lizhi and a select few prisoners as evidence that the Chinese Government can be bullied by the threat of losing its trade benefits. But these meager results are mostly the outcome of quiet American-Chinese negotiations. There is ample evidence that Beijing is prepared to endure substantial costs rather than succumb to international pressure.

Public posturing over China's most-favored-nation status and proposed conditions to renewing it challenge the leadership's legitimacy. Such demands hand conservatives an excuse to play on xenophobia, which is never far from the surface; the destructiveness of xenophobia in modern China is still a vivid memory.

Real human rights improvements will come only from systemic change. Foreign trade and investment and the demands they put on the centralized command economy promote such change and support those people who are pressing for structural reform.

Critics of the Chinese leadership erroneously suppose that canceling most-favored-nation status would create economic difficulties that would eventually lead to a popular uprising and the fall of the Government. Since 1949, however, the Government has weathered repeated economic crises by appealing to nationalism and renewing central planning. Those harmed by the revocation of its special trade status will not turn their frustration and anger against the Government; instead, reduced economic opportunities outside the state system will force them to return to dependency on the Government.

Withdrawing that status would provide the hard-liners with an excuse to recentralize control and curtail the influence of foreign economies. The hard-liners surely prefer things that way, for economic prosperity, rapid growth of the private sector and integration into the world economy are beyond the old system's control.

A gradual and peaceful transition to democracy is in the interests of the 1.2 billion Chinese, the U.S. and the rest of the world. Only economic prosperity and political openness can make democracy achievable. The extension of most-favored-nation status without conditions will help promote these fundamental changes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I intend to be brief, but I feel the need to explain my position on the important vote we are about to take in this Chamber.

Mr. President, I find this to be a very difficult vote. I find great merit on both sides of the issue. The question simply put is: Do we condition most-favored-nation status for China?

Most-favored-nation status is in itself a misnomer. I think it misleads rather than enlightens, because we are not talking about some special trade status, as the term implies. Instead, we are talking about a standard trade treatment.

Less than 12 countries in the world do not have it. Over 140 countries with whom we trade do have it. As one of the signatories of the letter drafted by the senior Senator from Montana [Mr. BAUCUS] we outlined in a letter to the President the areas in which we agreed with the majority leader.

Senator MITCHELL was absolutely right in identifying three critical areas where Chinese behavior must change. He identified three areas in which there is a clear and continuing pattern of abuse.

First and most important, human rights. Who can forget the sight of the young man standing in the path of the tank, standing up for human rights in China and facing down a tank? Who can forget the sound of tanks crushing people as they demonstrated for change in China? And who can forget the stories of other young people being

dragged off in the night and summarily executed because they stood up for freedom and democracy? And who can forget the continuing reports of detention and suppression in China? I submit, Mr. President, no fairminded person can forget that pattern of abuse.

As we have abuses in human rights, we also have a pattern of abuses in trade. It has been repeated on this floor often that this year China will enjoy a $15 billion trade surplus in the United States. Is that because China is outcompeting those who produce for America? Absolutely not. The hard reality, according to this administration, is that China enjoys a trade surplus with us, again, because of a pattern of unfair trade practices. The latest Government report outlines in detail 10 pages of what the Chinese do to restrict access to their markets by United States business interests.

The third area identified by the majority leader that we put in our letter to the President was in the area of missile sales, sales to Pakistan, sales to Iran, contemplated sales to Syria. That has to be an area of concern for anyone who worries about the proliferation of weapons around the world.

But in our letter we also express the view that MFN, the standard practice of the United States, was not the appropriate vehicle, was not the way to influence Chinese behavior. Those of us who signed the letter were in agreement that cutting off trade would perhaps be counterproductive; that it would make China less open; that it would hurt the forces of reform within China. Mr. President, we asked the President of the United States in our letter to respond on these points. We asked him what he intended to do to send a clear and unmistakable message to China that they must change.

We eagerly waited for 30 days for the President's response. The letter arrived in my office on Friday afternoon. I read that letter and, I must say, I was very disappointed. I found the President's response to be extremely weak. In fact, I found his letter was really nothing new. It was a simple cataloging of what has been done in the past.

The only new elements were providing GATT status for Taiwan and some vague talk about the potential for a 301 trade action against China. But it was a response so weak, Mr. President, that frankly, I do not think that any objective or fairminded reader could say that it was enough in the face of this pattern of abuses by the Chinese.

So I was asked earlier today, "Well, then, are you going to vote to condition MFN status?" Mr. President, my conclusion is, no, I am not going to vote to condition MFN because I am still not persuaded that trade is the appropriate tool. In fact, I am convinced that is not the way to get the result which is required. It seems to me it is the responsibility for anyone who takes that position to say what we should do. What should our position be?

Mr. President, first with respect to human rights, this President, who has demonstrated over and over a great interest in dealing with foreign nations and an ability to organize an international response, ought to work to organize the world community to condemn the patterns of abuse by China.

With respect to trade, this President ought to announce an immediate filing of a 301 action against China, a 301 action that can be tough, that can send an unmistakable message to the Chinese that their behavior is unacceptable.

On the question of missile sales, again, I think the President ought to work to organize the international community. Frankly, we do not come with clean hands to the question of international arm sales. No one sells more arms internationally than does this country. What is required is an international response to an international problem, and the President could provide real leadership.

So, Mr. President, I want to commend the majority leader for taking a principled stand. I was asked at noon, is the majority leader going to take a political hit if he does not have a veto-proof in this Chamber? My answer is, absolutely not. No one loses politically when they move from a principled stand. No one loses politically when they take a strong stand that has many elements worth supporting.

So, again, Mr. President, I will say that the majority leader has been courageous in bringing this issue to the Chamber. At the same time, I call on the President of the United States to act. The responses in his letter are simply inadequate. The President owes the American people and owes the world community a stronger response. Morality and decency demand more.

So Mr. President, I will be voting on this legislation, but that will be a no for this year. And I will be waiting and watching to see if this President finds it within himself to provide real leadership and to take on this issue to sending a clear and unmistakable message to the Chinese that their behavior is unacceptable and must change.

I thank the Chair and yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair for recognizing me.

This is one of these difficult times when I have to disagree with a friend. I sat around the table with the President of the United States on this issue and he was good enough to say, "I know Jesse does not agree with me on it but"—and then he gave a case for MFN to Red China. So I disagree. I know he is sincere, but I believe him to be sincerely wrong. He does not like yes men, and I will not be one. And for that reason, I am going to vote for the bill of the distinguished majority leader.

I am old enough to remember a trip to Munich taken by a man named Neville Chamberlain. He came back from that meeting with Adolf Hitler, and he said "This is a guy we can work with; we can have peace in our time." And I am sure that he said we are going to trade with them, we are going to do this, and we are going to do that. Neville Chamberlain lived to see this same man turn on the British Empire. Adolf Hitler was not to be trusted.

In 1949, with reference to Red China, the leaders of the Chinese Communist Party came to power through force and violence without, and this is an understatement of the year, without the consent of those that they govern. For more than 40 years, these leaders have maintained themselves in power through the same means. They massacred Chinese workers and young people in Tiananmen Square. These young people were peacefully assembled in their own capital city. I will never forget the sight of that young student standing up before that advancing tank and being ground into paste beneath it.

The Chinese Communists have secretly imprisoned without charge or trial thousands of their own people whose only wish was for the democratic freedoms desired by all mankind. They have created the world's largest system of slave labor camps, with millions of inmates, according to uncontested testimony before the Senate Foreign Relations Committee, of which I am the ranking member. The Chinese Communists have flooded international markets with a variety of products made by slave labor. That is why I respectfully disagree with my friend, the President of the United States. I say again, I do not doubt his sincerity. I just believe he is sincerely wrong.

They have secretly begun construction of a nuclear weapons plant in Algeria and sold to Pakistan ballistic missiles capable of carrying nuclear weapons—thereby threatening regional peace and security.

They have invaded and occupied their neighbor, Tibet, to the point that it may be dead both as a nation and as a culture.

They have armed the genocidal Khmer Rouge, causing the deaths of more than a million people and the destruction of Cambodia.

They have violated every internationally accepted standard of human rights and democracy.

Mr. President, it is imperative that such dangerous and inhumane behavior cease.

The United States is obliged to exert the kind of leadership necessary to bring this savagery to an end. If the United States has learned anything

from the gulf war, Mr. President, it is that, without President Bush's courageous decision to force the issue, Kuwait would still be under Iraqi occupation. Similarly, Congress can force the issue in China by refusing to renew most-favored-nation trading status.

Since China is a nuclear weapons state, the United States does not have the options of military force. However, the United States does have the leverage provided by an enormous, open American market, upon which China's Communist leaders are becoming more and more dependent for the precious hard currency they need to hold onto power.

Removal of the privilege of the most-favored-nation status would instantly subject most Chinese imports to the full effect of our 1930 tariff law.

Between 1988 and 1990, Mr. President, the value of footwear imported from China increased threefold. Under current tariffs, certain kinds of footwear now enter the United States at a 6 percent ad valorem rate of duty; without most-favored-status and valorem rate of duty; without most-favored-status that duty would rise to a prohibitory 35 percent.

Toys now coming into the United States at 7.8 percent would face a 70-percent tariff. Cotton bathrobes would face a rise in tariffs from 8.5 to 90 percent. Toys, textiles and footwear, among the most likely products of the slave labor camp system, lead the list of United States imports from China.

Mr. President, not all products imported from China would be affected by removal of the trade status. For example, tin, a significant import, would remain duty free. Abolition of the status, therefore, would not be a protectionist gambit, but a powerful inducement to the Chinese Communist leaders to abandon the criminal and degrading practice of slave labor and to cease arming unstable regions of the world.

Although the argument based on human rights is the most important justification for withholding the favored nation status, Mr. President, there are other respectable arguments:

First, Communist China is not a member of the General Agreements on Tariffs and Trade, thus has no claim to permanent most-favored-nation status.

Second, such a status for China is dependent upon a key test of the Jackson-Vanik amendment to the trade bill of 1974—freedom to emigrate. The millions of unfortunates unjustly held in slave-labor camps are clearly denied this freedom.

Third, on April 26, United States Trade Representative Carla Hills named Communist China as the world's No. 1 thief of United States intellectual property. Her agency estimates American loses in pirated books, music recordings, and computer software to be at least $400 million annually. Losses in the pharmaceutical area are likely to drive the final figure well over half a billion dollars.

Finally, and most important, as the United States Embassy in Beijing has pointed out, the Chinese leadership has been engaged in a policy of discrimination against United States products ever since the Tiananmen massacre. On May 3, the Wall Street Journal reported that the United States would be prohibited from competing in the Chinese telecommunications market. One suspects that what ever the result of this debate, other U.S. industries will soon be discriminated against.

Removal of the trade status would force the Communist Chinese leadership to choose between freedom and oppression, between having access to the United States market and continuing arms sales to unstable areas. The United States market can be worth $20 billion a year to the Chinese in total sales, but arms sales bring them only $2 to $3 billion.

Mr. President, one suspects that the Chinese, being astute businessman, will not be long choosing.

AMENDMENT NO. 806

(Purpose: To provide that certain affected entities may file a petition with the Department of Commerce with respect to violations of section 307(a) of the Tariff Act of 1930, and other purposes.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 806.

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

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

The amendment is as follows:

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

SEC. . ENFORCEMENT OF PROHIBITION AGAINST IMPORTATION OF CONVICT-MADE GOODS.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) by striking "All goods" and inserting "(a) IN GENERAL.—All goods";

(2) by striking "'FORCED LABOR,'" and inserting "(b) FORCED LABOR.—'Forced Labor,'"; and

(3) by adding at the end thereof the following new subsections:

"(c) PENALTIES.—(1) With respect to any violation of subsection (a), an order under this section shall require the person to pay a civil penalty of—

"(A) $10,000 for one violation;

"(B) $100,000 in the case of a person previously subject to one order under this section; or

"(C) $1,000,000 in the case of a person previously subject to more than one order under this section.

"(2)(A) Before imposing an order described in paragraph (1) against a person for a violation of subsection (a), the Secretary of the Treasury shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary of the Treasury) of the date of the notice, a hearing respecting the violation.

"(B) Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is so requested, the Secretary of the Treasury's imposition of the order shall constitute a final and unappealable order.

"(C) If the administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person an order described in paragraph (1).

"(3) The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary of the Treasury unless, within 30 days, the Secretary of the Treasury modifies or vacates the decision and order, in which case the decision and order of the Secretary of the Treasury shall become a final order under this subsection. The Secretary of the Treasury may not delegate his authority under this paragraph.

"(4) A person adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(5) If a person fails to comply with a final order issued under this subsection against the person, the Attorney General shall file a suit to seek compliance with the order in any appropriate circuit court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(d) PETITION FILED WITH THE DEPARTMENT OF COMMERCE.—(1) A petition to enforce the prohibitions contained in subsection (a) may be filed with the Secretary of the Department of Commerce (hereafter in this subsection referred to as the 'Secretary') by—

"(A) any public interest group or human rights organization; or

"(B) an entity including trade association, firm, certified or recognized union, or group of workers, which is representative of an industry adversely affected by the sale of imports produced by forced labor.

"(2)(A) Whenever a petition is filed under paragraph (1) the Secretary shall promptly transmit copies of the petition to the Office of the United States Trade Representative and other Federal agencies directly concerned.

"(B) In order for a proceeding to be commenced based on a petition filed with the Secretary under this subsection, such petition must be accompanied by reasonable evidence that a violation of subsection (a) has occurred.

"(3)(A) Upon the filing of a petition under paragraph (1), the Secretary shall, within 20 days after the date on which such petition is filed, determine whether the petition alleges the elements necessary to impose a penalty or issue an exclusion order under this subsection and contains reasonable evidence supporting such petition.

"(B) The Secretary shall make a determination within 180 days after the date on

which a petition is filed with respect to whether a violation under subsection (a) has occurred.

"(4)(A) If the Secretary determines, as a result of an investigation under this subsection, that there is a violation of the provisions of this section, it shall—

"(i) direct that the articles concerned, imported by any person violating the provisions of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the product of like or directly competitive articles in the United States, and United States consumers, the Secretary finds that such articles should not be excluded from entry; and

"(ii) direct the Secretary to impose penalties provided under subsection (c) against any person violating the provision of this section.

"(B) The Secretary shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry or imposition of penalties under subparagraph (A), and upon receipt of such notice, the Secretary shall, through the proper officers refuse such entry or provide for the imposition of such penalties.

"(5) The Secretary may, by rule prescribe sanctions for abuse of discovery and abuse of process to the extent authorized by Rule 11 and Rule 37 of the Federal Rules of Civil Procedure.".

Mr. HELMS. I will explain it.

Mr. President, under the terms of Section 307 of the Tariff Act of 1930, goods that are produced or mined in a foreign country by forced or convict labor cannot be imported into the United States. That is the law of the land now. There are also criminal penalties, sections 1761 and 1762 of chapter 85 of United States Code which make it a crime to transport, import, or fail to label prison-made products.

The amendment that I have just sent to the desk will address the issue of enforcement of existing law prohibiting importation of goods, products produced by slave labor, forced labor, or prison labor.

Let me summarize the amendment as briefly as I may. This amendment now pending would permit public interest groups and anyone else in competition with the imported product to petition the Commerce Department to determine whether the goods in question are, in fact, produced by prison or forced labor. If the Commerce Department finds a violation of the forced labor import laws, it can direct the Secretary of the Treasury to exclude the goods in question from the United States and impose penalties upon those who imported them.

The amendment will not change the existing definition of forced labor since that definition is not in question and similar statutes in England and Canada are similarly worded. Nor would it affect our obligations under the International Labor Organization Convention 105 recently ratified by this Senate.

Perhaps a bit of history is in order, Mr. President. Two years ago, I began to inquire about the fate of young Chinese people, the workers and ordinary citizens of mainland China who had survived the massacre of Tiananmen Square and the other prodemocracy uprisings across Communist China. All the experts I contacted agreed on this point: Those who took an active part had disappeared into the Communist Chinese gulag.

Upon coming to power in 1949, the Communist Chinese, under the guidance of Stalin's version of KGB, established a nationwide system of prisons, detention centers, and labor camps. According to testimony provided to the Senate Foreign Relations Committee by Mr. Harry Wu of the Hoover Institute and Mr. Stephen Moser of the Cleremont Institute, there are 5,000 labor camps in Communist China today, and these camps hold at least—now get this—at least 10 million people. The Asian-American Free Labor Institute estimates 20 million prisoners.

But no one in the free world knows the actual number because the Communists will not allow the International Red Cross or other human rights groups to inspect the prisons.

Question, Mr. President. Do we really want to extend MFN, most-favored-nation treatment, to a regime like this? My conscience tells me no. And that is why I disagree with my President.

These labor camps can fairly be called death camps. For most Chinese caught in the system, an assignment to the camps is a one-way ticket. I guess it is a physical incarceration equivalent of getting a case of AIDS.

Outside of Beijing is an enormous camp of about 100 square miles in size. Visualize that, if you will. According to testimony of Mr. Moser and Mr. Wu, a million people have passed through this camp. But as Mr. Wu and Mr. Moser said, "Many of them are still there. They are buried there." Henry Wu should know; he was there. He was a prisoner.

Very, very few prisoners ever completely break free of the labor camp system. As the Library of Congress Far Eastern Law Library experts told us last year, most of those in the camps have not been sentenced by any court and therefore they can be held indefinitely. Even those who have a defined sentence cannot return home in the vast majority of cases.

According to Asia Watch, they are "forcibly and indefinitely retained as workers after they have completed their sentences so that export-oriented productivity will not be diminished by their departure from the system."

How do you like that for justice? Is this the kind of regime, Mr. President, I ask again, that we want to recognize with most-favored-nation treatment? This Senator has to say, "No."

This raises the most sinister aspect of the Chinese gulag. As one long-suffering prisoner put it, "China surely must be the only country in the world whose prisons turn a profit."

Mr. President, I suspect that most Senators have made up their minds on this for one reason or another, perhaps loyalty, perhaps for some other reason. I had intended maybe to show some charts. But here again Senators should be or are aware of the information. What the charts show, if I would take the time to set them up, is that the prisoners are producing a multitude of products: T-shirts, underwear, ladies sweaters, blue jeans, wool cloth, cotton cloth, socks, work gloves, sneakers, slippers, leather shoes, flashlights, hand tools, electric drills, auto parts, iron and steel, galvanized wire, electric generators, diesel engines, power transformers, lead, coal, consumer electronics, arts and crafts, wine, and even the cardboard containers to pack it in and ship it to the United States in competition with our own workers. That is the point.

Mr. President, I am sorry to say—and this is a bipartisan folly; Democrat administrations and Republican administrations have taken the same view—the Government has known down through the years about the Communist Chinese gulag. State Department officers have been told that all the prisons in an entire province have slave labor subcontracting programs tied to outside factories. The Customs Department itself has even purchased products in the United States whose makers have admitted using slave labor in production.

I remind you—and that is what this pending amendment is all about—this is against the law. This is against U.S. law. It has nothing to do with MFN except MFN compounds the problem.

I guess what the amendment really says is let us enforce the existing law that has been on the books for a long time.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there a sufficient second?

Mr. HELMS. Mr. President, I am in a novel position. I believe both managers are willing to accept the amendment. Senators are busy with committee meetings, and so forth, 5 minutes ago upstairs.

I will not ask for the yeas and nays. I withdraw the request.

Mr. BENTSEN. Mr. President, let me say first to the distinguished Senator that we have worked together regarding some concerns about the amendment. I want to express my appreciation for that cooperation.

I share the concern about exports of products made by prison labor in China. Frankly, the Treasury Department just has not enforced the import prohibition in the 1930 Tariff Act.

So this addresses that problem by establishing some penalties that would

be applied to importers of products coming from prison laborers.

As manager for the majority, I see no objection to the amendment, and will be pleased to accept it.

Mr. HELMS. I thank my friend from Texas.

Mr. HOLLINGS. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina. The amendment offers a sorely needed method to ensure that section 307 of the Tariff Act of 1930 is enforced. Section 307 prohibits the importation of forced or slave labor products. It has been in place for over 60 years and has only been used once—in 1951, to ban imports of Soviet crab meat.

Over 1 year ago, Senator HELMS and I, along with Senators SANFORD and THURMOND, wrote the President urging him to initiate an investigation of products exported from the People's Republic of China. In September of last year, the Treasury Department responded, saying that they had initiated "an active investigation into the allegations of the manufacture, growth, and mining of a variety of products with the aid of forced or prison labor." We were assured by Treasury that the Customs Service would conduct its investigation in an expeditious manner. It is now July 22, 1991, and to my knowledge we have received nothing further from the administration.

We do have, however, a 1990 GAO report which indicated the following:

Forced labor is an integral part of the political, judicial, penal, and economic systems in the PRC and is practiced throughout the country. To the extent possible, the PRC uses detainees for productive labor in areas such as farming, manufacturing, and mining.

The State Department currently estimates the number of prisons and labor reform or reeducation facilities and detention centers at about 3,000. Although the labels attached to the various facilities vary, both U.S. government and private sources agree that imprisonment in the PRC usually involves forced labor.

The State Department estimates the number [of detainees] to be over two million, while former detainees and researchers estimate the number to be many more.

U.S. Customs Service officials said that in no instance had they banned forced-labor goods from the PRC. However, Customs is currently investigating allegations that certain products of forced labor have been imported into the United States from the PRC. Both government and private sources have circumstantial evidence that the products of forced labor have been exported by the PRC and that such products have reached the United States.

We also have a report from Asia Watch, dated April 19, 1991, which reports their finding of a restricted circulation journal for Chinese prison and labor camp officials. The journal describes China's policy of using forced labor to produce goods for exports.

For example, one article describes the products of the New Life Cotton Cloth Mill, a prison unit:

In the last six years, we exported 8.52 million pieces of knit underwear, 10.37 million meters of cotton cloth, 85 tons of knit grey * * *. We won goodwill and praise from customers in such developed countries as Japan, *the United States* and West Germany (emphasis added).

We also have the results of a 6-month Business Week investigation, detailed in a story from the April 22, 1991, issue, entitled "China's Ugly Export Secret: Prison Labor." The article states:

China's trade officials are crafting a secret policy to use labor from its camps and prisons to manufacture exports specifically for the U.S., Germany and Japan.

It goes on to say:

[T]hese days, the Chinese are becoming less reticent about actively seeking foreign partners. U.S. and European companies have been given tours of prison factories.

This investigation revealed, according to the magazine, "just how committed the Chinese are to gulag communism as part of their economic planning. China is crossing the line by using its prisoners for commercial gain overseas. Moreover, many forced laborers are political detainees. Most are not tried or even convicted."

If we wish to show solidarity with the surviving Tiananmen Square freedom protesters, there is no better way than to vote for the Helms amendment. By allowing public interest or human rights groups to sue to compel the administration to enforce this long-neglected statute or to block importation of slave labor goods, we will prevent this abominable practice of allowing American importers to benefit from the sweat of political prisoners.

I understand that a compromise amendment will be offered and accepted. This compromise will allow human rights and public interest groups, as well as domestic competitors to petition the Department of Commerce for a determination that imports fall under the prohibition of section 307. While this amendment is much weaker than I would like, it is an important step forward to get section 307 enforced. It is a shameful record that section 307 has only been invoked by the Treasury Department once in 60 years—on crab meat from Russia. I hope this amendment will force the Treasury to perform the job assigned to it under the statute.

I urge my colleagues to support the Helms amendment.

Mr. BIDEN. I have a question for the distinguished Senator from North Carolina. Subsection (d)(1)(A) of the amendment refers to "public interest group or human rights group." Would Asia Watch, Amnesty International, the International Campaign for Tibet, the International League for Human Rights, the Lawyer's Committee for Human Rights, the Asian-American Free Labor Institute, the National Consumer's League, the International Labor Rights and Education Fund, the Washington Legal Foundation, and the Pacific Legal Foundation be among the organizations considered to be within the definition of "public interest group or human rights group" for the purposes of this provision?

Mr. HELMS. The distinguished Senator from Delaware is correct. The organizations he named, and similar organizations, would be within the definition of "public interest group or human rights group" for purposes of that subsection.

Mr. BIDEN. I thank the Senator from North Carolina.

Mr. WOFFORD. Mr. President, I rise in support of this amendment. China's inexcusable record on human rights needs no elaboration; that nation's use of forced labor is one of its worst practices.

The Chinese Government's labor and economic policies have harmed Americans as well as Chinese citizens. Thousands of jobs have been lost in Pennsylvania—and across the Nation—as a result of these policies. We must tell the Chinese Government, in unequivocal terms, that we will not stand for the importation of goods made by forced labor.

This amendment will send a strong message. By granting individuals, public interest groups, and human rights organizations standing to sue for violations of the U.S. ban on imported goods made with forced labor, this amendment will add teeth to our present policy.

It's no secret that China continues to export goods made with forced labor. I urge my colleagues to support this amendment and close the door on this abominable practice.

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

Mr. SYMMS. Mr. President, we accept the amendment on this side.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 806) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I want to just make a few brief comments in support of the Mitchell resolution, and I do so by starting out with the observation that today our Government, the administration in power in the executive branch, has an economic program for every country in the world except this one.

The administration has a jobs program for every country around the world except for our own country. We have real problems here at home. Probably as good an illustration of that as any is the cartoon in today's Washing-

ton Post. It shows some American people and children standing out ready to welcome President Bush back from his foreign trip, and they have a sign that says: "Welcome to the U.S.A., George Bush. Have a nice visit." And behind the sign, it shows all the problems in our country, with libraries closing, not enough money for housing, airlines in trouble, businesses going under, no health program, no proverty programs. It says up at the top, "Remember, he is not making the trip to our country to hear about our problems." Of course, the President, a friend of mine, I hasten to add that, is off within a matter of days to go over to the Soviet Union on still another foreign trip.

Here we are in here today with an economic program designed to help China. A month and a half ago, the administration was in here with an economic program to help Mexico with the proposed United States-Mexican Free-Trade Agreement, which is going to take hundreds of thousands, and I think millions, of jobs from this country down to Mexico.

Here is the administration in here today asking us to do some special favors for China, for mainland China. The question that has to be asked here today is what is fair for the United States? What is fair for the people of this country?

I think the people of this country ought to have some consideration in here on these economic issues, and not just the people of all the other countries around the world.

We have a serious recession here in America. You can pick up the paper today; pick it up yesterday, the day before. Virtually every major company in America is laying off workers—not calling them back, but laying off additional workers. IBM, within the last week, announced that it is going to permanently reduce its work force by 17,000 workers. General Motors has just announced it it going to be closing two more of its manufacturing plants across the United States. Virtually every company in America is shrinking in size.

There was an announced merger between two big banks in New York. They are going to lay off thousands of workers. There was an announcement yesterday by two big banks in the southeast part of the United States. They expect to be laying off 9,000 additional workers.

That is on top of the fact that in the United States today, of the people that we count in the unemployment list, there are 8.7 million people in the United States right now, who want to be working and who cannot work because their jobs have disappeared and they are unemployed.

In my own home State of Michigan, we have over 400,000 people unemployed. That does not count people that have been out of work so long that they are called discouraged workers" and have given up looking for work. They are not even counted in the numbers, although across our country there are several million more of those. If you want to see them around this town, drive under any one of the overpasses in town, and you will see homeless people there living in cardboard boxes, sleeping on the park benches or the hot air grates at night around this city. That is true not only here, but all across this country. We do not have a jobs program here in America, but today we have a proposal which is a jobs program for China.

China, this year, will have a trade surplus with the United States of $15 billion. What does that mean? It means that China, this year, will take out of our society, in a 12-month period of time, $15 billion of scarce capital; they will take that money to China, and they will take the jobs that are attached to that work to China, as well. As the Senator from North Carolina and others have pointed out, many of those jobs taken from the United States to China are being performed by people in labor camps under the most appalling conditions that one can imagine.

We cannot afford to have $15 billion worth of jobs shipped out of the United States to China. We cannot afford to have $15 billion worth of scarce capital go to China. But that is precisely what the Bush administration is asking for here today. In fact, they are saying: That is not enough. Let us send some more. Let us provide most-favored-nation status, so they can do even more in terms of increasing this trade inbalance and take more of this economic strength out of the United States.

It just does not make any sense. Why is this administration not fighting for American workers? Why do unemployed workers in this country not count for something? We have over $8 billion today in the national unemployment compensation fund that has been collected to pay extended unemployment benefits to workers who have not been called back to work. Yet, the workers in this country are not getting that money, which has been collected precisely to help them hold body and soul together in a serious recession like this one. We asked Mr. Darman the other day in the Budget Committee if they were going to allow those extended unemployment benefits to be paid out of that surplus that has been collected to go to our workers who have exhausted their unemployment benefits and have not been called back to work, men and women who are losing their cars, homes, family, and losing hope. The money has been collected to help them. The administration says: no, we are not spending one dime on them.

But they are in here today asking for economic help for China and for the Chinese workers. Here sits, in our own unemployment compensation fund, over $8 billion. It is needed by workers in this country, and the administration says, no, they cannot have it. They cannot have it. We have just had 48,000 workers in the State of Michigan trigger off of their extended unemployment compensation benefits because of the approach of this administration.

More than that—and many people do not know this—most of us have gone to ceremonies thanking and commemorating the service given by our service men and women in Desert Storm in the Persian Gulf. The fact is that the way the unemployment compensation program is working today in the United States, returning service men and women coming back to the United States who cannot find work, first of all, have to wait 4 weeks before they qualify for unemployment compensation benefits; and then, after they qualify, they only get 13 weeks, only half of what other workers in this society get. That is not right.

But the administration has not come in here to ask to set that right, to help these returning service men and women who cannot find work here in the civilian economy, no; they are in here asking us to help China.

Well, we are helping everybody around the world; how about helping people in America for a change? People here need the help. They deserve the help. They ought to come first, not last. In the view of this administration, they always come last, because some other foreign country comes first, and today it happens to be China; they are walking in here with a $15 billion trade surplus with this country. Some people say that—I have heard it argued on the floor—if we do not let the Chinese dump all of this surplus production in the United States, they will take their business elsewhere. What a laugh that is. Where are they going to take it? What other country will take a $15 billion trade surplus of this kind from China? There is not any country that will do it, because no other country can afford to. And this country cannot afford to do it. So no other country is going to sop up all of that excess production, because no other country will allow themselves to be taken advantage of by the Chinese the way this country is being taken advantage of.

People talk about the credit crunch. There is a credit crunch. Just a day ago, I talked to an entrepreneur in Michigan, who had just gone into chapter 11. There are 1,400 employees, and they are in the process to being laid off. He is experiencing a credit crunch, as are hundreds and hundreds of businesses across this country.

Well, $15 billion worth of scarce capital is going to leave the United States this year and go to China, compliments

of the Bush administration. That is part of the credit crunch. The unemployed workers around this country that are increasingly desperate to try to just hold their lives together are having a hard time understanding why this Government, why this administration, has such a great concern about helping the Chinese, and virtually no concern about helping our own people right here in the United States.

Others have talked about the weapons technology that the Chinese are spreading around the world, making the world a more dangerous place. Yet, the proposal today is to reward them for it, give them something extra, give them a bonus, give them most-favored-nation trading status. Of course, China joins a long list. We have had the administration come in here this year and ask for emergency assistance, not for some community in this country, not for some group of workers that have lost their jobs; they asked for money for almost every country in the world. We have given money to Egypt this year. We came in on an emergency basis—an emergency basis—for money for the Sudan; money for Ethiopia. The Bush administration says we have to give money to Angola and give money to Bangladesh.

We are giving all these people money and giving China all of this special trade advantage. What about the people here at home? Do they not count for something, the ones that built this country, the ones that fought the war? Do they not deserve some consideration? How do we get them on the list? Maybe we ought to list the United States as a foreign country, and then they could qualify for foreign aid. We could come in here, and we could tack it onto the help for China.

I think people of the country are sick of this. They are sick of a government that turns its back on its own people. We need a national health-care program in this country because we have people today that are sick and dying and do not have a penny of insurance.

Do we see the administration coming in here and asking for health care? Not a peep. Fifteen billion dollars' worth of trade surplus for China would more than fund the health-care program that we introduced, a group of us here in the Senate, just 2 or 3 weeks ago.

You want to know how to pay for it? take that money and pay for it. Would we be better off with health care for our people or shipping the $15 billion to China?

I would like to put that on a ballot and get it out to the public and get a vote taken. We would settle this issue pretty darn quickly. The people of the United States are being used as a doormat and this administration is quick to help someone else.

There is a problem out there over the horizon in another country. Here comes the United States. How much money do you need? If it is somebody here, tough luck. That is your problem. Do the best you can. That is what this is all about. Make no mistake about it.

I know the President, who is my friend, was the envoy to China years ago and he has a close relationship with that country in terms of having put in that kind of service there. I understand that. I care about China myself, but not more than this country. I think our problems come first.

This proposition of most-favored-nation trading status for China helps China, but hurts America. It is just that simple. And one of these days I would like to get a proposition coming down from the White House, something that is designed to help America, to get America back on the list of countries that we are going to pay attention to and look at the needs of and help the people. The people across these 50 States need the help. They want to go back to work. They do not want their jobs sent to Mexico or sent to China or sent to the Soviet Union or sent some other place. They want their jobs brought back home so they can go to work, so they can earn a paycheck, so they can pay their bills, so they can feed their kids, and keep a roof over their head. It is just that simple, and it is just that basic.

The problem is when you get a government with too many people with elite views, and who have it made, and who are so far removed and disconnected from these problems that are hounding our people at the grassroots, and many of them in the middle class of this country who are sliding backward, too much of our Government is disconnected from those realities.

Oh, yes, we have a grand scheme for China here today and a grand scheme for Mexico and a grand scheme for the Soviet Union and a grand scheme for Kuwait, you name it. But no plan for America; no plan for America. And America is in trouble, America is sliding backward in economic terms, and our people need a response. And they deserve a response and the response ought not to be to come in here and say take more out of the hides of the American people so we can help the kind of a government that we see in place, if you can call it that, in China today.

Just 2 years ago in Tiananmen Square we all saw it on television, the massacre and slaughter of the students at that time by this brutal government, and now we are in here with the Bush administration saying let us give then a reward. Let us give them a reward. Let us send $15 billion of scarce money over to China today and 15 billion dollars' worth of jobs. Let us send that over to China to tell them how much we like them over there. Not with my vote; not with my vote.

And I hope this issue is going to get clearly into focus by the time that next election in this country rolls around because I hope the people of this country are going to have a choice and have a way to vote to do something to help this country because this country needs help, and it is not getting it with legislation of this kind.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, the conventional wisdom of the issue, before the Senate is supposedly the fairness in granting continuation of most-favored-nation status to the People's Republic of China in light of their obvious civil rights violations, their shipment of arms to third world countries and their breech of trade agreements. I think that we all agree they have done these bad things and continue to do them. There is ample reason to take them to the woodshed and like others, I am tempted to do just that.

But, may I suggest that we take a step back from the emotions that these transgressions have tempted us to shape retaliatory measures against them. Let us take a look at whether the restrictions that have been suggested with regard to the Chinese might rebound to our passing sanctions inadvertently against ourselves.

Most-favored-nation status is a little-understood term. It seems to contemplate that this is a special trade arrangement that we have graciously bestowed on only our best, most thoughtful partners around the world. That is hog-wash on its face, when you realize that we have such an arrangement with all but a dozen or so countries in the world. Who would realize that we have to this very moment most-favored-nation status in existence with the government of Saddam Hussein? Oh yes, it is ineffective because of the embargo. But the fact remains that we have had this in effect with Saddam for a long time. Has he ever fit the examples or values that some seem to think encompass justification for such status?

Then there are other countries such as Syria which is an established exporter of terrorism. Would you believe they would qualify for friendly MFN status? How about Jordan, one of Saddam Hussein's best supporters during the gulf war? Yep, they get MFN status also. And then there are others like Mu'ammar Qadhafi's Libya and of course as it follows the country of Iran. Obviously these are all our good buddies.

The point is that most-favored-nation status is granted to most, which in essence makes it not special, but standard trade policy, right or wrong, from the U.S. perspective. In our rush to punish China are we shooting China in the foot, or shooting off both of ours?

Now to the crux of my position, which I concede is parochial and di-

rectly related to agriculture, which will come as no surprise to my colleagues in the Senate.

I am confident that the harm direct restrictions would do to American farmers is not the crux of the President's position because his policies are and will be disastrous for the family farms of America. The result of crippling restrictions will accrue to the decided detriment of our food producers. There is no question that China will and can buy grain elsewhere. The world is full of it, and all of us at this critically adverse time should remember that right now to already further harm hard-hit farmers suffering from cash grain prices essentially below the cost of production would be especially ruinous. There could have been no other result of the last Bush-Yeutter-Hills farm program that continues steadily declining support prices, firmed up and made further mandatory by the famed budget summit last fall at Andrews Air Force Base.

All this is now beginning to come to a head as evidenced by the serious conditions in the dairy industry. We are continuing to produce our way into bankruptcy in agriculture and it will be even faster if we lost the China market, especially in the wheat sector.

The National Wheat Growers Association is now alarmed at the prospect of losing the China market because of their short-sighted policies in swallowing the Republican farm program.

I hope that they can now awaken from their slumbers of producing for profit in the level playing field of free international trade. How many times are some farm organizations going to be taken in by this myth of Republican farm policies that are openly stated to bring about the elimination of all subsidies with the promise that the farmstead will be taken care of by GATT and free and open international trade? It is a worthy but unattainable goal as far as we can see into the future. The Reagan-Bush farm policies are unrealistic at best and downright deceitful at worst. The perpetuators of this charade are as bad as those who blindly follow it and then complain when the bottom falls out of prices.

Mr. President, I reference a story in the Washington Post of July 16, 1991, and ask unanimous consent that it be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. EXON. Mr. President, it has the headline "Bush Fails to Budge G–7 Leaders On Farm Subsidy Issue."

Here is clearly stated the problem at hand and the utter continued failure of the administration and its domestic policy for many years.

I am going to quote briefly from the article just referenced. The headline, as I said, Mr. President, is "Bush Fails to Budge G–7 Leaders On Farm Subsidy Issue," and there is a picture of the President, the Secretary of State, the Secretary of Treasury, and others. The two or three lead paragraphs of the story are worthy of special emphasis.

LONDON, July 15.—On the first day of the economic summit, President Bush failed to persuade other leaders of major industrialized nations to budge on agricultural issues that have stymied international trade talks for more than a year.

Bush urged European nations in particular to reduce their farm subsidies and permit greater trade competition from countries outside the European community. But his counterparts made few concessions on what Bush had called the most important economic issue of the summit.

The continuing impasse on trade underscores the difficulty Bush has had converting his leadership of the military coalition against Iraq into leadership on other global matters. It also raises the prospect that the three-day meeting will prove ineffective on the economic issues it was designed to address.

At the last economic summit, leaders of the seven major economic powers committed themselves to completing by the end of 1990 the current round of talks on the General Agreement on Tariffs and Trade (GATT), begun in 1986 in Uruguay.

Before the summit's first official session, Bush met with German Chancellor Helmut Kohl, Italian Prime Minister Giulio Andreotti, and European Community leaders Jacques Delors and Ruud Lubbers, appealing to them to show greater flexibility in reducing their farm subsidies and other trade barriers.

But Kohl and Delors firmly rebuffed his plea, according to European officials. In separate meetings, the Japanese representatives reiterated their reluctance to make any further concessions on lowering barriers to imported agricultural goods, especially rice.

There is no success in London or elsewhere on domestic policy, only on international policy where this administration seemingly excels. When are they going to return home and exhibit the same zeal in tackling the domestic problems and the recession?

In essence, the Europeans told us to go fly a kite on the oft-stated goals of President Bush and his advisers to have the European Community eliminate their tremendously high subsidies to farmers. The Europeans say they cannot do it politically. I think that is the fact. How can our administration, then, get by with it politically here at home? Only because we have a dwindling number of farmers that in all too many cases have joined organizations that they have been fooled into believing represent their best interests. Oh, yes, and birds always fly north in the winter.

The loss of the Chinese export market would be another nail in the coffin of American agriculture. This debate comes on the heels of a failure of the Bush administration to secure movement on farm subsidies from our trading partners at the G–7 London summit. The problem, of course, is that the 1990 farm bill, with its sharp unilateral reductions in American farm subsidies, was built on the premise that Europe would reduce its subsidies and Japan would further open its agriculture market. It is increasingly clear that those assumptions were ill founded. To sacrifice the Chinese market in the wake of diminished hopes for fair agricultural competition from Europe and Japan would kick American agriculture when it is down.

The gloomy results of the G–7 meeting on agriculture subsidies have been one of the best kept secrets in rural America and ignored by too many who serve rural America. It also vindicates my opposition to the 1990 farm bill and the extension of the fast track.

I am also concerned that American investment in China could be lost if MFN is suspended or heavily conditioned. The loss of that investment would not only hurt the American companies who took business risks in China, it would also hurt the very individuals in China who have embraced American beliefs in free minds and free markets. American investment is centered in the southern part of China. The loss of that investment would pull the rug out from under the very forces of reform within China. The economic disruption would also create a new opportunity for a crackdown in the south, the freest region of China.

I cannot defend the Chinese, but I can defend the American farmer from using trade as a unilateral foreign policy tool. If the Senate were debating a broad, multilateral sanctions policy, my vote might be different. A go-it-alone policy which hurts American agriculture more than it hurts the Chinese is simply not a policy I can endorse.

I am convinced that the President of the United States understands that the Congress is tired of a soft policy toward China. The President has convinced me that he will adopt a significantly more aggressive but carefully targeted policy toward China in the coming months. It is for that reason that I will support the President's request to extend MFN trade status without condition. I only wish that the President was as concerned about agriculture in the United States as he is with his foreign policies. It so happens, strangely enough, though for very differing reasons, I support the President's position on this issue. Thank you, Mr. President. I yield the floor.

EXHIBIT 1

[From the Washington Post, July 16, 1991]

BUSH FAILS TO BUDGE G–7 LEADERS ON FARM SUBSIDY ISSUE

(By Steven Mufson and John E. Yang)

LONDON, July 15.—On the first day of the economic summit, President Bush failed to persuade other leaders of major industrialized nations to budge on agricultural issues that have stymied international trade talks for more than a year.

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greater trade competition from countries outside the European community. But his counterparts made few concessions on what Bush had called the most important economic issue of the summit.

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But Kohl and Delors firmly rebuffed his plea, according to European officials. In separate meetings, the Japanese representatives reiterated their reluctance to make any further concessions on lowering barriers to imported agricultural goods, especially rice.

Finance ministers briefly discussed the stalled GATT talks during the afternoon, but also failed to make any progress.

Generally, resistance to resolving international trade issues is driven by domestic political concerns rather than disagreement in principle over the desirability of lowering barriers.

In Germany, Kohl has been trying to cope with the political fallout from the high costs of German reunification and is reluctant to cut agricultural subsidies for fear of angering farmers.

In France, the ruling Socialists have tried to win support by appointing a prime minister sympathetic to some degree of protectionism.

Japanese government spokesman Taizo Watanabe said that Japanese self-sufficiency already had fallen to the "dangerously low" level of 48 percent, posing a security issue. He also said that the production of certain foods, such as rice and soybeans, carry cultural value.

"We always end up being the country that has to lead that fight with the EC," said Barry Bosworth, a former Carter administration official now at the Brookings Institution in Washington. "The EC continues to say [the farm subsidy issue is] a cultural issue and don't regard it as central to economic issues and do not want to compromise on it."

For the Bush administration, however, the trade issue is an area where it feels it can take the high ground. Bush personally led a lobbying effort to win congressional approval of legislation that makes it easier to negotiate trade agreements by barring congressional attempts to modify them. In addition, last year's budget agreement trimmed agriculture subsidies.

"The president expended an enormous amount of political capital on getting the fast track legislation through, [and that] indicates that the United States is here ready to go," said Treasury Secretary Nicholas F. Brady.

Bush had greater success in rounding up support for possible military action against Iraq. British Foreign Minister Douglas Hurd today became the latest allied official to give his endorsement. "We are ready to play our part in making sure . . . that Iraq does not become a nuclear power," he said.

The president wants to continue consulting with allies about the nuclear issue and had not yet settled on a military option, according to senior administration officials. Whether U.S. or allied forces act, depends on how forthcoming Saddam is in meeting the cease-fire condition that calls for disclosing the extent of his nuclear operations, the officials said.

The PRESIDING OFFICER. Is there further debate?

Mr. DASCHLE. Mr. President, much of the public debate over renewing most-favored-nation trading status for the People's Republic of China has focused on human rights. Some of the debate has focused on China's foreign policy. China's human rights record is appalling and its foreign policy is irresponsible. These facts concern me greatly. However, MFN is a trade issue, and my decision on China's MFN status deals primarily on trade considerations.

The Chinese Government is abusing the privilege of MFN status. China exports products to us that have been manufactured by forced labor. China ignores United States laws protecting patent, copyright, and intellectual property rights, in effect, stealing from American producers. China has erected countless tariffs and other barriers to United States trade. The United States Trade Representative projects that this year's United States trade deficit with China will be $15 billion. Simply put, we are exporting United States jobs to China.

China is making a mockery of its trade relationship with the United States. The Chinese Government is practicing a form of international economic extortion. It threatens us with retaliation if we withdraw MFN, while the Chinese Government thumbs its nose at us if we demand that it live up to its obligations in the relationship. The United States is strong enough to stand up for its interests and principles. We have allowed this situation to continue unabated for too long. It's time for us to get tough with China.

Some people are concerned that any action the United States may take to counteract these unfair trade practices will result in a Chinese decision to cut off United States agricultural exports. I take these concerns very seriously. Nevertheless, the continued erosion of United States trade interests with respect to China cannot go unchecked. If we fail to take strong action now to address China's trade violations, we risk undermining our long-term economic interests, including agriculture. We must draw the line; we must now knuckle under to every threat. Unless we show our resolve, our economic interests are always subject to threat; the exports we enjoy now may be cut off at any time by the whim of the Chinese Government. We must show the Chinese leaders that we will not bow to such pressure.

It is not enough to hope that the Chinese will change on their own. We have tried that approach, and it simply is not working. In fact, conditions are getting worse. It's time for us to demand that China and other countries trade fairly. That approach will insure that our economic and national security interests are not held hostage to trade extortion.

It is wrong to assume that indefinite, unconditional extension of China's MFN status in the only means of making United States agricultural sales to China. Both China and the United States have other options. MFN is not necessary to sell grain to China. There is no reason to link grain purchases to MFN. That the Chinese would do so is extortion. The United States should not bend to such coercion.

The Chinese will buy grain from the nation offering the best price. We have available various programs to make sales at competitive prices. The Soviet Union does not have MFN status, and we have found ways to sell record amounts of grain to the Soviets. The U.S.S.R. has ranked second behind Japan in the value of United States agricultural commodity purchases, and has been the No. 1 and No. 2 purchaser of feed grains and wheat, respectively. Despite lacking MFN status, agricultural sales to the U.S.S.R. generally exceeded those to China. Only recently, as China emerged as a top buyer of United States wheat. Given its history of inconsistent purchases, sales to China could drop, regardless of its MFN status.

[In millions of dollars]

	1987	1988	1989	1990
U.S. agricultural exports by value:				
U.S.S.R.	659.1	1,939.6	3,298.8	2,984
China	234.8	612.6	1,496.1	907
U.S. wheat exports by value:				
U.S.S.R.	325.1	822.5	819.7	550
China	64.7	524.1	1,225.4	544

The United States can sell grain and other agricultural products to the Chinese, just as we have done to the Soviet Union, if the President uses his authority to promote such sales. Furthermore, approving the Mitchell resolution need not result in the termination of MFN. The President can see to it that MFN is continued by forcefully pursuing United States interests and pressuring the Chinese Government for progress on our concerns.

Congress is considering several proposals relating to MFN for China. On one extreme are those who want to grant MFN without conditions; on the other extreme are those who want to revoke MFN immediately.

I have discussed the issue of renewing China's MFN status with many South Dakotans over the past few months. By overwhelming margins, they want the

United States to take a middle ground approach—to renew MFN for China, but to make the Chinese Government aware of our serious concerns over their unfair trade practices, human rights abuses, and foreign policy wrongdoings. The American people want the United States Government to insist on trading relationships that are fair, but overall the Chinese have not been fair with the United States.

The Mitchell resolution is the middle ground. It calls for renewing China's MFN status for 1 full year. The conditions really are imposed on the President. Next year, before MFN can be renewed again, the President must show that his policy is working. The President must certify that his policy has achieved the following results:

First, Chinese exports to the United States of goods produced by forced labor have stopped;

Second, Steps have been taken to rectify China's unfair trade practices toward the United States;

Third, Chinese exports of nuclear, chemical, and biological weapons have been terminated;

Fourth, Chinese military assistance to the brutal Khmer Rouge in Cambodia has been curtailed; and

Fifth, certain human rights abuses by the Chinese Government against its people have ceased.

No one can argue that these are not desirable goals. If the President believes that the renewal of MFN and his policy is the best means of achieving these goals, then the Mitchell resolution gives him both the renewal of MFN and time to show progress toward these objectives. The President, in his response to Senator BAUCUS, acknowledged that additional action is necessary to deal with China's unfair trade practices. The President also reaffirmed his support for Taiwan's accession to the GATT and declared that the United States will begin to work actively with other contracting parties to resolve in a favorable manner the issues relating to Taiwan's GATT accession. I commend the President for this step, but overall we need a more aggressive policy toward China than that reflected in the President's response.

The Mitchell resolution is the reasonable approach. It shows that we are not a toothless tiger. The bill will extend MFN until July 1992. At the same time, the resolution sets reasonable goals for the President to achieve to show that the Chinese Government is being held to its obligations in trade and human rights.

Mr. ROCKEFELLER. Mr. President, I support the majority leader's proposal on most-favored-nation status for the People's Republic of China. I do so because it is a reasonable, temperate approach to a difficult problem. It sends a message not of anger but of resolve. It identifies clearly our disagreements with China, lays out a plan for addressing them, and provides time for the Chinese to do so. It also makes clear that many of our key disagreements with China are economic. It is therefore appropriate to use economic leverage to achieve our objectives. MFN is just such leverage.

Mr. President, access to our market is not a right. It is a privilege. The fact that we accord it to most nations is a reflection of the progress we have made in building a market-based world trading system. The fact that we may take it away from the Chinese shows how far they have strayed from acceptable standards of international behavior.

To elaborate on that, I want to begin by discussing events that transcend economics. There is much at stake in our trade relations with China, but there is even more at stake, for the Chinese people and for the world, in their attitude toward basic human rights. In the Washington Post of June 30, Orville Schell described in considerable detail the difficulties he encountered as a Western journalist in Li Peng's China. Followed wherever he went and at one point taken to the state security bureau for questioning along with his wife, he ultimately was prevented from delivering a private speech to other Western journalists after the hotel, acting as host to the event, was intimidated into canceling it. This outrageous action reveals how far the Chinese Government has regressed in its effort to maintain power. The tragedy, of course, is that the lot of the Chinese people is far worse than anything its Government did to this foreign reporter.

The Chinese Government has taken a hard turn to the right. Deng Xiaoping, not a subscriber to democracy under the best of conditions, has obviously acquiesced in a major repression campaign designed to scare the Chinese population, particularly students, into cooperating with the regime. A popular tactic, according to Schell, is that of killing the chicken to scare the monkey; that is, attacking the relatively innocent in order to persuade the larger threats to keep silent.

These tactics can work in the short term. That has been proved over and over again all over the world. But the long-term prognosis for Li Peng's regime is bleaker. We learned in Eastern Europe how tenuously repressive dictatorships hold on to power and how quickly they collapse when the bankruptcy of the system becomes evident

China, people will say, is different. No tradition of democracy. A more collective social fabric. A huge rural population relatively uninfluenced by events in the cities. All true. But a look at Chinese history suggests similarities as well as differences. The civilization may be nearly 5,000 years old, but middle kingdom dynasties waxed and waned like governments everywhere. When a regime became too weak, it disintegrated from within or was attacked from the outside. While mass revolts were unusual—and rarely successful—emperors periodically were deemed to have lost the mandate of heaven and were replaced by others, often after some years of bloody conflict. The years between the abdication of the last emperor in 1911 and the Communist ascendancy in 1948 typified this cycle, although the Japanese invasion no doubt delayed its resolution.

What does this mean for today? For one thing, it means democracy and freedom—or prosperity for that matter—are not just around the corner. It appears they are, at best, a long-term goal to be reached after a long, complicated battle. Lenin referred to the march toward communism as one of two steps forward, one step backward. As we are learning in Eastern Europe and the Soviet Union, the march away from communism will be just as complicated with almost as many steps backward as forward. History does suggest, however, that as the Chinese regime continues to lose credibility because of the economic and political mess it has created, its replacement is inevitable.

What does that mean for American policy? Primarily that it is unwise to tie ourselves too closely to the stability of the status quo because the future of China is going to be anything but stable. Deng Xiaoping's days are numbered physically and Li Peng's days are numbered politically. The worst thing we can do is help both of them hang on.

During this debate some have suggested that using most-favored-nation status as leverage is inappropriate because MFN is available so broadly in the world. But to award that status to one simply because we give it to others completely misses the point. China is not a member of GATT. Our trade law obligations toward China are limited. As I said earlier, Mr. President, access to our market is a privilege not an automatic right. We have extended it broadly for the same reason we have supported GATT for more than 40 years—because we believe a free, market-oriented trading system is good for us as well as the rest of the world. We have been able to extend it broadly because most of the world's nations have agreed with us. We should use the same standard for China: Will continuing their MFN status facilitate their integration into the Western trading system? I believe there is a clear need to use the leverage of MFN to achieve this objective.

Look at the United States-China bilateral trade balance—$10 billion last year and likely to rise to $15 billion this year, second only to Japan. I am not one of those who has ever believed that a simple look at aggregate trade figures is a sufficient basis for making policy. We have a deficit with practically everyone and would like to have

one with practically no one. In that regard we are no different from any other nation.

Instead we should look beyond the fact of the deficit and examine why it has grown so dramatically in such a short time. The answer to that is on two levels—imports and market access.

Chinese imports into the United States have increased tremendously since 1988—from $8.5 billion in 1988 to $12 billion in 1989 to over $15 billion in 1990. So far this year they are ahead of last year. The number of antidumping and customs fraud complaints has likewise mushroomed. In the last 2 years there have been 12 dumping or subsidy complaints against the Chinese, more than in any 2-year period since they received MFN. Of those 12, only 1½ have been resolved in favor of the Chinese, although fully half of them are still in progress.

In addition, our Government has reduced Chinese textile quotas by one million dozen apparel items and over one-half million kilograms of fabric—a total value of nearly $85 million—because of fraud and circumvention of our labeling and quota rules. These are new problems. We have had MFN trade relations with China since 1980, but we have had serious problems only since 1988.

This is, I might add, an unusual development. Nonmarket economies can have difficulties figuring out how to price appropriately in Western market situations, but over the years they have proven themselves surprisingly adept at making those judgments in ways that will not draw American trade complaints. The Chinese were no exception to that statement—until 1988. Under the circumstances, it is hard not to conclude that there has been a deliberate effort to export to the United States at any cost, regardless of the consequences.

That conclusion is all the more convincing when one looks at our growing problems of market access in China. While our exports have been increasing all over the world, to the point where we currently have a surplus with the EC, for example, they have been stable or declining to China.

This, too, appears to be the result of deliberate Chinese Government action. One telling example appeared in an article by James McGregor in the Wall Street Journal of May 3, 1991, in which he referred to the PRC State Council's secret directive that effectively shuts United States telecommunications companies out of the Chinese market. It orders that future contracts for telephone switches be awarded to Siemans, Alcatel, or NEC, a decision that will cost our companies up to $4 billion in business. Leaving aside the Chinese motivation for this action, we can all agree that it is the very antithesis of market economics and the kind of behavior which is simply unacceptable in today's global economy.

It is not difficult to find reasons for these mercantilist actions. In its decentralization drive in the mid-1980's, the Chinese Government effectively lost control of many economic decisions. Foreign purchases zoomed as provincial and local authorities were given authority to make them. Hard currency reserves dropped to practically nothing as the central government got stuck with the bill. The government's response to these difficulties in its economic liberalization program was to overreact—just as it tragically over reacted to the students' efforts to obtain political liberalization in 1988.

The difference, of course, is that it is the Chinese people who are paying the political price. And United States companies are paying the economic price, as the Chinese attempt to revitalize their economy and their hard currency reserves at our expense.

Another example of behavior that calls for an American response is the Chinese Government's relentless determination to sell weapons of mass destruction to governments in unstable regions. This is neither the time nor the place for a debate on arms sales policy. But no one in the community of civilized nations can condone the sale of sophisticated missiles and launchers and missile technology to countries like Syria, Iran, and Pakistan. This is the crassest kind of search for the almighty dollar, which the Chinese have tried to cover up so many times they have no credibility left.

This is classic mercantilist behavior. The same behavior we have opposed in Asia, Latin America, and Europe every time we have seen it. The President apparently chooses to ignore it in this case because China is large, important, and in some sense special. It may be all of those things, but it is still a nation that must fit into the community of nations rather than seek to take advantage of the rest of us.

In some circumstances, such as a regime genuinely trying to reform itself politically and implement market economics, a restrained and sympathetic reaction would be appropriate. But China is not a case where coddling will work. They are not reforming—if anything they are going backwards—and their behavior is not only hurting us, it is endangering thousands of innocent lives as well through its missile sales programs.

In addition, this is not a culture that responds to reason. The Chinese Government, regardless of its rhetoric, views its relationships hierarchically. It understands and respects strength, and it understands and has contempt for weakness. The President may think he is being reasonable. In fact, the message being received is one of weakness. The message says that they can continue to poke us in the eye and get away with it. And I would submit that this is not a message it is in our interest to convey, either to the Chinese, who will only respond by continuing their present course, or to our other Asian trading partners, who cannot help to draw an important lesson from this episode.

Look, for example, at the case of Korea. Here is a nation with a number of outstanding trade problems with the United States, some of which got sharply worse in 1990. It is also a nation with a government that has attempted to negotiate and settle those problems in good faith, despite considerable domestic political pressures to the contrary. As in all negotiations, they made concessions. So did we. They are now being confronted with the Chinese case, where, far from making any concessions, the Government is threatening to discriminate against United States products even more. And they're getting away with it. If you were the Korean trade minister, what conclusion would you draw about how to treat the United States?

A more appropriate message in this case is one of firmness and strength. Not hysteria, but a clear position that Chinese behavior is unacceptable and will not be tolerated without consequences. The Mitchell bill is just such a message. It does not remove MFN arbitrarily or peremptorily. It extends favorable treatment and states clearly what conditions must be met to continue such treatment beyond next year. Will there be short-term consequences for such a position? Of course there will. Will the Chinese immediately reform? Probably not. Will they reform if we do what the President wants? Also, probably not.

The short term is fairly clear regardless of what action we take. The Chinese Government can be expected to reduce its economic ties with American companies with or without MFN. They will do it for the same reason they have been doing it—to reduce imports and foreign dependence. They will say it is because of the MFN debate, and many of our companies will believe them.

Rather than worring about the short term, we should be looking at the long term. What kind of message do we want to send to the Chinese Government—and the Chinese people—about the Government's behavior? The appropriate one, in my judgment, is a clear statement of what is expected of modern nations heading into the 21st century that want to have stable economic and political relations with others. And a clear statement of the consequences of not meeting those standards.

Such a policy will give meaning to the concept of most-favored-nation. We should treat the Chinese like everybody else only if they behave like everybody else. For the last 3 years they have failed that test. The President

would ignore the facts and give them a passing grade anyway. The Mitchell bill would essentially give them probation for another year, a far more responsible course, in my judgment. I hope all Senators will support this bill and by doing so send a message of firmness and resolve to China's leaders rather than one of weakness and confusion.

Mr. HARKIN. Mr. President, I rise in support of Senator MITCHELL's bill, S. 1367, to condition the extension of most-favored-nation [MFN] status to the People's Republic of China.

Mr. President, China's leaders must realize that it will not be business as usual with the United States unless they undertake serious political and economic reforms. Last year, President Bush argued that extending MFN would give Chinese leaders the incentive to take into account United States interests concerning human rights. Yet, 1 year later, according to human rights reports, including the State Department's own account, the situation in China has not improved. Hundreds of prodemocracy demonstrators remain in jail; there have been summary executions, arbitrary arrests, unfair trials, and torture. Moreover, the Government of China continues to violate the fundamental rights of the Tibetan people and repress citizens who advocate change.

The Chinese Government also violates human rights by its trade practices which include the use of forced labor to export cheap products. This is in direct violation of international labor treaties and U.S. law. Business Week, in an April 1991 report cites State Department documents evidencing official Chinese statements that China exports $100 million in goods produced by forced labor.

On the international level, the Chinese Government's support for the genocidal Khmer Rouge has become the main obstacle to peace in Cambodia and China's proposed sale of long-range ballistic missiles to Pakistan and Syria destablilize these volatile regions and harm United States interests.

Mr. President, most-favored-nation status is a reward not a right. To receive MFN China should be willing to afford its citizens their basic human rights. I support the normalization of political and economic relations with China, but not at the expense of sacrificing our concerns for human rights.

Aside from China's violation of human rights through its use of forced labor to export cheap products, China also engages in unfair trade practices. These practices include restriction of foreign firms' access to its domestic markets, lack of adequate protection for patents, copyrights, and trademarks, as well as severe restrictions on foreign investment in China. In its 1991 National Trade Estimate Report on Foreign Trade Barriers, the United States Trade Representative singled out China as 1 of 3 countries whose trade practices are "the most onerous and egregious and who are not making good faith or making progress in negotiations." Today, as a result of the administration's policy and China's discriminatory trade practices, our bilateral trade deficit with China is second only to Japan. China exported $15 billion to our country last year, a rise of 30 percent over 1989. At the same time, United States exports declined by 20 percent from $5.8 billion to $4.8 billion. Nearly 60 percent of this decline was attributable to a fall in wheat shipments. Shipments of fertilizers, our second largest export, did increase in 1990 by 11.5 percent but would have increased even further if China had not imposed quotas on fertilizer imports in August 1990. China is potentially a large market. If strong action isn't taken, China's market will never open up and United States agricultural exports as well as other United States exports will lose in the long run. We simply cannot afford to continue to be on the losing end of our trade relationships.

We need to change the terms of our engagement with China so that the United States does not fall short in its trade relations. The Bush administration's open door policy has been to leave our door wide open while the Chinese keep their door locked shut. That's not a policy that should be acceptable to the American people.

Mr. President, S. 1367 would not necessarily deny China most-favored-nation status. Under this bill it is up to China to take the necessary steps to respond to our trade and human rights concerns. Furthermore, the President would have a full year to employ other policy tools short of removing MFN to encourage China to change its policies. The United States is China's second largest trading partner and its largest export market. Mr. President, we should be prepared to use that economic leverage to encourage political reform in China.

Mr. President, as events in Eastern Europe have demonstrated, our Nation's security rests in helping people who promote democracy in Communist countries not with those who crush it. The United States should no longer permit China's leaders to profit at the expense of both the American and Chinese people. The United States should continue economic relations while safeguarding its principles and economic security by encouraging serious political and economic reform in China.

Mr. HOLLINGS. Mr. President, I rise in strong support of S. 1367, and I want to commend the majority leader for his consistent attention to Chinese human rights abuses. He has worked very hard to craft this legislation in a responsible fashion and bring it to the floor of the Senate and it is long overdue.

While it is certainly true that the Communists in control of the Chinese Government have shown a blatant disregard for their international responsibilities, their true crimes are in the treatment of their own population. I need not repeat the horror stories we have heard described on the floor today, but I must note the thousands of people shot, jailed, and disappeared," without any semblance of due process. In addition, why any one would wish to reward a regime that is capable of exterminating one-fifth of the population of Tibet, perhaps 1 million or more people, I cannot understand.

But let me turn to the statutory standard for granting MFN to a Communit country. That standard is that a country has granted freedom of emigration to its citizens. This provision may be waived if the President determines that waiver will substantially promote the objectives of freedom of emigration. For the prodemocracy movement leaders, for China's political prisoners, there is no question that these standards have not been met.

Freedom of emigration for leaders of the democracy movement is but the beginning of a litany of wrongs. I must call to the Senate's attention the serious charges that have been made regarding China's use of slave labor. In the April 29, 1991, edition of Business Week a story entitled "China's Ugly Export Secret: Prison Labor" detailed the results of a 6-month investigation by the magazine. The investigation "reveals just how committed the Chinese are to gulag communism as part of their economic planning." Senator HELMS, joined by me and others, requested that the Customs Service investigate the prison labor allegations in June 1990. Under U.S. law, goods produced by forced labor are not allowed to be imported into this country. As far as I know, they are still studying it. This inaction, this indifference to the exploitation of political prisoners to fuel the Chinese export machine, is inexcusable. That is why I have supported Senator HELMS' efforts to put some teeth in section 307 of the Tariff Act of 1930. If the administration is not going to enforce this statute, why don't they request its repeal?

There are these who say that denying MFN punishes the people, not the Government. I would ask those critics what surgical methods do they recommend that will punish the Chinese leadership only and no one else? What other method have they observed is working in China? There are those who say that revocation of MFN will hurt American companies and American exporters. The Chinese Government is doing a pretty good job of that themselves. In the words of the United States Trade Representative, "China employs a complex system of tariff and

nontariff administrative controls to restrict foreign firms' access to its domestic market." We had a $10.4 billion deficit with China in 1990, and the deficit will be larger this year. As a matter of fact, after Tiananmen Square, United States exports to China fell 17 percent, while imports from China increased 27 percent. The Chinese have been singled out for their failure to protect United States intellectual property. The United States Government has charged the Chinese with breaking their bilateral textile agreement with us by transshipping over $100 million of their textiles through other countries.

Of course, there are far more deadly sins in China's repertoire—that is, their nuclear proliferation policy. I will leave those details to others—suffice it to say that there are serious allegations that China has been a shopping center for India, Pakistan, Brazil, Argentina, Algeria, Iraq, Iran, and Syria.

Our objectives as a country and as a member of the world community in freedom of emigration, in human rights, in trade and in nonproliferation are consistently repudiated by the Chinese Government. This, then, is a relationship we wish to cultivate? It brings to mind a quote President Kennedy was fond of reciting:

There are three things which are real:
God, human folly and laughter
The first two are beyond our comprehension
So we must do what we we can with the third.

Truly, the Chinese Government's policies from June 3, 1989, to the present are "human folly beyond our comprehension." I urge my colleagues to support S. 1367.

Mr. KASTEN. Mr. President, I rise to add my support to extending most-favored-nation [MFN] trading status to the People's Republic of China. I strongly support the people, not the Government, of China. MFN is a people-to-people benefit—not a government-to-government reward.

This afternoon I had several Chinese students in my office to discuss extending unconditional MFN to China. Their words impressed upon me that unconditional MFN was the very best means to strengthen democracy in China. They came armed with petitions from students and scholars in Wisconsin supporting the extension of unconditional MFN to China.

Mr. President, after my remarks I will ask to have them inserted into the RECORD, along with an op-ed article from the New York Times.

Since long before June 4, 1989, I have been a strong supporter of the democracy movement in China. I have spoken out publicly against the brutal regime that forcibly suppressed the student movement for democracy. I'm still outraged at the regime's violent actions, but I do not believe that adding conditions to the extension of MFN will serve the purpose of promoting change in China.

The human rights situation in China is unacceptable. However, conditional extension of MFN is the least effective means of improving the human rights situation—simply put, it punishes the wrong people.

I believe that a continuation of MFN for China is vital to advancing the cause of human rights and in supporting those Chinese who seek a modern, progressive China.

The advocates of political and economic reform and of greater human rights depend on outside contacts and support. Cutting them off will weaken them while giving xenophobic hardliners a foreign scapegoat for their failing policies.

History has shown that economic development provides the bedrock for political and social progress. It is essential that we maintain our trade and investment relations if the United States is to remain a positive force for progress in China.

Extending China's MFN status without conditions is crucial both to continuing China's economic evolution and to our own national interest.

Supporters of conditional MFN argue that the Chinese Government will be pressured to make human rights concessions for preferential trading with the United States. I disagree.

The current repressive Chinese Government, forced to make such a choice, would forgo the trade benefits. We here in the United States must dare to do what the Chinese Government will not—put the interests of the Chinese people first. And make no mistake:

If trading between our two countries ended, the people of China would lose. Their one outlet to the West would be shutdown for good.

Economic isolation can only hinder China's progress toward democracy. This isolation is not what the Chinese people hope for, and it is also not in the interest of Americans. Now more than ever, China needs increased contact with the outside world.

With more commercial trade, technical exchanges and cultural contacts between China and the rest of the world, the chances are better that ideological change and economic reform will occur, as more and more citizens become dependent on free market structures.

An open economy is China's only hope for the future. It is a prerequisite for reform—an essential precondition for freedom. I will vote to keep this window open—so that the breeze of freedom can someday breathe new life into the world's oldest civilization.

I ask unanimous consent that the material to which I earlier referred be printed in the RECORD.

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

JULY 19, 1991.

To: The Honorable Senator Robert Kasten, 110 Hart Office Building, U.S. Senate, Washington, DC.

From: All of us, whose names and addresses in Wisconsin appear in the following pages.

We the voters in Wisconsin as petitioners hereby represent a very small percentage among the citizens who are not surveyed but may be also most seriously concerned about the negative consequences of the passage of HR 2212, and S. 1367 which is soon to come for floor vote in the Senate. Our position is to urge both of you not to vote for it.

We as a nation have always sought for greater American influence in China's rapid transformation into a democratic/free country to have undivided respect for human rights as enshrined in the U.N. Charter as was passed by the United Nations in 1948. The best way to achieve these goals is to use our economic, diplomatic and cultural influences inside China through President Bush's resourceful leadership and diplomatic negotiations. We must not alienate China and its people at this critical juncture. Millions of the Chinese people must understand that we are on their side, and that we do have honest disagreements with their government on certain specific issues.

Therefore, to cut-off the Most-Favored Nations (MFN) policy practice will hurt many Chinese workers and freedom-loving intellectuals. They seem to seek earnestly the potent good-will of the American people and its government. In additions, we shall undoubtedly lose influence with those inside the Beijing government who can be further alienated by our denial of MFN to China-made consumer goods in our domestic market. Furthermore, such "low-priced" Chinese goods are beneficial to most of American consumers. We seek your greater attention to underline and to analyze other most damaging consequences if this S. 1367 bill is passed against the Chinese government which may further misinterpret our goodwill and policy gains. And thus, Chinese media and the freedom-loving Chinese citizens and those average workers may be negatively affected against the American government and be gravely alienated from a feeling of abandonment and unexpected disappointment.

There are many other concrete factors and effective arguments against the passage of the bill. These may, at least, include the following:

1. Our President knows the conditions and politics in China much better than most of us citizens. We do not have the day to day information. He does.

2. Our diplomacy with China needs flexibility and strong Congressional support for more successful negotiations, especially on the practice of human rights.

3. Our long-term policy goal toward China must not be adversely affected by this bill, which may not at all help to achieve what Congress and the President want for the Chinese people or to influence Beijing the way we want to.

4. Over the past decades we have slowly built up our friendly influence in China. More positive economic, commercial and trade measures will reinforce this rising influence and friendship between the two nations.

5. The Chinese working class and those businessmen in foreign trade along the East seacoast from Canton to Manchuria will be

seriously damaged if we cut-off the MFN treaty to the goods they produce. These people, who benefit from reform and trade, represent the growing influence and leadership in China's democratization and respect for human rights.

6. Finally, the prosperity of Hong Kong as a trading center will also be negatively affected. Hong Kong is our showcase of free enterprise that influences China and other parts of Asia. As a transport harbor for Chinese consumer goods, it will suffer a serious blow if MFN is used against China.

This petition may come to you by faxing or personal direct presentation in Washington.

In conclusion, we remain eagerly to hear good news from the Senate floor against this bill. Thank you for your time and effort to consider our views in your voting. We are largely from the Madison-Oshkosh areas. The rest of the voters in Wisconsin may think the same way we do. It is for you both to freely survey them.

Thank you again.

The list of voters supporting the Presidents position against the passage of the bill:

Dr./Prof. John J. Liu, University of Wisconsin-Milwaukee, College of Business, 414-229-3833.

Dr./Prof. David W. Chang, UW-Oshkosh, Political Science, 414-231-0160.

Dr./Prof. Shi-jiang Li, Medical College of Wisconsin, Milwaukee 414-257-4029.

Mr. Wen Youzian, UW-Madison, 608-257-7135.

Mr. Du Can-ping, UW-Madison, 116 N. Orchard St., Madison, 53715.

Mr. Wang Chen, UW-Madison, 116 N. Orchard St., Madison, 53715.

Mr. Wang Jin-fung, UW-Madison, 116 N. Orchard St., Madison, WI 53715.

Ms. Tu Xin, UW-Madison, 608-238-7824, 201A Eagle Heights, Madison, WI 53705.

Mr. Huang Zhengyu, UW-Madison, 116 N. Orchard St., Madison, 53715.

Mr. Wang Bei-Liang, UW-Madison, 116 N. Orchard St., Madison, 53715.

Dr. & Mrs. Leslie H. Stone, 1835 Lake Breeze, Oshkosh, WI 54904. 414-235-6360.

Mr. & Mrs. Carl/Leona Stapel, 427 N. Main, Oshkosh, WI 54901, 414-236-3340.

Mr. James Staple, Kitz and Pfeil Hdwr., 427 No. Main, Oshkosh, WI 54901.

Dr. & Mrs. Eugene/Patricia Sonnleitner, 1218 Jackson, Oshkosh, WI 54901, 414-235-1866.

Dr. & Mrs. E.C./Nancy Ping, 600 S. Main, Oshkosh, WI 54901, 414-233-0141.

Mr. & Mrs. Don/Yoshi Specht, 125 Broad, Oshkosh, WI 54901, 414-233-0422.

Dr. & Mrs. H. Sang Lee, 1529 Bismark, Oshkosh, WI 54901, 414-233-0049.

Dr. Zillur Khan, UW-Oshkosh, Dept. of Political Science, Oshkosh, WI 54901.

Mrs. Alice G. Chang, 1781 Lake Breeze Rd., Oshkosh, WI 414-231-0160.

Dr. Tina Fu, 902 Viola, Oshkosh, WI 54901, 414-233-5779.

Mr. & Mrs. K.T. Hsu, 1732 Maricopa Dr., Oshkosh, WI 54901, 414-231-7739.

Victor Chang, 815 Frederick, Oshkosh, WI 54901.

Christopher H.S. Chang, 1781 Lake Breeze, Oshkosh, WI 54901.

Andy Hsu, 1732 Maricopa Dr., Oshkosh, WI 54901.

Kenneth Y.K. Hsu, 1732 Maricopa Dr., Oshkosh, WI 54901.

Ms. Shirley Chang, 817 Scott, Oshkosh, WI 54901.

Ms. Li Shu, 1651 Jackson Dr., Oshkosh, WI 54901.

Dr./Prof. and Mrs. Bertrand Chlang, UW-Oshkosh, College of Education, Oshkosh, WI 54901, 414-233-5930.

[From the New York Times, July 23, 1991]

RENEW CHINA'S TRADE STATUS

(By Li Xianglu and Lu Mai)

Since the violent suppression of the student movement in Tiananmen Square in June 1989, condemnation of the Government has been near universal. But revoking its most-favored-nation status with the U.S., or attaching conditions, is the least effective means of improving China's human rights picture. This move, which Congress may vote on today, would punish the wrong people by damaging economic reform that is helping bring about a free market.

Chen Ziming, a prominent dissident, agrees. Though sentenced to 13 years for his role in the 1989 demonstrations, he suspended a hunger strike lest U.S. critics of China use his protest as a reason to revoke most-favored-nation status. Such revocation is the last thing reformers in Beijing want.

The economic innovations of the late 70's have produced a private sector and market-oriented collectives, which have liberated hundreds of millions of peasants from deep poverty and state control. The introduction of new ideas from the outside world and growing freedom in the newly pluralistic economy have generated pressures for social and political change.

Foreign trade and investment are the driving forces behind the growth of the private sector. The State Statistical Bureau says that in 1990, while the output of state enterprises grew at an annual rate of about 4 percent, the private sector's output grew at a rate of more than 20 percent and that of enterprises involving foreign investment leaped more than 30 percent.

Some point to the release of the dissident Fang Lizhi and a select few prisoners as evidence that the Chinese Government can be bullied by the threat of losing its trade benefits. But these meager results are mostly the outcome of quiet American-Chinese negotiations. There is ample evidence that Beijing is prepared to endure substantial costs rather than succumb to international pressure.

Public posturing over China's most-favored-nation status and proposed conditions to renewing it challenge the leadership's legitimacy. Such demands hand conservatives an excuse to play on xenophobia, which is never far from the surface; the destructiveness of xenophobia in modern China is still a vivid memory.

Real human rights improvements will come only from systemic change. Foreign trade and investment and the demands they put on the centralized command economy promote such change and support those people who are pressing for structural reform.

Critics of the Chinese leadership erroneously suppose that canceling most-favored-nation status would create economic difficulties that would eventually lead to a popular uprising and the fall of the Government. Since 1949, however, the Government has weathered repeated economic crises by appealing to nationalism and renewing central planning. Those harmed by the revocation of its special trade status will not turn their frustration and anger against the Government; instead, reduced economic opportunities outside the state system will force them to return to dependency on the Government.

Withdrawing that status would provide the hard-liners with an excuse to recentralize control and curtail the influence of foreign economies. The hard-liners surely prefer things that way, for economi prosperity, rapid growth of the private sector and integration into the world economy are beyond the old system's control.

A gradual and peaceful transition to democracy is in the interests of the 1.2 billion Chinese, the U.S. and the rest of the world. Only economic prosperity and political openness can make democracy achievable. The extension of most-favored-nation status without conditions will help promote these fundamental changes.

Mr. WOFFORD. Mr. President, I'm going to vote for this bill later today. But as I've made clear from my very first days as Senator only a few short months ago, I oppose granting most-favored-nation status to China before that nation makes significant changes in its unfair trade policies and its inexcusable human rights policies.

I would have liked to support a resolution of disapproval, but that option isn't presented to us today. So I will vote for the toughest possible conditions on continued most-favored-nation status for a Chinese Government whose policies have been taking the jobs of working Americans and the rights of freedom-loving Chinese. I do so in opposition to this administration's effort to extend unconditional most-favored-nation status to China.

This administration has put American jobs and American principles at risk by seeking renewal of unconditional most-favored-nation status for China. But if we are to grant that status to China again this year, we must condition that extension on major, substantive action by the Chinese Government toward fair trade and basic human rights.

Certainly, we can do better, not only for our own working families, but also for the people of China who want to live in peace and freedom, and to have the chance to get paid fairly for an honest day's work. I have served as president of the International League for Human Rights which has monitored China's violations of the fundamental human rights of its people.

And I have talked with garment workers and manufacturers across Pennsylvania about this issue, as well as Chinese students studying here. And what I have seen and heard in my home State has convinced me that American workers are paying a steep price for our continued willingness to look the other way as China floods the United States market with cheap products made in sweatshops filled with no-wage political prisoners.

The administration is not telling us the truth. Last year President Bush argued that discontinuing most-favored-nation status would hurt the United States and cause a drop in trade. But that is not what happened. In 1990, our Nation's trade deficit with China increased 67 percent to $10.4 billion. China's exports to the United States increased 27 percent during this period while our exports to China decreased 17 percent. By the end of this year, our trade deficit is projected to reach $15 billion.

In addition, China has violated existing trade laws. This morning's Washington Post details how the Chinese Government has systematically evaded textile quotas in order to take advantage of the United States market; I ask that this article be printed in the RECORD immediately following my statement.

I have witnessed firsthand the result of our country's misguided trade policies and its impact on hardworking Pennsylvanians. I have seen the empty sewing machines at Maline Sewing Co. in Philadelphia and listened to the fears of workers at the Donora Sportswear Co. in the Mon Valley.

This administration has allowed China's unbalanced trade policies to steal thousands of garment and textile jobs from Pennsylvania and from the rest of our Nation.

President Bush has stated that most-favored-nation status gives the Chinese Government the incentive to take into account United States interests. I have seen no evidence of that kind of openness and accommodation by the Chinese in either trade or human rights policy. We have seen our trade deficit with China's well-documented human rights abuses. And we have seen little evidence that China has kept its promises to review its policies regarding nonproliferation in nuclear and missile technologies.

The legislation we are debating today is not as strong as I would have liked. I believe that China does not deserve favorable trade treatment at this time. But we are faced with a choice between attaching these strong conditions to most-favored-nation status or extending this status to China unconditionally. I certainly will not support the extension of unconditional most-favored-nation status to China in light of that nation's persistent refusal to address the crucial issues of unfair trade, human rights, and nuclear nonproliferation.

We have learned from experience that unconditional most-favored-nation status has not, and will not, compel China's leaders to change their ways. I hope that these conditions will show the Chinese Government that we are serious in seeking reforms. We are serious about defending American competitiveness and American jobs. We are serious about expanding human rights. We are serious in our commitment to trade policies which are both free and fair to the workers and families of my Commonwealth and our country.

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

CHINESE ARE EVADING QUOTAS ON TEXTILES, U.S. OFFICIALS SAY

(By Stuart Auerbach)

U.S. Customs Service agents pounced one morning last fall as soon as the heavy trucks crossed the border from China into the tiny Portuguese enclave of Macao.

With the permission of the Macao government, they tore open the huge shipping containers and found hundreds of thousands of sweaters, all destined for American stores, all bearing phony labels saying they were made in Macao.

The deception was part of a concerted campaign by China to ship an estimated $2 billion in low-cost garments into the United States last year in violation of long-standing international quotas limiting textile imports into industrialized countries from the Third World, administration officials said.

China's rapidly growing trade surplus with the United States in textiles and other products formed part of the backdrop as the Senate began debate yesterday on maintaining China's status as a favored trading partner.

According to U.S. Customs Service and Commerce Department officials, China has gone to great lengths to evade textile quotas and get more of its clothing into the rich U.S. market.

In some cases it has slipped garments across its border to Macao or Hong Kong. U.S. officials have also reported intercepting falsely labeled shipments from countries that haven't used up their U.S. quota or aren't restricted, such as Lebanon, Honduras and Panama.

The officials said they have investigated other diversions through Persian Gulf states, including Kuwait, and suspect that some Chinese garments entered the United States with labels indicating they were made in African nations. In some cases, the officials say, the false labels were sewn in China. In other instances, the only transformation in the garments was the switching of labels in a third country.

A U.S. trade official said there always has been a limited amount of diversion by countries trying to ship more clothing than their quotas allowed. But the official said what is new with China is "the sheer volume and magnitude" of the activities, which has forced the U.S. government to take action. "It used to be isolated instances * * * pretty small potatoes," the official said.

Stephen DeVaughn, acting director of the Customs Service's Office of Investigative Programs, said the government is seeking criminal indictments against American importers in at least six instances for conspiring with Chinese manufacturers to ship falsely labeled clothing to the United States. "They were trying to beat the quotas," he said.

The sweaters found in Macao late last year were worth $85 million to wholesalers in the United States, officials said. President Bush announced Friday that the government found another $14 million worth of falsely labeled Chinese-made garments being shipped through other countries.

U.S. trade officials told a hearing of the Congressional Joint Economic Committee last month that the quota-beating textile transshipments comprise just one element in Chinese efforts over the past three years to increase foreign exchange earnings by boosting overseas sales and decreasing the amount of foreign goods allowed in China.

As a result, according to a Central Intelligence Agency report released at the hearing, "the United States * * * has emerged as China's foremost export market," accounting last year for one-fourth of its foreign sales.

Chinese sales to the U.S. market jumped an average of 30 percent a year through the 1980s, the CIA reported, 10 times as fast as China's purchases of U.S. goods. That pattern continued last year, when China's exports increased 27 percent to $15.2 billion, while its imports of U.S. products dropped 17 percent to $4.8 billion. The figures did not include the illegal textile trade.

The shifting trade patterns have figured only marginally in the sometimes heated debate in Congress over President Bush's request to renew China's "most favored nation" (MFN) trade status, which grants all Chinese products—including textiles that are within the quotas—the lowest duties of any U.S. trading partner.

In the congressional discussion on MFN status, Beijing's human rights record and its sales of missile and nuclear technology to Middle East hot spots generally have drawn more congressional opposition than China's trade activities.

The Senate yesterday began floor debate on whether to extend China's MFN status. A vote is expected today. Opponents of the extension are likely to win a narrow victory, but the margin is expected to be too small to override a promised presidential veto, which would have the effect of continuing China's MFN status.

While the MFN designation does not affect textile quotas, without it, tariffs on Chinese products would increase as much as tenfold, making them more expensive on U.S. store shelves.

In a letter aimed at easing congressional concerns, President Bush Friday promised to initiate unfair trade cases if Beijing continues to restrict American imports and said he would take additional action if China persists in trying to evade textile quotas.

U.S. officials said the giant American clothing market is such a tempting target and China's capacity to produce low-cost garments is so great that quota evasion is inevitable. "There is an enormous incentive for transshipments to occur," said Deputy Assistant Treasury Secretary John P. Simpson.

As an example of the difficulties that Customs Service and Commerce Department officials face in trying to enforce the quotas, Seth Bodner, executive director of the National Knitwear and Sportswear Association, described a tour last month of Macao factories to see if they are capable of producing the garments they say they are shipping into the United States.

"The whole thing was ludicrous," he said. "A few [workers] were pros and the rest looked as if they had never seen a knitting maching before." He quoted customs agents as saying they had visited the factories weeks earlier and they contained no knitting machines. "They move the machines back and forth across the border. It's a game they play," Bodner said.

Much of the government's initial intelligence on false labeling comes from the domestic industry, which closely monitors imports and has fought major political battles to limit foreign textile and clothing shipments to the United States.

For instance, Charles V. Bremer of the American Textile Manufacturing Institute informed customs officials when he noted that 156,000 T-shirts, sold wholesale at $1 each, and 136,000 square meters of rayon fabric were coming into the United States from Lebanon, which was in the midst of a civil war.

"Imports of spent shell casings or shrapnel from Lebanon I can see, but textiles and apparel? I doubt it," he wrote the Customs Service.

As a result, customs agents were at the docks when a ship from China arrived bearing a dozen 20-foot-long containers filled

with clothing marked "Made in Lebanon." DeVaughn said the ship's manifest clearly showed the shipment originated in China.

CHINESE TEXTILE SHIPMENTS

[In millions of units]

Item	1991 quota	Diverted shipments
Cotton pants and shorts	26.3	2.4
Synthetic fiber sweaters	9.3	1.5
Wool sweaters	3.3	1.4
Cotton sweaters	1.4	0.9
Cotton industrial towels [1]	1.2	1.3

[1] In millions of pounds.

Source: American Fiber Manufacturers Association.

Mr. BIDEN. Mr. President, in the debate thus far over whether to extend most-favored-nation status to China, those who oppose unconditional approval have not been lacking for examples of unacceptable behavior on the part of the Chinese government.

My previous comments have focused on China's reckless proliferation of missile and nuclear technology. Other Senators have stressed China's ongoing detention of political prisoners; still others its violation of worker rights through the use of forced labor. Mr. President, I submit that these are all appropriate concerns for Members to consider in judging MFN renewal for China.

An additional concern I have relates to the unacceptable behavior of the Chinese Government in a matter in my home State of Delaware.

In 1987, the Phoenix Steel plant in Delaware shut down, leaving 600 workers in limbo. In June 1988, the plant was purchased by Citisteel, a company owned by an arm of the Chinese Government. Citisteel promised to raise Phoenix from the ashes on the shoulders of its former workers. In exchange for the help of their union in winning special environmental clearances from the Delaware Legislature, Citisteel promised that the former Phoenix steelworkers would have the first opportunity of filling the new jobs at Citisteel. But once the waiver was granted, Citisteel turned its back on the workers.

Four years after Phoenix Steel closed, Citisteel is in operation with 300 employees. Only 35 of these are former Phoenix Steel workers, despite over 200 of those workers having applied for work at the plant.

Citisteel's intentions are clear. The former Phoenix Steel's workers are members of the United Steelworkers of America, the union that has represented the workers at that plant since 1943. The Chinese-owned company does not want to recognize the union, nor allow it to represent the work force at the plant.

The problem Citisteel has, Mr. President, is that in this country, unlike in China, the Government upholds the laws that protect the rights of workers. In May, the National Labor Relations Board culminating a 2-year investigation, charged Citisteel with violations of the National Labor Relations Act in discriminating against the former employees of Phoenix Steel. The Board's complaint holds that Citisteel interrogated former Phoenix workers about their union sympathies in order to screen out prounion workers in rehiring so as to avoid having to recognize the union.

Mr. President, there is no shortage of reasons to be concerned about the way the Chinese Government treats its own citizens. I think we should also take into account how they treat our own citizenry.

Mr. KOHL. Mr. President, the issue presented to us today is both incredibly simple and tremendously complex. The simple part is our desire to respond to the totally unacceptable behavior of the Chinese Government.

Even before the dramatic confrontation in Tiananmen Square, that Government had demonstrated a cynical disrespect for human life and human rights. Their record in Tibet, their support for dictatorial forces in Cambodia, their blatant violation of international efforts to reduce the flow of arms to terrorist states and organizations, their persistent and consistent flouting of trade agreements—all this and more made it very clear that China has a long way to go before it merits special consideration from the United States.

But concern about China's behavior was, to a large extent, restricted to a small circle of foreign policy experts—until Tiananmen. After the tanks rolled through the square and over the protesting students, concern about China spread throughout the world. And now, some 2 years after Tianamen, that concern is finally translated into action, into an attempt to decide how the United States of America ought to respond to the leadership in Beijing.

Now as I look at the alternative responses we are being asked to consider I start with the assumption that both sides share a common goal: We do want to see changes in China; we do want to express American revulsion at China's behavior; we do want to protect human rights. But there are radically different visions of how we can accomplish those goals. And that is where the complexity comes in.

President Bush has made it clear that he believes that quiet diplomacy is the best way to promote change in China. In that context, he argues that economic growth and private enterprise are effective ways to liberalize and liberate the mass of people in that nation. I agree with that argument.

He also argues that attaching any explicit conditions on our economic relationship with China will be counterproductive: China will reject the concept of conditionality no matter what the specific criteria are. I'm afraid he may be right on that score as well.

Given those considerations, the President rejects conditionality because it will, at best, accomplish nothing in terms of promoting liberalization and, at worst, may actually set back the cause of reform. Conditionality, he claims, will accomplish nothing—but it will cost American workers and American business the jobs and benefits created by continued trade between China and the United States.

Senator MITCHELL and other advocates of conditionality do not repudiate the President's reasoning as much as they reject the results which he has been able to produce. After 2 years, in which the administration has been free to practice unfettered quiet diplomacy, it is impossible to claim that their strategy has produced any results. That is not a political conclusion—it is the only conclusion that the facts support. Indeed, as the Republican Senator from Washington State has said:

> In the 2 years since the massacre in and around Tiananmen Square, China has taken few positive steps. * * * [And] many of those outwardly positive steps taken by China were followed by the imposition of additional restrictive actions.

I'm not sure that quiet diplomacy is doomed to fail but I am concerned that this administration is not committed to making it work. In my judgment, the administration has demonstrated all too clearly that it is simply not willing to push the Chinese government. The President vetoed legislation to protect Chinese students who were in America when their government killed their colleagues in Tiananmen Square; he sent high level emissaries on secret missions to Beijing while saying he was cutting off such exchanges; he has praised China's willingness to talk about nonproliferation while failing to recognize that they are continuing to sell weapons to hostile states.

As the frustration with the administration's unwillingness to make quiet diplomacy work increased, we began casting about for an alternative course of action. We considered an immediate cut off of MFN—and then rejected that option as being too precipitous. We considered a 6-month conditional renewal—and then rejected that option as being too unrealistic. Finally, we considered a 1-year conditional extension of MFN and urged the administration to join us in developing a realistic set of conditions—and the administration rejected our offer to discuss that option.

So we find ourselves deadlocked. In an ideal world, I would support nonconditional extension of MFN combined with a realistic and tough diplomatic effort to promote reform. That, in my judgment, is the best way to produce results. But as I have learned all too often in the last 3 years, this is not an ideal world. I can't compel the administration to pressure China. I can't legislate common sense. The only legislative choice is some form of con-

ditionality or a continuation of the bland and ineffective policies we have pursued over the past 2 years.

That is a Hobson's choice. And it appears that we will not fully resolve it today. A majority of my colleagues favor action now—but the President and a one-third minority of the Members of this body can prevent that from happening. As other Members of the Senate have pointed out, the vote today will not be definitive. We will pass this bill, the President will veto it, and his veto will, I fear, be sustained.

Given that reality, given the fact that we will end up with an unconditional extension of MFN, I believe it is critically important that both the President and China understand the meaning of this vote. No one should believe that unconditional means uncritical. We are very critical of what our Government and the Chinese government have done and failed to do.

My vote, and the votes of a majority of my colleagues should send a clear message to the President and to China: There had better be some real changes in the next year. If we face the same level of repression, the same sorts of violation of trade laws, the same policies toward proliferation, and the same nonresponse by the American government, then even though denial of MFN may not be the best choice, it is a choice that I predict two-thirds of the Congress will be willing to make.

The President has had 2 years to let his policies work. They haven't. The Chinese government has had 2 years to modify their behavior. They haven't. Now each will get another year to do what they have not yet done. And they had better do it.

The dangerous implications that some see in conditionality this year will pale in comparison to the dangerous precedent that would be set if we allowed the current situation to continue without reacting.

So today, Mr. President, I vote for conditionality knowing that it will fail. But if the President does not succeed in the year he has bought, then I will vote for conditionality again next year—and it will prevail.

Mr. JEFFORDS. Mr. President, this debate has pointed up many areas of disagreement among Senators on our policy toward the People's Republic of China. Yet it is clear that there is broad agreement on the overall goal of United States policy: The promotion of economic reform, democratization and respect for human rights in the People's Republic of China [PRC]. There is also general agreement that the administration has not been sufficiently forceful in pressuring the Chinese for progress in these areas. Worry about Chinese disapproval of American criticism seems to have dissuaded the administration from pushing as hard as it might have.

The disagreement among Senators centers on how we can best achieve the goals of U.S. policy. There seems to be broad agreement that retention of most-favored-nation [MFN] status for the coming year is critical to the survival of the democracy movement. Senator MITCHELL's legislation does not contest the President's decision to continue the trade preferences; preferences, I might add, that are granted to most all nations. The many Chinese students who have visited my office also agree that MFN should remain in effect for the coming year, and most indicated they did not want to see it revoked a year from now.

Unlike the Soviet Union, China's economy is not collapsing under the weight of a central planning bureaucracy. More than a decade ago, the Chinese leaders realized that they had to initiate reforms to head off economic decay of the kind that was plaguing its neighbor to the north. They believed opening their markets to Western investment and allowing development of a strong private sector would revitalize their economy and improve China's standard of living. In the decade since granting of MFN status, this has proved to be the case.

Sixty percent of the Chinese economy is now associated with the private sector. This sector is essential to the provision of the most basic of human rights—the right to earn a living and provide for one's family. It also provides an economic sanctuary for those individuals who feel compelled to criticize the government, to press for respect for human rights, and to prod the leadership toward democracy. In the absence of a viable private sector, the Government would have a stranglehold on every aspect of an individual's life, effectively preventing anyone from speaking out. One life-long activist indicated that the hard-liners in the Government would love nothing more than an excuse to exert their control over the private sector, but the necessity of maintaining MFN prevents them from doing so.

The interaction that comes with trade is also cited by many Chinese as critical to the development of diversity in China. The exposure to different world views, the exchange of ideas and the opportunities to meet Americans or perhaps even travel to the west—these are the keys to steady, gradual reform in China. No one thinks that big changes will happen immediately, and most experts with whom I consulted indicated that far-reaching changes are unlikely until the aging, hard-line leadership passes from the scene. Yet, while waiting for this to happen, Chinese reformers are mulling over options for the post-Deng Xiaoping era and formulating ideas on how best to proceed. They are hungry for Western thought and input. Cancellation of MFN would end most such contacts with Americans.

Greater Chinese involvement in the United Nations and increased international interaction has also been a goal of United States policy for some time. Recent events in the gulf provided an example of the pivotal position of the PRC, due to its veto power in the U.N. Security Council. Without China's acquiesence, the United Nations could not have organized an opposition to Saddam Hussein and could have been prevented from playing any role during the crisis or in the settlement.

Two years ago, in the wake of the tragic massacre in Tiananmen Square, the President announced a series of economic sanctions on Beijing and pledged to keep unrelenting political pressure on the government. While continuing MFN preferences, the President promised to use the channels of quiet diplomacy to express America's outrage. Unfortunately, I do not see much evidence that the administration has used these channels to their fullest advantage.

Human rights abuses continue unabated in China. Human rights organizations have listed more than 300 activists who have been sentenced since June 4, 1989, to harsh jail sentences for participating in the prodemocracy movement. Many of these trials were conducted more like show trials. Persecution of religious activists and Tibetan nationalists has shown no signs of declining. Amnesty International believes that perhaps as many as 200 Tibetan nationalists are being detained, some of them since 1987.

Trade is the one component of the China MFN deliberation that should be the easiest to get our arms around and to address. The administration has had the tools—tools in fact given it by the Congress—to directly target those trade issues for some time now. I am referring, of course, to the various section 301 procedures at the administration's disposal.

Yet what have we seen in the PRC trade area over the last several years? We have seen our trade deficit with that nation grow to $10.4 billion in 1990, the year after the Tiananmen Square crackdown, surpassed only by our trade deficit with Japan and Taiwan. Morever China's trade surplus is projected to grow to $15 billion in 1991.

It would be one thing if we could attribute this growing deficit to the natural law of trade that is the inevitable result of certain inherent advantages China might have in a free and unfettered trade environment. But the fact is that the evidence increasingly indicates that the surplus must be attributed to deliberately predatory trade practices of the PRC. We are faced with an arrogant China, cynical and manipulative in the trade arena, which unfairly and unilaterally exploits its

basically open access to the United States market while restricting our access to its market.

Many specific examples of this growing arrogance can be recited. Today's Washington Post recounts a recognized deception by China in its shipment of an estimated $2 billion of low-cost garments into the United States last year in violation of longstanding international textile quotas. And this $2 billion was not even counted in the official 1990 deficit figure of $10.4 billion.

In another deception, the PRC secretly funnels exports through Hong Kong as a means of understating its own export statistics on trade with the United States and the rest of the world. Such deceptive trade accounting is so severe that China just this year, and with a straight face, claimed to have a $1.5 billion trade deficit with the United States.

By the administration's own admission in its reply to Senator MAX BAUCUS outlining United States policy objectives for the coming year, general access by United States merchants to China since 1988 has been severely impeded by increasingly more protectionist, nontariff barriers to imports. These measures have worked for China. There was a 17 percent decline in United States sales to China in 1990, the only major foreign market in which our exports declined last year.

There are also serious questions about China's willingness to improve its track record with regard to the enforcement of international standards concerning copyrights and other intellectual property rights. Although China's first copyright finally went into effect on June 1, past experience indicates that this may well be a token measure only to appease or put off legitimate complaints by the United States.

To be sure, the administration tells Senator BAUCUS that it will now use all its resources to address these devious trade maneuvers by China. Even if we give the administration the benefit of the doubt, the inescapable question remains: Why have they not taken these corrective steps over the last 2 or 3 years? The situation has only deteriorated in the face of administration procrastination and inaction.

I am also deeply concerned about Chinese sales of missiles to Iran, Iraq, and Saudi Arabia. A few months ago, reports surfaced that China was selling M-11 ballistic missiles to Pakistan and considering the sale of M-9s to Syria. There are also indications of Chinese willingness to assist nonnuclear nations in the development of nuclear weapons production capabilities. The President recently announced that the United States will now deny any requests from U.S. companies for licenses to export technology relating to satellite capabilities or high-speed computers until its nuclear proliferation concerns are satisfied.

After reviewing the unsatisfactory record of the past 2 years, my inclination was to refuse the President's request for yet another year of unconditioned MFN preferences. I felt the need to tell the President that the administration had not performed up to my expectations and that I was losing patience with his approach. I wanted to see more progress on our central policy goals.

So how do we get better results? Again and again I was reinforced in my judgment that revocation of MFN would not produce concessions from Beijing. Yet revocation would clearly hurt the Chinese people's standard of living and would greatly decrease the already limited breathing room of the prodemocracy activists, greatly setting back the pace of reform. It would also remove a point of leverage for reformers within the Chinese government who are in a tense struggle with the hardliners.

It is also clear to me that revocation of MFN would seriously hurt our own exporting sector disproportionate to any real benefits that could be expected from such action. Revocation would clearly lead to retaliation by the PRC through the cessation or severe restriction of purchases of grain, aircraft, cotton yarn and other products we now sell to China. The very industries we are counting on to reduce our unsustainable trade imbalances would be the ones most adversely affected.

Although often overlooked, the situation with the Vermont machine tool industry is illustrative of the serious consequences MFN revocation would have on our domestic exporters. As is true of the United States as a whole, Vermont used to have a vigorous machine tool industry which has now been sadly reduced to two or three companies fighting for their survival. I am told in no uncertain terms that the potential of the China market is critical to the survival of these remaining companies.

One of these companies reports current business with the PRC of approximately $3 to $5 million a year. The size of these numbers is deceptive. That business, in the form of grinding machines for the refrigerator and automotive industries, already represents 15 percent of the company's total business. More importantly, as the president of the company wrote me:

> We anticipate the Chinese market to grow over the next five years and to be a substantial source of business for the next decade, with a resultant increase over the present volume.

He goes on to state that a discontinuation of MFN would mean a loss to their German, Japanese, and Italian competitors to this specialized market they have worked hard to establish. This in turn would mean a loss of approximately 20 percent of the company's work force, and throw future survival into further doubt.

The story of these small machine tool companies in Vermont argues strongly against the wisdom of denying MFN to the PRC. The goals of those who would have us do so are entirely admirable, and are shared by me. But the effects of such action would be so counterproductive that I do not believe it can be justified.

If we are to continue MFN for the coming year, the question then becomes, how can we force the Chinese leadership to make the maximum amount of progress and how can we best prevent further abuse? We have to be realistic about what we can accomplish with our limited influence. Until the Chinese leadership believes that far-reaching reforms are in its best interest, there is little we can do to force its hand. However, we can, and must, keep the heat on. If we establish unreasonable conditions for MFN renewal a year from now, we lock ourselves into revocation of the status. Even reasonable demands may become unattainable if elevated to a high-profile position and laced with undercurrents of a challenge to a Nation's sovereignty. In dealing with China, lower profile channels often produce better results. Quiet diplomacy is frequently more likely to produce quiet results. And ongoing constructive influences eventually have a positive effect.

But Congress cannot conduct quiet diplomacy. That is the domain of the executive branch. Congress can only direct that it be done. And in my estimation, it has not been done satisfactorily to date. In his letter to Senator BAUCUS, President Bush outlined a long and thorough list of ways the administration will pressure the Chinese Government to address United States concerns over the coming year. I plan to follow these efforts closely and will return to this list when we come to review administration efforts this time next year.

Mr. President, my vote today comes with two strong warnings; one to the Chinese leadership that America wants to see progress on human rights, free trade and nonproliferation; and the other to the Bush administration that if it wants my support for renewal of MFN, in another year, it is going to have to fulfill the pledges made to Congress in the course of this debate.

If these things come to pass, and it is my great hope that they will, then I think we may at last be embarked on a strong, healthy, and morally responsible policy toward China. It's about time we had a China policy that the American people can be proud to support.

Mr. DURENBERGER. Mr. President, I rise to speak in opposition to the legislation that would impose conditions

on extension of MFN for the People's Republic of China.

In reaching this decision, I have concluded that it is in our Nation's best economic and geopolitical interests to maintain normal trading relations with the People's Republic of China. I further believe that continuation of MFN will improve economic and political conditions for the people in China.

Mr. President, neither the President of the United States, nor this Senator believes that extending MFN can be interpreted as condoning the domestic repression in China, or the Chinese Government's irresponsible arms proliferation policies.

The United States was the first country to condemn the brutal repression in Tiananmen Square. We were the first nation to guarantee the rights of Chinese students studying at universities abroad. We were the first nation to impose sanctions against the Chinese, and we are the last, alone among our Western allies, to keep those original sanctions in place.

But those actions are not enough for the critics of the President's policy. Do the critics of the President's policy think we would be better off if we turned the clock back on Sino-American relations to 1970 when we exercised a policy aimed at isolating China from the rest of the world? That would be the net effect of our decision to abandon normal trade relations with the Chinese. Although it might make us feel good in the very short run, it will surely set back relations and dialog with the Chinese for years to come and likely lead to wider crackdowns within China against foreign influence.

Let those who want to return Sino-United States relations to 1970 remember that in 1970 China did not serve as a permanent member of the U.N. Security Council. Let them remember that because of President Nixon's opening to China, the people of China have ultimately benefited and our long-term bilateral relationship with China and the Chinese people has been enhanced.

Let the critics also remember that they are putting at risk more than $5 billion in U.S. exports, including wheat, $511 million; aerospace, $749 million; computers and electrical machinery, $860 million; fertilizer, $544 million; cotton, $259 million; and wood products, $281 million. And not only will our European and Japanese competitors immediately step in to take up the slack caused by the loss of American business, but we will be putting at risk more than $4 billion in United States investment in China.

Farmers and businesses in Minnesota stand to lose hundreds of millions of dollars if the United States decides to restrict MFN. For Minnesota wheat farmers, that's a $27 million market that will disappear; and for Cargill's wheat and phosphate exports that's a $150 million loss. For 3M, Control Data, Eaton, Honeywell, MTS, Thermoking, Conagra, North Star Steel, Medtronic and Crown Iron Works, restricting MFN means the wholesale transfer of export business to Japanese and European competitors.

And what about the American consumer, especially the low income consumers who rely on imports from developing countries like China for affordable clothing and footwear. If MFN is restricted, tariffs on clothing and footwear manufactured in China will rise by 72 percent—to the levels established in the Smoot-Hawley Act. In other words, raising tariffs on Chinese imports of clothing and footwear is equivalent to imposition of a $6 billion a year tax on the American consumer of low- and moderate-priced clothing and shoes.

Mr. President, it has been 12 years since the United States decided to use the American farmer as an instrument of foreign policy. Haven't we learned the lesson of the failed 1979 American grain embargo of the Soviet Union? And that lesson is simply that when America unilaterally decides to use trade as a weapon of foreign policy, the only party who is hurt is the American exporter. Other countries always step in to fill the breach left by our unilateral withdrawal from a market.

There's a second lesson that we should all keep in mind. And that is the lesson we learned last August after Iraq invaded Kuwait. Economic and trade policy can be a meaningful tool of foreign policy, but only when such a policy is carried out in concert with all of the world's trading partners. U.N. economic sanctions against Saddam Hussein certainly had a devastating impact on the people of Iraq. But those sanctions had meaning only because the whole world acted in unison.

Will Japan follow our lead and restrict MFN for China? Will France? Will Germany? Will Brazil? Of course not. Their manufacturers and farmers will simply step in and take the business that we lose.

Mr. President, no one can condone the human rights abuses that have occurred in China since Tiananmen Square. However, revoking or conditioning MFN will not improve the human rights picture in China. To the contrary, it will punish the very people we are trying to help—the economic reformers who are attempting to move China's command economy to a free market, and ultimately to a free society.

Moreover, I believe it is fundamentally inappropriate for the United States, acting unilaterally, to start and stop trade with other nations because of disputes over human rights issues. Which developing countries would we be trading with if we applied the same standards we are seeking to impose on China to the rest of the Third World? Very few, if any.

Let me quote from Human Rights Watch, and Amnesty International's 1991 report:

Turkey: The human rights picture in Turkey grew worse during 1990, with increasing restrictions on freedom of expression, on the press, and on political activists. Torture also continued unabated.

Kenya: The human rights situation in Kenya deteriorated seriously in 1990, with the government arresting, detaining, and sometimes torturing human rights advocates and proponents of multiparty democracy.

HUMAN RIGHTS WATCH, WORLD REPORT, 1990

Some political detainees were reportedly tortured or ill-treated in security police custody * * * There were frequent arrests, interrogations and other harassments, including death threats of government critics, particularly church leaders, lawyers, and others advocating a multi-party political system.

AMNESTY INTERNATIONAL REPORT, 1991

Brazil: While imprisonment for political reasons has subsided since the transition to civilian rule in 1985, the incidence of torture and killing remains high. * * *

HUMAN RIGHTS WATCH, WORLD REPORT, 1990

Death squads killed hundreds of people, often in circumstances that suggested extrajudicial executions."

AMNESTY INTERNATIONAL REPORT, 1991

Mexico: Mexicans have been subjected to killings, torture and other mistreatment by the police during criminal investigations. * * *

HUMAN RIGHTS WATCH, WORLD REPORT, 1990

Indonesia and East Timor: The human rights situation in Indonesia and East Timor took a sharp turn for the worse in 1990. The Indonesian military tortured and summarily executed detainees in the course of counterinsurgency efforts along the Irian Jaya-Papuan New Guinea border * * *, in northern Sumatra, and in East Timor.

HUMAN RIGHTS WATCH, WORLD REPORT, 1990

South Korea: The South Korean government's commitment to human rights and democratic reform seemed to weaken steadily in 1990 as restrictions on freedom of expression and association increased. * * *

India: Several thousand political prisoners, including prisoners of conscience, were held without charge or trial under special or preventive detention laws. * * * Torture and ill-treatment were widespread and in some states systematic, resulting in scores of deaths in police custody.

Mr. President, the list of countries who abuse their citizens' human rights is, sadly, endless. Yet, I do not hear anyone calling for revocation of trading relations with Turkey, or Kenya, or Brazil, or Mexico, or Indonesia, or South Korea, or India. Acting unilaterally, America cannot change the behavior of the rest of the world. The forum for addressing these issues is not through trade, but through diplomacy in concert with other nations at the United Nations.

Mr. President, for many in the Senate, the debate over MFN has been narrowed to focus on the issue of Chinese missile sales to terrorist countries such as Iran and Syria. Under the Democratic leadership bill, MFN would be immediately revoked if it is determined that the Chinese have sold cer-

tain short-range missiles and launchers to Iran, Syria, and Pakistan.

Mr. President, I am appalled that the Chinese seem indifferent to the proliferation of ballistic missiles, especially to countries in the overmilitarized Middle East. Yet this has not gone unnoticed by the administration.

Three months ago, the President denied licenses for the export of components critical for the launch of a Chinese domestic satellite and he has indicated that he will not seek any further satellite waivers for China until missile proliferation concerns are satisfied. The President has also publicly stated that the United States would impose additional sanctions on any Chinese company found to violate international guidelines on missiles sales.

And just 2 weeks ago in Paris, the Chinese endorsed all of the key objectives of President Bush's Middle East arms control initiative. The Chinese also have agreed to work in follow-on meetings to flesh out the agreements reached in Paris to freeze and ultimately eliminate surface-to-surface missiles and block the production and acquisition of nuclear useable material.

Mr. President, MFN is the functional equivalent of closing down economic relations with a trading partner. It is a last resort trade weapon. Much as I believe that the Chinese have been irresponsible in selling missiles to certain terrorist countries, I do not believe that is a sufficient basis to terminate normal trading relations with China.

In fact, I would suggest that it was just as irresponsible for some of our own allies to sell missile parts, guidance systems, and facilities capable of manufacturing poison gas to Iraq as it would be for the Chinese to sell Silkworms, M-9's and M-11's. No one suggested that we terminate trade relations with the countries who supplied such weapons.

Nor did anyone suggest that we endanger the entire United States-Japan trade relationship after it was learned that a Toshiba subsidiary sold our cold war adversary, the Soviet Union, advanced machine tool milling machines that enabled the Soviets to jump two generations in submarine noise-reduction technology.

Mr. President, MFN is a vestige of the cold war. Very few countries are denied MFN—The Soviet Union, Afghanistan, Albania, Cuba, Laos, North Korea, Vietnam, Kampuchea. The list keeps shortening every year as free markets and free societies evolve out the rubble of Socialism. I believe it would be a step backward in international political and economic relations if the United States at this late date seeks to terminate a relationship that holds great promise for the future once the current generation of Octogenarian rulers in Beijing passes the mantle to the new generation.

I would hope my colleagues will look toward stabilizing relations between our two countries, and leave this matter to the wisdom and judgment of the President.

Mrs. KASSEBAUM. Mr. President, I share many of the concerns that have been voiced during this debate about our relationship with China and, particularly, about China's human rights practices since Tiananmen Square. The brutal repression by the Chinese government 2 years ago against the student supporters of democracy and their continuing repression are policies that demand international attention and coordinated action. China's irresponsible policies on missile proliferation, the proliferation of weapons of mass destruction, and trade policies are also issues that warrant our concern and demand action.

I fully agree that as a democracy we have a moral obligation to help foster democracy worldwide. I do not believe there is anyone in this Chamber who feels differently about this issue.

The question before us today is whether China's most-favored-nation status is the appropriate leverage for our efforts to help change China's policies. On this very critical question, I believe that placing conditions on MFN is simply not the vehicle we should use to exert pressure on the Chinese Government.

I believe this for several reasons. As the President has argued repeatedly, I believe it is true that cutting off MFN would hurt the most progressive forces for change in China, the free-market entrepreneurs. I also believe very strongly that in order to have any positive influence on China, we should not close the door on United States-Chinese relations. I believe that a cutoff of MFN would have such a result, ending any chance to influence change.

Instead, Mr. President, I believe that our policy toward China should be one which leaves the door open but selectively targets sanctions to our specific differences. If we cut off MFN, if we end all trade, we will not have this ability to apply incremental pressure. this is consistent with our policies over the years on trade sanctions. Whether it has been Libya, Iraq, or South Africa, we have maintained MFN while either selectively or completely cutting off trade.

It is important to emphasize that our current relationship with China since Tiananmen Square has not been a business-as-usual one. Unlike the other Western democracies, we alone have maintained sanctions on China. We have ended military cooperation with China, which was becoming a significant aspect of our relationship and an important one to the Chinese. We currently have an embargo on sales to the military and the police. Among other measures, the President has recently rejected licenses to export satellite components for a Chinese communications project and has directed that no further licenses of high-speed computers and no further exports of satellites be authorized. China has also been designated for trade sanctions under special 301 for violation of United States intellectual property rights.

In June, I joined with Senator BAUCUS and many of our colleagues in a letter to the President urging that we continue this approach and be even more active in addressing United States concerns with China. In specific, we urged reinvigorating our opposition to multilateral development loans for China, loans which our allies have supported over the past 2 years. We also urged stronger action against Chinese unfair trade practices and against China's proliferation policies, as well as strong support for Taiwan's application for GATT.

On Friday, we received a strong commitment from the President to this approach. Given this commitment and given what I believe will be the negative effects of cutting off MFN and shutting the door on China, I plan to vote against the Mitchell resolution. I believe our best chance for influencing positive change in China can best be served by using vehicles other than MFN to express our deep concern about the tensions in our relationship with China, particularly in the area of human rights.

Mr. GORE. Mr. President, I have listened with great care to the arguments presented by both sides of the debate regarding China and MFN. Of all the arguments presented in favor of retaining MFN, the one I find most compelling is that by withdrawing MFN we damage the very classes of people upon whom we want to bet for China's future. The idea that we might actually be doing a favor for China's present leadership, by helping them chop down those who have escaped the state-controlled economy, is enough to give some real food for thought.

Nevertheless, the idea that we should simply allow the Chinese government to do as it pleases until old age finally clears the stage, is equally repugnant. We have, of course, the President's 11th hour assurances to Senator BAUCUS, detailing measures he intends to take, that he ought to have taken already. Timely action on his part might have made his case credible. As it stands, all we really have is a pledge—and one given under duress, at that.

In my opinion, the Mitchell amendment offers a solution. It extends MFN for a year, which is time enough for the government of China to show a positive response. It allows that much time for the Bush administration to show what it can do on its own, enforcing existing law. If China does better or if the President shows that he really means

to get tough with the Chinese government on his own, the Senate can revisit its position. For now, however, we need to speak plainly to people in the government of China who are tough minded and unlikely to respond to timidity on our part. Therefore, I support Senator MITCHELL's bill.

Mr. JOHNSTON. Mr. President, like my colleague from Montana, I conclude that the renewal of most-favored-nation status with China is the wrong vehicle for encouraging changes which we all want. In the end, attaching restrictions which would lead to termination of MFN will only hurt the most the thousands of United States workers and farmers in America who produced almost $5 billion in exports to China in 1990. According to the Department of Commerce, Louisiana workers and farmers produced goods worth some $677 million which were exported to China in 1990. Most of these goods were agricultural, $517 million, but also important to my state's economy were the $129 million in chemicals produced in Louisiana which were exported to China, some $24 million in paper, and $7 million in scrap, waste, and primary metal industries. While I do not have solid numbers of the jobs supported in the production of these goods, if the general rule of thumb that $1 billion in trade results in between 20,000 and 30,000 jobs, then I can project that some 12,000 to 18,000 jobs in my State are related to the production of goods exported to China. In addition, other jobs connected with the Port of New Orleans are associated with the export and import of goods to and from China. In 1990, for example, some $463 million in goods from mainland China moved through the Port of New Orleans.

At a time when Louisiana's economic outlook is far from robust, and statewide unemployment remains above the national average, I simply cannot support any measure which would potentially have an adverse or disruptive impact on our economy.

Time after time, we have seen the futility of unilateral trade actions. Significant parts of the Soviet grain market were lost to other Western competitors during grain embargoes we imposed unilaterally in the 1970's.

Our European and Asian allies are not contemplating additional sanctions against China to protest continuing and serious human rights problems, weapons proliferation, and trade issues. In fact, most have relaxed actions they took following the outrageous Tiananmen massacre, and have moved to normalize their relationships with the PRC. For example, of the last 16 World Bank loan applications for China, our allies have supported virtually every one regardless of whether the funds would be used to serve basic human needs [BHN]. In contrast, the United States alone has opposed seven of these applications which, in our judgment, failed to meet the BHN criteria.

It is clear to me that if we fail to renew MFN status and impose non-MFN duty rates on Chinese imports, then China will take reciprocal action with respect to United States goods seeking entry into the PRC. We will not be able to compete under such a scenario, and our friends in Asia, Europe, and elsewhere will move in and fill our market share.

It simply does not make sense to me to set ourselves up to lose this market.

As to where the impact would be felt in China, I am convinced that a persuasive case has been made that failing to renew MFN will only strengthen the hard-line, antieconomic reform element of the Chinese leadership. It is also likely that the people in China who would be hurt the most are those involved in the most vigorous part of the Chinese economy in the private sector and in joint ventures. This is the sector most likely to support further changes and yet the imposition of non-MFN duty rates on their exports would be great.

In addition, many United States businesses located in Hong Kong—almost half of whom are engaged in business with China—would be hurt. United States investment in Hong Kong is significant, and totals almost $6 billion—about one-fourth of all foreign investment in Hong Kong. We could seriously hurt these businesses in this process.

I am convinced that the President has determined to take needed and aggressive steps through other means available to us to try to resolve the serious outstanding problems we have. I believe we should use the targeted approach he outlined and in the end, keeping China engaged as an active trading partner while using the targeted tools available to the President will result in the changes we are all seeking.

For this reason, I will support unconditional renewal of MFN trading status, and in addition will continue to urge as best I can that the targeted channels available to us to seek improvements in other key areas are used vigorously and well.

Mr. METZENBAUM. Mr. President, I am proud to rise tonight in support of a bill that, on its face, seems to be about trade and diplomacy. But it is really more simple than that. This bill is about justice.

The majority leader has introduced this bill, which I am proud to cosponsor, to condition continued most-favored-nation trading status for China. Senators have made compelling arguments over the past several hours regarding our trade balance—I should say, trade imbalance—with China; arguments regarding our need, or lack thereof, for a trade relationship with China; and other important economic and diplomatic arguments.

But I believe that the issue before the Senate is much more simple than all this.

Mr. President, the issue we are debating is justice.

Where exactly does the United States of America stand regarding justice in the most populous nation on earth?

Where does the United States stand on issues like slave labor, hermetically sealed societies, or political strangulation?

In years past, these questions were debated in relation to the Soviet Union. Back then, many who are supporting the President today thought nothing of using MFN as a lever to open up Soviet society. Yet, it is argued that holding MFN hostage is no way for the United States to promote change in China.

Mr. President, MFN was good enough to attack slave labor, gulags, and oppression in the Soviet Union. But today it is too delicate, too important an issue to use against identical wrongs in the People's Republic of China.

Where's the justice?

Two short years ago, we watched as Chinese soldiers mowed down demonstrators in Beijing's Tiananmen Square. I for one will never forget the picture of a single Chinese student standing down four Chinese tanks in the middle of a deserted boulevard—pleading with the soldiers to lay down their arms. A short time later, senior United States officials were toasting the Chinese leadership after high-level talks.

Where's the justice?

Mr. President, China's contempt for human rights has been felt even by Americans here in the United States. Employees of a Delaware steel company purchased 3 years ago by China have felt the pain of Beijing's draconian way of governing. In a pending suit, the Chinese owners are charged with discrimination in hiring, tenure, and regarding working conditions. China is also charged with undercutting the union that has represented these workers for 45 years: A Communist government engaged in union busting.

Mr. President, how are these Delaware steel workers supposed to feel about preferential trade status for China?

Where's the justice?

Over the past 2 years, China has thumbed its nose at the rights of its own people, cracking down on dissent, scholarship, and communication. China has thumbed its nose at the repeated calls for release of protesters, and at appeals for clemency in the many sentences of death that followed the student uprising.

Mr. President, where is the justice?

It seems that Chinese officials are full of righteous indignation every time a report surfaces about human

rights abuses. Reports that China is rearming some of the most belligerent states in the Middle East drew indignant charges of meddling.

Mr. President, the situation in China is certainly alarming. But to supporters of this resolution, the response of our own Government to this situation is the true cause for alarm.

We are asked by the White House not to use MFN as a weapon against China, in the same way that we have used MFN against the Soviets for so long. President Bush asks us to trust his judgment. The President and his supporters point out that he is a foreign policy President, that we are being tough on the Beijing government in more subtle ways.

Mr. President, I say that if President Bush had acted as tough toward China as he has talked, we would not be here today. Congress has few options through which it can make a statement about foreign affairs. We do not have an aid program for China which can be cut.

The Congress does not take up this issue lightly, and certainly not on the spur of the moment. There have been congressional calls for tougher action against China ever since the June 1989 crackdown. Where has President Bush been all this time?

In effect, the President has thumbed his nose at the Congress in the same way China has thumbed its nose at the world. The time for George Bush to ask for our trust on China is long past.

By failing to take action over the past 2 years, President Bush has left Congress with no alternative but to withhold MFN trading status.

Mr. President, if the principles of American foreign policy do not command the Senate to pass this bill, then certainly the principles of simple justice command it.

Mr. KERRY. Mr. President, it has been 2 years since the tanks rolled into Tiananmen Square. That tragic event brought a brutal and bloody halt to the process of political liberalization that had begun to develop as China's contacts with the outside world expanded. The administration argues that the best way to breathe life back into that process is to provide most-favored-nation trade status [MFN] without conditions. I do not agree.

Extended MFN without conditions is the wrong approach. It implies business as usual at a time when China is engaging in relentless repression at home, supporting the genocidal Khmer Rouge, reaping economic gains through the use of unfair trade practices, and threatening to undermine international nonproliferation efforts. Extending MFN without conditions undermines American values and jeopardizes our longstanding commitment to human rights and freedom.

Our interests and the interests of those who are struggling for democracy in China demand that we pursue a meaningful and effective policy—a policy that sends a strong signal while at the same time encouraging those among China's leaders who recognize the need for reform. We need to attach realistic and achievable conditions to MFN. The bill which we are considering does that.

This legislation allows the President to extend MFN to China for the next year. However, it makes the renewal of MFN in July 1992 conditional upon improvements in a number of areas of concern to the American people. It requires the Government of China to make a full accounting of and to release those detained or imprisoned after Tiananmen Square, to cease exporting products produced by slave labor to the United States, and to cease supplying arms and military assistance to the Khmer Rouge. In addition, China must make significant progress toward practices and policies designed to undermine international nonproliferation regimes.

Mr. President, I believe that the Government of China can meet these conditions. Last year, in response to congressional threats to withdraw MFN, China provided a partial accounting of those imprisoned after Tiananmen Square and released approximately 1,000 of these prisoners including the well known dissident Fang Lizhi. It has since promised to cease exporting products made by convict labor to the United States, and it claims that its military support for the Khmer Rouge has been suspended. Obviously, we cannot take these statements on face value alone. Both Asia Watch and the State Department have reported that China uses prison labor to produce goods for export. Our law and our conscience require that this practice be ended before MFN can be renewed next year. And, in view of the historical relationship between China and the Khmer Rouge, we must be absolutely sure that military support has ended before renewing MFN.

If China fulfills these conditions, it need only make significant progress on the others. It does not have to terminate the objectionable practices, but it does have to take steps toward that goal.

Over the last 2 years, the American people, Congress, and the administration have spoken with many and different voices about what the United States expects from China. This legislation makes our expectations clear. It sets out the policies which we want China to follow and the standards by which we judge progress.

Mr. President, this legislation offers a compromise to those who want to cut off MFN immediately and to those, like myself, who have reservations about the ramifications of withdrawing MFN at this stage. I commend the majority leader for the way in which he has gone about shaping it. I, for one, had some concerns about the original version of this bill because I felt that it contained an unrealistic set of conditions which China could not meet. The majority leader willingly amended his legislation to meet my concerns and those of others in an effort to create a bill which we all could support. I thank the leader for his cooperation and commend him for producing a good piece of legislation which meets our common goal of sending a strong, but not devastating, signal to China.

There are substantial incentives for China to comply with the conditions in this bill. According to the Department of Commerce, China's United States trade surplus was $10.4 billion in 1990 and is projected to be $15 billion in 1991. If China loses MFN, 90 percent of its exports to the United States would be subject to higher tariffs. China would have to pay an additional $6 billion in duties and lose an estimated $3 to $6 billion in annual foreign currency earnings. In addition to the economic benefits, the political benefits of MFN are significant.

The United States, like other countries in the international community, generally trades on an MFN basis. However, in the case of Communist nations, the United States imposes certain conditions on the extension of MFN. Because of this, the extension of MFN by the United States to countries like China has become a symbol of improved relations and acceptance of those countries as legitimate members of the international community. Loss of MFN put China back in the pariah category—a political development which presumably the leadership in Beijing, especially the reformers, would want to avoid.

The administration argues that the hardline elements in the Chinese leadership will be strengthened if we attach conditions to MFN. This argument overlooks two fundamental points: First, that unconditional MFN would simply lead the hardliners to believe that they have a free hand to pursue repressive policies without approbation, as they have done for the last 2 years since Tiananmen Square; and second, that conditions have already been attached to the extension of MFN to China. The Jackson-Vanik amendment requires China to comply with various conditions related to freedom of emigration in order to obtain MFN. The bilateral United States-China trade agreement negotiated by the Carter administration required China to fulfill certain economic preconditions before MFN was extended. So, Mr. President, there is nothing unconditional about the extension of MFN.

None of us can know for sure how China's leaders will react to this bill. Historically, Chinese Governments have been relatively immune to out-

side influence. Over the last decade, however, that situation has begun to change as China has established political and economic relationships with other countries. Economic reforms instituted by former Chinese leader Deng Xiaoping led to China's participation in joint ventures, access to Chinese markets for foreign-made goods, and the establishment of various export industries. Political reforms, although modest at best, gave birth to the democracy movement.

We do know, however, that China reaps enormous political and economic benefits from the extension of MFN by the United States. That provides us with leverage which can be effective if it is used creatively. The approach taken in this bill—extending MFN for a year and attaching realistic conditions to the renewal—provides an incentive for reform while promoting the ideals for which the United States stands. It is a balanced approach that holds out the promise of success. I urge all of my colleagues to join me in voting for this bill.

Mr. DODD. Mr. President, parliamentary inquiry: In the question of time being managed, is there a time agreement?

The PRESIDING OFFICER. The Chair advises the Senator there is no allocation of time.

Mr. DODD. Mr. President, I rise today to express my very strong support for the resolution before us, and I commend the majority leader and others in this debate for the important work they have done on this legislation. Not only has the majority leader helped to frame this debate in a constructive and pertinent way, but he has also set before us a solid piece of legislation that I think goes a very long way toward addressing some of the problems in today's China.

The continued oppression by the leaders of the People's Republic of China has raised the concern of the United States and many other nations throughout the world. In addressing that oppression, the legislation offered by the distinguished majority leader is, I believe, clear and unequivocal. The bill extends MFN status for 1 year on a conditional basis, and it spells out the specific violations that must be addressed if MFN status is to continue after that period of time. That is a reasonable proposition.

Mr. President, on June 4, 1991, we marked the second anniversary of the decision by the Chinese Government to crush the prodemocracy movement then encamped in Beijing's Tiananmen Square. Over the past 2 years, there has been little to suggest the leaders of China are prepared to mend their ways, and I say that with deep regret.

In fact, most of the evidence is to the contrary. Despite continued strides in economic liberalization and free market ideology, when it comes to the subject of political rights, regrettably, the leaders of the People's Republic of China have withdrawn behind a great wall of oppression. In the process, they have cut off their nation and their people from the light of the free world as we see it today.

So the message from those who rule the most populous nation on this planet goes something like this. We are certainly willing to engage the West and to get our hands on all the material benefits that we can. But we are really not interested in playing by anyone's rules but our own.

The Chinese approach to internationally accepted human rights standards makes this message very, very clear. The People's Republic of China's violations continue to include torture, prolonged detention, forced labor, abduction, and summary executions.

Regrettably, those accusations are not just the opinion of one Member of this body, but rather the conclusion of one human rights organization after another.

On another front, consider the Chinese approach to trade relations. Of particular concern is the apparent disregard for the proliferation of military technology and advanced weapons systems such as ballistic missiles and launchers.

In addition, the Chinese have thumbed their noses at the concept of fair access to the Chinese markets, and have denied protection of United States patents and copyrights. Pirated software in China alone may cost the United States as much as $400 million a year, according to knowledgeable sources.

One of the most blatant violations of intellectual property rights hits right at home. In fact, in our very State, I would say to the Chair, my colleague from Connecticut; in the State of Connecticut. The Chinese company, Norinco, has made over 15,000 unauthorized copies of the M16A2 rifle, manufactured by Colt Manufacturing, in Hartford, CT. These 15,000 rifles would have meant 10.5 million dollars' worth of revenues to Colt Manufacturing, in a State already crippled by economic hard times. It would have meant 100 jobs being retained at that factory, had that particular copying of a copyright not occurred.

Unfortunately, the Chinese copied the United States trademark despite having signed as a member of the 1986 World Intellectual Property Commission, an international organization that pledges to respect well-known trademarks such as the one held by Colt Manufacturing. The failure of the Chinese Government to address this matter is one of the intellectual property rights issues that this legislation seeks to address.

Accordingly, when the President certifies that the People's Republic of China has made significant progress in intellectual property rights, I evaluate that claim against the specific violations that have occurred to people in my State and to industries in my State, as well.

There is no doubt that the People's Republic of China has made some strides in the course of the past decade, and we applaud that. This legislation, I think, reflects that by not calling for an immediate ban. But there is also no doubt that there is still a very far way to go.

Given China's less than enviable track record in a number of areas, such as human rights, trade relations, or immigration, I believe the time has come to put the leaders of the People's Republic of China on notice that major changes must be made.

I say this as someone who appreciates the improvements that have occurred, but who also says there is a distance yet to be traveled.

We know we are not seeking the impossible. The People's Republic of China can change. It has changed dramatically already. Its economic compass now points to the marketplace and the profit motive. These revolutionary changes used to be entirely alien to the concepts of our friends in Beijing. Such changes on the economic front must be matched, we believe, on the political front, as well.

Mr. President, in an address at Yale University only a few weeks ago, President Bush gave what I thought was an accurate and eloquent summary of the difficult choice we face today. The President told the students at Yale:

> There will come times when you will have difficulty distinguishing between the good guys and the bad guys. When these situations arise, identify your principles and stick by them.

Mr. President, the countless people in China that were arrested and beaten for nonviolent protest, the students imprisoned for writing democratic essays, the young men and women flattened by the treads of an oncoming tank in Tiananmen Square, are these people not fighting for our very own principles, the principles of freedom and democracy?

I believe the words of President Bush are very clear. We must indeed stick to our principles. And we must do so not only by upholding the democratic tradition here at home, but by sharing the responsibility of freedom throughout the globe, including the People's Republic of China.

So the message here this afternoon is not a complicated one. China has registered significant advances on the economic side of the equation. This legislation reflects that. It is the political side, the trade side, the arms sale side that concerns us. It causes concern because economic gain in the absence of political freedom is a hollow victory, indeed.

That was the message from Tiananmen Square. It should be our message as we consider this legislation.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, it was not my intention, really, to speak on this issue. I had a statement I had put in the RECORD yesterday. But as the debate began to wind down, I felt compelled to make some comments with respect to the legislation.

I am going to vote for the proposal to condition the granting of most-favored-nation status to China. Frankly, my feeling is that the proposal does not go far enough. I would have voted to eliminate MFN status some time ago. But that is not before us today, and the end result is I will support the proposal that is before us, and that is the conditional extension of MFN status.

I must say, I do understand that many consider revoking MFN a futile, unilateral act. I understand we have significant levels of trade with China, and that some American jobs are at stake. And I understand the argument that free trade is a liberalizing force in China that eats away at the regime's iron grip on the people. But although I understand these arguments, I keep coming back to the question of freedom and human rights.

I think about the image of the lone student standing in front of the line of tanks 2 years ago in Tiananmen Square, and I suspect that picture is probably pinned on the walls in many of the offices in the Senate office buildings. I think about the Statue of Liberty erected by the students in Tiananmen Square, and how the statue, and of the students on it, were crushed by the Chinese tanks.

I think about the people still in prison today for daring to speak out for democracy and human rights. I think to myself, what can we do that will best keep faith with those brave souls and the dream of democracy for 1 billion people that they represented?

Many argue that to take away most-favored-nation status would force us to give up the leverage that we have. I make the counter argument that if we really did have leverage, the most propitious use of that leverage would have been at Tiananmen Square, and if we did try to use it then, which I suppose that we did, I argue that we really did not have that leverage, and to argue that now we ought to continue most-favored-nation status because it is going to give us leverage is just erroneous.

Some say that passing the approval of most-favored-nation status even with conditions sends a strong message. I argue that just the opposite occurs: That the Chinese have to be looking at us and saying, if the only thing they are going to do is extend most-favored-nation status but with conditions, under the worst situations in which Tiananmen Square occurred, there is really no condition on which they are going to take most-favored-nation status away from us. Rather than being a message of strength, it is, in fact, a message of weakness. In a sense, it is kind of like raising your own child and saying that you are going to provide punishment for things the child did wrong and you keep saying it over and over and over again. Eventually, the child begins to learn and understand that there is nothing the parents are going to do.

I argue that is exactly what we are doing here. It is well intended, but we are sending another message that after the terrible human rights abuses that took place just a little over 2 years ago, the best we can come up with is extension of most-favored-nation status, with conditions again. I keep coming back to that human element. Unfortunately, I think, too many times in the debate we have a tendency to forget the focus of the debate, and the focus of the debate, frankly, is the people of China and the students who led the democracy movement, those who gave up their lives, those who are living today and still trying to keep that movement alive.

I remember having a discussion in my office with a number of people who, frankly, wanted to see that most-favored-nation status continued. They made the economic arguments. I must say I understand those economic arguments. I have been to Hong Kong, I have talked to people about the impact of this wave of capitalism that has hit Guangdong Province. I understand that argument well.

As I was carrying on the discussion, I looked above where they were seated and there is a picture that hangs on my wall of an individual by the name of Anatoly Michelson. Anatoly Michelson is dead today, but he fulfilled one dream that he carried for over 31 years. Anatoly Michelson defected from the Soviet Union in 1956, and for 31 years, he made every effort to try to see that his wife, his daughter, and eventually a grandson would have the opportunity to leave the Soviet Union and rejoin him. That is what he focused on for 31 years.

I remember sitting with him in a small room in the Capitol a number of years ago in which there was a video tape that had been smuggled out of the Soviet Union. On that video tape was his wife, his daughter, and a grandson he had never seen before. He got up out of that chair and he went over and got within 2 feet of that television screen. You could sense and feel the emotion in him and everyone in the room. He came back and sat down next to me and said, "Connie, we have to keep the fight up. We have to work until the day they are at my side." I was fortunate enought in December 1987 to be standing next to Anatoly Michelson when his wife, his daughter, and his grandson stood with him out at Dulles Airport.

So I keep coming back to the human side of this. I keep coming back to the comment, I guess, that was just mentioned a few moments ago that President Bush made: "Know your principles and stick with them." This is a tough issue. Which way are we going to bring about change in China? Which will be the most successful? Will it be as a result of the economic wave, or will it be because we stood up and said what you have done is wrong and there is a consequence for it and that is the loss of most-favored-nation status.

I come down on the side of our Nation taking that principled stand and standing up once again and saying, we are willing to fight for freedom.

We are willing to stand up and defend the rights of others. So when I try to look at both sides of this very difficult issue, I come to the conclusion that the only way to do that is to keep that picture in my mind not just of the student in front of the tank in Tiananmen Square but that picture which hangs on my wall and the recognition of this country's willingness to stand up to defend democracy and work for the freedom of all minkind. I think we best accomplish that by eliminating most-favored-nation status. Since that is not before us today, I will support the proposal that puts conditions on the extension of that most-favored-nation status.

I thank the Chair.

The PRESIDING OFFICER (Mr. KOHL). Is there further debate?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. SYMMS. Mr. President, will the Senator from Delaware yield for just a moment.

Mr. BIDEN. I am happy to yield.

Mr. SYMMS. I thank the Senator. For Senators who are not here, we have, I think, no other speakers remaining on this side. I think Senator BAUCUS is waiting to speak, and Senator BIDEN. I think we are getting very close to the end where we may have a vote, and I think Senators might want to know that.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. SYMMS. I thank the Senator for yielding.

Mr. BIDEN. Mr. President, I was just asking my distinguished friend from Montana whether he preferred to go next or would rather me go next. Since I think he has, quite frankly, made the most articulate and persuasive argument against the bill, which I support, he should have the opportunity to close the debate out here other than the leadership, if that turns out to be the case.

So I will take a few moments now, Mr. President, if I may, to try to point out why I think the Mitchell proposal is both reasonable and practicable, that this is not a fait accompli relative to MFN. This is a genuine, honorable, and honest approach to deal with what, thus far, has not been a very successful approach on the part of the administration to deal with what everyone must acknowledge are practices on the part of the Chinese that range from ill-advised to reprehensible.

I have heard, and I expect we will hear before this debate is closed out in a few moments, a number of arguments as to why the Mitchell approach is not the proper approach. At the outset, let me posit that some of those arguments are accurate. Some of those arguments have some merit. One of the arguments that we will hear, and I have heard, and we will hear again in a much more forceful and articulate way, that I am about to make because I do not fully agree with them, is that, look, there is the flourishing of some democratization and capitalism along the coastal provinces. True.

And that if this bill is to pass and were to become law in that it denied MFN—there are enough votes to override the President's veto—it might have a negative effect on what is happening in those coastal provinces. True, likely to have a negative effect.

I also hear and we are told that a similar effect, at least in its nature, would occur with regard to Hong Kong. Probably true.

Also, we hear stated that in effect the sanctions of any kind of an economic nature do not always work if it is only one nation participating in those sanctions. Generally speaking, true.

We also hear that China would be really the odd man out, that there are other nations in the world that in fact have reprehensible records on any number of items and still, nonetheless, received most-favored-nation treatment. Again, true.

And we are told again that the President is of the view that this action would offend Chinese nationalism and sense of pride, that it would be counterproductive for a long time. Potentially true.

But there are other things, Mr. President, I find significantly more compelling. A number of my colleagues, including the distinguished Senator from Florida who just spoke, have said, you know, in a strange way this may be counterproductive. It is like threatening a child with punishment and then not following through on the punishment.

I respectfully suggest to my friend from Florida that if he reads the legislation, there is at least one provision in it which says the President has no option, there is no wiggle room, that the child, if you will continue this metaphor must be punished. And that is if, in fact, there is a transfer of nuclear and/or missile technology or missiles to certain parts of the world, specifically if such transfers occur to Iran or to Syria.

Now, I also heard another one of my colleagues stand up and say, but you know—I think it was Senator CONRAD—we have no clean slate. We are arms suppliers, too, among those who are transferring weapons that are not helpful. True.

But, Mr. President, there is no one else that we know of at the moment that is transferring technology, contemplating the transfer of missiles and missile launchers into the most volatile region in the world at this moment. And to use a phrase that in the Foreign Relations Committee I get tired of hearing, there is a window, a window of vulnerability that we face in the very near term, and that is if the Chinese, as proscribed in this legislation, transfer M-9 and/or M-11 missile launchers and warheads to Syria or to Iran, it is over. There is no plausible circumstance in which we can say to the Chinese, to the Syrians, or the Iranians, by the way, notwithstanding the fact you have this new capability that can revolutionize your capacity to wage war, we would like you to give them up now in the name of peace.

It is not like human rights where you can debate whether or not some or enough, substantial, insubstantial, progress has been made. It is not like trade where you can argue whether or not on balance, notwithstanding the fact they are cheating, U.S. economic interests are better off with the present arrangement. It is not like either of those two things. If the M-9 and M-11 missiles and launchers are transferred, sold to the Middle East, it fundamentally alters the landscape. Period. No debate, no question. Period.

In this debate, one of my colleagues said the debate is about the people of China. I respectfully suggest it does impact on the people of China. But what brings this Senator to the floor at this moment is the debate is about Americans and about American lives.

We just committed one-half million Americans to the Middle East, to the Persian Gulf. At the outset of the debate on the gulf, the American people were not persuaded that we should go to war with Iraq because of the territorial integrity of Kuwait. They were not persuaded that we should go to war with Iraq because of the dominant position it was acquiring relative to the Arab world. They were not persuaded that we should go to war with Iraq because of oil. But when the administration pointed out that they may be on the verge of acquiring nuclear capability, bingo—bingo, American public opinion galvanized, world opinion galvanized and we committed a half a million forces.

What became the central concern once those forces were committed: A, whether or not Saddam Hussein had missiles that could deliver lethal poison gas; or B, whether or not he had missiles and capability of delivering warheads of destructive capacity, of consequence. Then we heard, with some good reason, for days on end, without a single moment's interruption, about the Scud missile, and it worried us, as it should have. The bulk of our attention and policy, once it became clear that the Iraqis lacked the will, if not the capacity, to take on our far superior force was what about these missiles?

These Scud missiles are 1959 versions of the M-9 and M-11 missiles, which the Chinese are contemplating negotiating, thinking about selling and transferring to that same area of the world. And my friends say to me, well, they are not going to transfer any of that to Iraq, but they are going to transfer some of it to good guys like Assad.

What a great, noble person Mr. Assad is, with a track record no more enviable than the vaulted leader of Iraq, who, I might add, is still roaming Baghdad with a sidearm strapped to his waist.

We are going to stand by and say to China, your need for hard currency—and I suspect that is what is driving it, for I do not even think that the present leadership in China is looking forward to another war in the Persian Gulf—your need for hard currency which will generate several billion dollars, resulting in the transfer of M-9 and M-11 missiles with ranges and accuracy far exceeding the Scud missile, we are going to sit by and do nothing about it.

Now, my friends who have a differing view on this will say, well, Joe, you know, you are right; it is a real concern. But this is not the place to do anything about it. Surely, we should not be entering into it in a debate on trade policy.

I respectfully suggest that this is of such serious consequence at such a propitious moment in history in that particular region of the world that this is the only reasonable vehicle we have to make the case.

I think at a minimum the leaders of China should be faced with the stark reality. Is the $15 billion in trade surplus regardless of how it is gained from the United States more or less valuable than the several-billion-dollar advantage that is gained from selling these incredibly destabilizing weapons into the Middle East? We are not talking about tanks. We are not talking about artillery. We are talking about missiles with ranges and capacity that I respectfully suggest would make it difficult to reform the coalition that was so successfully formed to take on Iraq.

I wonder how the Turks, I wonder how the Italians, I wonder how a whole number of people who heretofore were

not in a reasonable position of concern in terms of the military might of Iraq might think about knowing that entering a coalition against an aggressor nation in the region with missiles and launchers like the M-9 and M-11 would think about whether or not it was in their interest to do that. I promise you, we will not be here whether there is another war in the Middle East wondering whether or not those nations that possess the M-9 and M-11 missiles can strike Israel. It is not a question. It will be no question. We have no capacity to defend or provide for defense to our friends against these missiles. And the Chinese at this moment, at this time have already transferred or are transferring into the region launchers and missiles.

Originally I convinced the leadership to put in Pakistan, but because some on the other side argued that including Pakistan would make a fait accompli that we would deny MFN, earlier we redrafted the amendment and changed the leadership amendment. Pakistan is out because they have already transferred launchers to Pakistan, and it is arguable that they may have already transferred some warheads to Pakistan.

I have no illusions. I what this to work. I have no illusions that we are going to turn around conduct that has already been consummated. But I certainly have no unwillingness to say to the Chinese from this moment such conduct is so inimical to the interests of the United States of America that were you to continue to engage in it our relationship with you will and must change.

I have heard, and I will hear from my distinguished friend from Montana and others, that we alone cannot make a difference. No other nation in the world is contemplating such action relative to China. I respectfully point out that no nation ever contemplates this kind of action. It is the United States in South Africa that went it alone first, and how long did we hear no one else is participating, it will not work? But we forced the administration to adopt a policy of sanctions, and although it took time, other of our noble brethren and allies came along and eventually the weight of the sanctions worked.

I can assure you if we do nothing relative to these missile transfers, no one else will do anything. No one will. But I can also assure you that if we do something the rest of the free world will be forced to reconsider their position on whether or not they engage in a collective approach to deal with the irresponsible actions of the Chinese jeopardizing American interests and, yes, American lives. Whether or not they come along we have an obligation to go it alone if need be.

There are certain times and certain places in history where you cannot stand by, and if we do not act now, a year from now, it will be over. It will be finished. What leverage if any we have with the Chinese will be squandered. And we are sitting here saying, oh, my goodness, this may hurt us economically.

This may in fact cause retrenchment of a regime that is already incredibly entrenched, that will only change, in my humble opinion, through death. I do not mean that we would impose that. I mean through them not able to beat the actuarial tables much longer.

We sit here and say, oh, my goodness, let us not offend their national pride. The hell with their national pride. They are transferring a technology that will revolutionize the ability to conduct and wage war in an area of the world that is most likely again to be a battlefield of any area in the world. And the area of the world where we have just demonstrated that we cannot allow a fundamental change in the status quo and we will not allow it.

I wonder where we will be a year, 2 years, 3 years from now when Mr. Assad, for whatever reason, concludes that his interests are better served by a new relationship with Saddam Hussein, who in all probability will still be there. What do we do then when we debate on the floor of this body sending 200,000, 500,000, 700,000 Americans into that region where now they have real weapons?

As I said, Mr. President, the analogy of the Scud to the M-9 or M-11 is like a 1955 Chevy to a 1991 Corvette. They "ain't" even in the same league, not even close. We are going to talk about whether or not we are going to offend the Chinese.

If my friends will look at this legislation, they will see that as drafted if in fact they transfer this technology, and my good friend from Rhode Island yesterday was saying, well, this provision that I have been banging away at makes it impossible for the President to be able to certify it. Well, we changed the language and required that the President, and in our legislation it says:

> No later than July 3rd, 1992, products of the People's Republic of China may not be provided nondiscriminatory most-favored-nation trade treatment if the President determines at any point subsequent to the enactment of this act that the People's Republic of China has transferred to Syria or Iran, number one, ballistic missiles, or missile launchers for the weapons system known as the M-9 or MN-11 or material equipment or technology which would contribute significantly to the manufacture of nuclear explosive devices.

Then section (b) says that the President shall promptly inform the Congress, in writing, of any determination described in the section I just read.

Does anybody on this floor seriously suggest that if they knew tomorrow that the Chinese were going to transfer nuclear weapon-making capabilities which would significantly enhance the ability to manufacture nuclear explosives to Syria or to Iran, we would be standing on this floor and saying, hey, no problem, OK, we did not like it; we will just continue the same old policy, though.

They are transferring that to make money. We are not going to change our relationship with them, though. Is anybody willing to stand up and say that if they knew for certain that tomorrow the Chinese were going to transfer nuclear technology which would significantly enhance the prospect of Syria or Iran to make a nuclear bomb, they would continue to maintain the position that we should not change our position relative to China?

Is anybody in here going to tell me that, if they knew for certain that tomorrow China will transfer to Assad the M-9 and/or M-11 missile and its launchers, which would put all of Israel in dire jeopardy immediately, they would say we are not going to consider changing the relationship with China?

Look, unlike human rights, unlike trade, there is nothing soft about this requirement. They either transfer the M-9 or M-11, or they do not. They either transfer technology that significantly enhances the ability to provide nuclear capability, or they do not. It is not whether they have gone far enough in human rights. No one in this body is suggesting that tomorrow we expect—although we would like it—China to turn into a democracy. Legislation does not require that. No one in this body is saying that we expect all the trade practices we find reprehensible, which China engages in, to stop tomorrow.

But there is one thing we can say: China, you have a choice. You have not transferred these deadly missiles with ranges exceeding 300 kilometers to these two unstable nations as of the moment. Now, understand, if you do, the $2 billion you are going to gain from the transfers are going to be offset by the $15 billion you now gain because of the most-favored-nation treatment.

It is real simple. They are grown, mature people. We can say: You have your most-favored-nation treatment the rest of the year, but just understand that if that happens, you have a real problem with us, which will require termination of that trade relationship.

If I may make an analogy that will make everybody angry probably, but I am going to do it anyway. There is a debate right now based upon whether our Ambassador to Iraq was crystal clear in her warnings to Saddam Hussein about Kuwait. She asserts that she said, and I am paraphrasing; If you move on Kuwait, you are going to have us to answer to.

Everybody in this body has said subsequent to our invasion of Kuwait that we certainly hope that was said. It

would be an important thing to be said, because we certainly would not want any misunderstanding about the consequences of the Iraqi invasion of Kuwait. We all said that was an important precondition for our policy. I suspect that if it turns out she did not say that, or the State Department did not tell her to say that, we would all sit here and say: my God, what a horrible, stupid thing to have failed to do.

Well, if I can make an analogy, I do not want to be here tomorrow, next week, next month, regardless of what the rest of the world thinks, regardless of Chinese pride, and say, wow, guess what? Our Intelligence Committee just showed us photographs of these M-9 and M-11 missile launchers sitting in Assad's garage. Guess what? The Iranians, who now think they even have a greater stake in the future of the gulf, now have M-11 missiles and launchers. And, by the way, we have found out that they have purchased from the Chinese, who are a nuclear power, nuclear technology to build a bomb.

I wonder how many of us would stand up then and say we do not want to bring back Smoot-Hawley. We want free trade. We do not want to jeopardize those provinces on the eastern border of China. We do not want to hurt the folks in Hong Kong.

Mr. President, this is in a category very different than the other things we are looking for progress on. These are things that have not happened yet—the transfers to these two countries. Human rights violations have occurred; they are continuing to occur, and the question is how to keep them from occurring. Trade violations have occurred, continue to occur, and the question is how to stop them.

This is truly preventative. If the Chinese do not understand that the transfer of these missiles and nuclear technology to the Middle East will fundamentally alter her relationship to the United States of America, she is fundamentally misreading the United States of America, just as Saddam Hussein has.

I will predict to you all in this Chamber that, whether or not we deny MFN, if and when—and it will be when—the Chinese transfer that missile technology to Syria and to Iran, they will have badly misunderstood the sentiment of this Congress, because all of you will be on this floor saying, my God, what are we going to do now with the rogue elephant in international relations? What are we going to do now with the most destabilizing nation in the world in terms of supplying kerosene to a fire that still smolders? What are we going to do now?

To use the words of my friend from Florida, who reached a totally different conclusion than the Senator from Delaware, he said this sends the wrong message. If we fail to send a message to the Chinese that something that they have not done yet and is fully within their power not to do and clearly within their economic interest not to do, if they nonetheless go forward and transfer those missiles, those ballistic missiles, that nuclear technology, to the cauldron of the world, then we will have done a great disservice to them, we will have done a great disservice to the world. We will have done a great disservice to Americans, because we will respond, notwithstanding the fact that this President suffers from a China syndrome, notwithstanding the fact that this President has a blind eye at least, if not two blind eyes, the same President who thought it was necessary to go to war to stop the buildup of nuclear technology and capability of Iraq. I find it absolutely ridiculous that the same President would not be willing to contemplate denial of MFN to a nation that was going to sell ballistic missiles, not technology, ballistic missiles, whole, ready-to-launch on arrival, ballistic missiles to Syria, and to Iran, that same President who said it was in the interest of the United States to go to war to stop one screwball from getting nuclear capability, that he would stand by and contemplate another screwball selling to nations which are not known for their stability or democratic instincts or United States interest, that they in fact would now have nuclear technology, significant nuclear capability.

In conclusion, Mr. President, all this legislation does is say: (A) On trade and human rights, show some progress; and (B) Do not change the balance in the Middle East in one fell swoop, providing to two unstable nations missiles, ballistic missiles, or nuclear capability. If you do, we change our relationship with you, and if your desire to do so is driven by your need for hard currency, understand that when you sit in your councils of government and calculate is it better to derive $2 billion in hard currency from transferring this deadly capability and lose $15 billion in hard currency from the United States, or is it better to keep the $15 billion in hard currency from the United States and forego the several billion dollars that you derive from transferring ballistic missiles and nuclear capability.

I thank my colleagues, and again will point out if we do not do it, no one else will, and if we do not do it, by year's end at least one of those nations and probably both will have a sophisticated new ballistic missile capability while we argued about whether or not we were going to hurt Chinese pride.

I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I have had discussions with the distinguished Republican leader and the managers attempting to bring this matter to a resolution in the near future, and as a result of those conversations, I will propound a unanimous-consent request which I believe is agreeable to all concerned.

Mr. President, I ask unanimous consent that the Senator from Pennsylvania complete his remarks, and upon the completion of his remarks, which I understand will be for less than 10 minutes from this time, that Senator BENTSEN be recognized to offer an amendment which has been agreed upon and which I understand will take a very short period of time. And that following that, Senator BAUCUS be recognized for 10 minutes, then Senator PACKWOOD be recognized for 10 minutes, then Senator BENTSEN be recognized for 10 minutes, then Senator DOLE be recognized for 5 minutes, and then the majority leader be recognized for 10 minutes, and that upon the completion of my remarks, there occur without any intervening action or debate, third reading on the Senate bill, and the Senate then proceed to final passage of the House-numbered legislation, H.R. 2212.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, there is no requirement that any of these Senators take their full time, is there?

Mr. MITCHELL. No, there is not, in this request.

Mr. CHAFEE. If anybody feels they do not need their full time and wants to yield some back, I do not think there will be any objections from anyone on the floor. I just want to note that.

Mr. MITCHELL. I appreciate that remark by the Senator, and I hope all of us concerned will take it to heart.

The PRESIDING Officer. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I would just like to make clear that what we are now proposing is that there be approximately 50 minutes or so more of debate, and then we intend to act on the House bill as amended by the Senate bill.

I do not believe the yeas and nays have been requested. This may be the appropriate time to do that.

Mr. PACKWOOD. Mr. President, if I may just ask a question, I apologize because I did not hear what the majority leader said. Are you proposing to use the House vehicle on this?

Mr. MITCHELL. That is correct.

Mr. PACKWOOD. So that if there was a veto—was this part of the unanimous consent request? I did not hear what you said about third reading.

Mr. MITCHELL. Yes, it was. But if there is any objection or misunderstanding, I will vitiate the request, if it was not fully comprehendable.

Mr. PACKWOOD. I did not understand about the vehicle. I understood the time. Could we vitiate it for just a minute, unless you want to get the unanimous consent on the time right

away, so somebody does not come and open that up.

Mr. MITCHELL. So that there can be no misunderstanding, Mr. President, I do not want any agreement to have been obtained if there was not a clear understanding. I therefore ask unanimous consent that the previous consent be vitiated.

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

Mr. MITCHELL. And the Senator from Pennsylvania be permitted to continue his remarks, during which time I suggest we get together and make clearer what we are proposing.

I thank my colleague for his cooperation.

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

Mr. SPECTER. Mr. President, I agree with the dire dangers portrayed by the distinguished Senator from Delaware in terms of the sales of missiles to Syria, Pakistan, Iran, and the proliferation of other weapons which may be done by the Government of China. But I disagree with his conclusion as to what is the best way to affect the conduct of the Government of China. I do so based upon the hard evidence of the communique released from the meeting of the five superpowers, including China and the United States, and in addition thereto, France, the United Kingdom, and the Soviet Union, from Paris on July 8 and 9, just a few days ago, where commitments have been obtained, at least on the basis of this communique, on the precise threats and dangers which have been eloquently articulated by the distinguished Senator from Delaware.

I quote at this point from the communique. "They," referring to the five superpowers—

> Stressed that the ultimate response to the threat of proliferation is verifiable arms control and disarmament agreements among the parties concerned. They expressed strong support for full implementation of existing arms control regime. For their part, they will contribute to this objective by developing and maintaining stringent national and, as far as possible, harmonized controls to ensure that weapons of mass destruction, related equipment and materials are transferred for permitted purposes only and are not diverted.

Now, whether the Government of China lives up to that commitment remains to be seen. But at least at this point the Government of China has made this commitment.

I compliment President Bush and the administration for what has been obtained and achieved at Paris. It is my conclusion—and this is not an easy issue as to how you motivate the Government of China—that we have a better chance to motivate the Government of China by not attaching conditions to most-favored-nation status.

I am not concerned with the national pride of China. That is not a matter of concern to this Senator. And I am not concerned with the feeling of the representatives of the Government of China except as they relate to what is the best way to get something done.

The facts show that President Bush and his administration have had a very good record in influencing the conduct of the Government of China in very material respects. I would point to the President's success and the State Department's success in getting the Government of China to avoid a veto on U.N. Resolution 678 last year, November 29, authorizing the United Nations to use force in the Persian Gulf.

There are many in this Chamber who still may disagree with the wisdom of U.N. Resolution 678 and with the wisdom of the vote in the U.S. Senate, 52 to 47, to authorize the use of force, but I believe those were sound decisions and I believe that history has shown that the forceful action taken by President Bush and by the United States, sanctioned by this body and sanctioned by the House of Representatives, had a good result.

When questions are raised about how you deal with Iraq, it is a fact that we have not dealt perfectly with Iraq. There are many problems remaining in Iraq today. But the judgment to move ahead on U.N. Resolution 678 and the act of Congress in authorizing the use of force was successful and was positive, and it was not an easy task for President Bush to get acquiescence from China in the form of their abstaining from a veto.

Who would have suspected a few years ago that the Soviet Union would have permitted the United States to put 530,000 fighting men and women in the Persian Gulf and that the Soviet Union would have voted affirmatively for a resolution to that effect? Or who would have thought that it would have been possible to get the Government of China to abstain from vetoing U.N. Resolution 678? President Bush achieved that.

The communique from Paris, joined in by China, says that weapons of mass destruction, related equipment, and materials will not be transferred for purposes other than peaceful purposes—the specific language is "for their part, they will contribute to this objective by developing and maintaining stringent national and, as far as possible, harmonized controls to ensure that weapons of mass destruction, related equipment, and materials are transferred for permitted purposes only and are not diverted."

The communique further states: "They"—again referring to the superpowers, including China—

> Also strongly supported the objective of establishing a weapons-of-mass-destruction-free zone in the Middle East. They expressed their view that critical steps toward this goal include full implementation of UNSR, United National Security Resolution 687, and adoption by countries in the region of a comprehensive program of arms control for the region, including a freeze and ultimate elimination of ground-to-ground missiles in the region.

Now, on the face of this commitment, it would be my hope and really my expectation that China will not be selling missiles to Syria, Pakistan, or Iran. It may be that you could make a tight, legalistic interpretation, and say that that deal has already been made. But I do not think that would be a fair reading of this undertaking. If there is to be a freeze and ultimate elimination of ground-to-ground missiles in the region, then, that being an objective that China wants to obtain, they are saying that they are not going to be selling missiles in the region.

If there is to be a freeze, there would be no more than there are at the present time, and that should reasonably exclude a contract. If there is to be an ultimate elimination of ground-to-ground missiles in the region, that carries with it the thought that they are not going to sell them because it does not make any sense to sell them and put them in the hands of Syria and Iran and Pakistan—at least Syria and Iran, being in the Middle East—if you articulate a desire to have an elimination of ground-to-ground missiles in that area.

The communique also has another important feature, Mr. President, that I think is relevant to quote at this time. It is the statement that "they"—referring again to China and the others—"would not transfer conventional weapons in circumstances which would undermine stability." They also noted the threats to peace and stability posed by the proliferation of nuclear weapons, chemical and biological weapons, missiles.

So, there appears to be some considerable advance made in attracting China's attention and in getting these commitments. And that has been an achievement of the administration, the President, and the Secretary of State, which ought to be built upon.

In this context, it is my conclusion that there is a better chance to get China to cooperate with the objectives of the United States on these important means if we follow the request of the President and the administration, which have dealt very closely with China.

The President was the liaison to China years ago, the equivalent now of the United States Ambassador to China. It has not been an easy relationship, and we have not achieved the goals which we have sought on many important items.

We have not yet achieved the goals we have sought in trade. We have an enormous trade deficit, $10.4 billion. We do not have China recognizing United States intellectual property rights. We have violations of customs laws which work to the detriment of our

textile industry. But the United States has to make a determination about what is the best way to get compliance with these important U.S. objectives.

There are many tremendous concerns on the human rights issues. There are the concerns on the forced labor exports; there are the concerns about restrictions on religious activity and detention, and about the "reeducation" of religious leaders. Free speech and political debate have been curtailed and controls on political expression exist.

I do not intend now to list all the problems which exist on trade and human rights.

But the basic decision has to be made, it seems to me, as to what is the preferable course to get China to listen to United States objectives and to have improved conduct by the Government of China on trade matters, on human rights, and on the arms sales.

The exerpts which I have quoted are contained in a document which is entitled, "Meeting of the Five"—referring to the United States, U.S.S.R., Great Britain, France, and China—"Meeting of the Five on Arms Transfers and Nonproliferation, Paris, July 8 and 9," which has been provided to me by Under Secretary for International Security Affairs, Reg Bartholomew.

I ask unanimous consent that the full text appear at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, in essence I believe this document shows very considerable progress. We have to hold China to it. We have to hold them to their commitments not to sell missiles into the Mideast, their commitments not to have a proliferation of nuclear weapons, and their commitments not to sell conventional arms which will be destabilizing.

If we find that these agreements are breached, there will be ample time for us to take corrective action. We can take action after the fact. We can revoke most-favored-nation. We do not have to have it written into the law at the present time for us to take this action at a later date. But on the calculation that the best way to deal effectively with the Government of China is to follow the recommendations of the President and his advisers who have dealt in detail with China and dealt successfully on United Nations Resolution 678, it is my view the current bill ought to be defeated and most-favored-nation status ought to be adopted without these conditions, as the President requested.

I yield the floor.

EXHIBIT 1

MEETING OF THE FIVE ON ARMS TRANSFERS AND NON-PROLIFERATION

(Paris, 8th and 9th of July 1991)

1. Representatives of the United States of America, the People's Republic of China, France, the United Kingdom, and the Union of Soviet Socialist Republics, met in Paris on the 8th and 9th of July to review issues related to conventional arms transfers and to the non-proliferation of weapons of mass destruction.

They noted with concern the dangers associated with the excessive buildup of military capabilities, and confirmed they would not transfer conventional weapons in circumstances which would undermine stability. They also noted the threats to peace and stability posed by the proliferation of nuclear weapons, chemical and biological weapons, and missiles, and undertook to seek effective measures of non-proliferation and arms control in a fair, reasonable, comprehensive and balanced manner on a global as well as on a regional basis.

2. They had a thorough and positive exchange of views on the basis of the arms control initiatives presented in particular by President Bush, President Mitterrand, Prime Minister Major and on other initiatives which address these problems globally and as a matter of urgency in the Middle East. They also agreed to support continued work in the United Nations on an arms transfers register to be established under the aegis of the UN Secretary General, on a non-discriminatory basis, as a step toward increased transparency on arms transfers and in general in military matters.

They stressed that the ultimate response to the threat of proliferation is verifiable arms control and disarmament agreements amongst the parties concerned. They expressed strong support for full implementation of existing arms control regimes. For their part, they will contribute to this objective by developing and maintaining stringent national and, as far as possible, harmonized controls to ensure that weapons of mass-destruction related equipments and materials are transferred for permitted purpose only and are not diverted.

They also strongly supported the objective of establishing a weapons of mass destruction-free zone in the Middle East. They expressed their view that critical steps toward this goal include full implementation of UNSC resolution 687 and adoption by countries in the region of a comprehensive program of arms control for the region, including:

A freeze and ultimate elimination of ground to ground missiles in the region;

Submission by all nations in the region of all of their nuclear activities to IAEA safeguards;

A ban on the importation and production of nuclear weapons usable materials;

Agreement by all states in the region to undertake to becoming parties to the CW Convention as soon as it is concluded in 1992.

3. They acknowledged that Article 51 of the UN Charter guarantees every state the right of self-defence. That right implies that states have also the right to acquire means with which to defend themselves. In this respect, the transfer of conventional weapons, conducted in a responsible manner, should contribute to the ability of states to meet their legitimate defence, security and national sovereignty requirements and to participate effectively in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security.

They recognized that indiscriminate transfers of military weapons and technology contribute to regional instability. They are fully conscious of the special responsibilities that are incumbent upon them to ensure that such risks be avoided, and of the special role they have to play in promoting greater responsibility, confidence and transparency in this field. They also recognize that a long term solution to this problem should be found in close consultation with recipient countries.

4. They expressed the intention that:

When considering under their national control procedures conventional weapons transfers, they will observe rules of restraint. They will develop agreed guidelines on this basis;

Taking into account the special situation of the Middle East as a primary area of tension, they will develop modalities of consultation and of information exchanges concerning arms transfers to this region as a matter of priority;

A group of experts will meet in September with a view to reaching agreement on this approach;

Another plenary meeting will be held in October in London;

Further meetings will be held periodically to review these issues.

5. They expressed the conviction that this process of continuing cooperation will contribute to a worldwide climate of vigilance in this field which other countries will share.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BENTSEN be recognized to offer an amendment, which I understand has been agreed upon, and that, following the disposition of that amendment, the remaining time for debate on this measure be divided as follows, in the order and in the amounts of time specified: Senator BAUCUS for 10 minutes; Senator CHAFEE for 3 minutes; Senator PACKWOOD for 10 minutes; Senator BENTSEN for 10 minutes; Senator DOLE for 5 minutes; and the majority leader for 10 minutes; and that upon the use or yielding back of such time, that the Senate proceed without any intervening action or debate to third reading of S. 1367.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, in conformance with the unanimous-consent request I have an amendment to offer.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 807

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for Mr. BIDEN, proposes an amendment numbered 807, page 7, line 20, delete section 4 and insert in lieu thereof the following:

SEC. 4. TERMINATION OF MOST-FAVORED-NATION STATUS.

(a) IN GENERAL.—Not later than July 3, 1992, products of the People's Republic of China may not be provided nondiscriminatory (most-favored-nation) trade treatment if the President determines, at any point subsequent to the enactment of this

Act, that the People's Republic of China has transferred to Syria or Iran—

(1) ballistic missiles or missile launchers for the weapon systems known as the M-9 or the M-11; or

(2) material, equipment, or technology which would contribute significantly to the manufacture of a nuclear explosive device.

(b) NOTIFICATION.—The President shall promptly inform Congress in writing of any determination described in subsection (a).

Mr. BENTSEN. Mr. President, the manager for the majority has shown this piece of legislation to the distinguished Senator from Oregon. I appreciate his comments on it.

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

Mr. PACKWOOD. This is a modification offered by Senator BIDEN to a provision that was already in the bill. It was a provision I did not like, and I must say this particular amendment softens that provision so I prefer it to what we had, and I support the amendment.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. May I ask briefly, does this still make the approval contingent upon the absence of the sales of the M-11?

Mr. BENTSEN. It defers the denial of the MFN for a year instead of making it immediate if the conditions discussed occur. It adds language that MFN would be revoked after July 3, 1992, if material that would contribute significantly to the manufacture of a nuclear explosive device were transferred to Syria or Iran. Those are the basic things it does.

As the distinguished Senator says, "It in effect softens that particular provision."

Mr. CHAFEE. I thank the Senator.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 807) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. GLENN). Under the previous order the Senator from Montana is recognized for up to 10 minutes.

Mr. BAUCUS. Mr. President, I think this has been a very useful and constructive debate we have participated in, in the last couple of days; in some respect the last several weeks. I particularly commend the majority leader, Senator MITCHELL, for initiating this process; for bringing forth to us a conditionality resolution. He worked very assiduously with a good number of the Members of the Senate—I am thinking of Senator BIDEN from Delaware, Senator RIEGLE from Michigan, Senator PELL from Rhode Island—who were involved on the Democratic side. There were many others.

Mr. President, back in the 1930's the great American humorist Will Rogers, after returning from a trip through Asia, wrote:

You know, the Chinese are the most patient people in the world; they have waited 4,000 years for something good to happen to 'em, and as it hasn't; they are all set for another 4,000.

Well, after seeing the uprising 2 years ago at Tiananmen Square, and after talking with leaders within the Chinese reform movement, I am convinced that the people of that nation are not going to wait another 4,000 years for something good to happen to them.

The people of China want change today, not tomorrow. They want the bright hope of democracy, not the dark tyranny of communism. They want freedom, not oppression.

The question before the Senate is do we want to stand with those fighting for freedom, or do we stand back and do nothing.

If we want reform in China—and I am convinced that every Member of this body does—then conditioning most-favored-nation status to China, which is tantamount to cutting off trade with China, is the wrong answer.

THE ABUSES OF CHINA

During the past 2 days of debate we have heard many examples about the abuses that the Chinese Government has made—from violating human rights, to giving weapons to our adversaries, to setting up unfair trade practices.

What China is doing is simply wrong, and this government must do everything in its power to put an end to their abuses.

But if we think that ending MFN to China will change China, then we are fooling ourselves. H.L. Mencken said that "complex situations bring about simple solutions, and they are usually wrong." The complex situation in China will not be solved by simply revoking MFN.

By denying MFN for China we would be cutting off the vein of democracy that runs from this Nation to China. We would inhibit not only the free flow of products between our two nations but also the free flow of people and ideas.

In this morning's New York Times, an excellent column appeared by Li Xianglu, the former assistant to the ousted Communist Party chief and now a leading reformer. Li Xianglu wrote:

"Only economic prosperity and political openness can make democracy achievable. The extension of most-favored-nation status without conditions will help promote these fundamental changes."

I ask unanimous consent that this article be placed in the RECORD.

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

(See exhibit 1.)

Mr. BAUCUS. The power is in our hands to help China achieve meaningful changes and real reform. The power is in our hands to help the Chinese people see change now, not in 4,000 years.

AMERICAN JOBS

Cutting off MFN for China would not only be a misdirected shot at the Chinese Government, it would be a fatal blow to thousands of working Americans.

We have talked about United States exports of $5 billion to China each year. Five billion dollars. I have been in the Senate for over 12 years, and that is still a figure that boggles the mind.

But what helps make it more clear in my mind is realizing that we are talking about not just $5 billion in trade, we are talking about 100,000 American jobs; 100,000 Americans would be put out of work if trade is cut off with China.

And we are not talking about wealthy jobs—lawyers and bankers and corporate executives would not lose their jobs if MFN with China is cut off. We are talking about the backbone of America. We are talking about farmers across the Farm Belt; we are talking about machinists at Boeing in Seattle or McDonnell Douglas in St. Louis; we are talking about America's miners; we are talking about timber workers in the Northwest.

The supporters of the resolution believe that cutting off MFN is sending a message to China. To those 100,000 American workers, cutting off MFN means that they no longer have a check to pay the rent, or their child's day care, or their doctor bills, or for their family's groceries.

I come from a State where the largest city barely approaches 100,000 people. I am not about to go back to Billings, MT, next weekend and tell the people there that I voted to eliminate more jobs than there are people in that city just to send an ineffective message to the Government of China.

PRESIDENT BUSH'S LETTER

This is an issue where we all share common goals—to bring about reform in China while maintaining trade with the world's largest nation. It is a situation where we can all achieve our common goals.

That is why I and several of my colleagues have put pressure on the administration to take action at stopping abuses by China.

Late last week, President Bush wrote me a lengthy letter. It was not—as some have said—filled with "mostly rhetoric." It was, for the first time in this administration, a comprehensive review of our policy toward China and a plan for future relations.

This letter addressed the concerns that many of my colleagues have raised, and spoke to the conditions

that some want to chain to the continuation of MFN.

The President promised—I repeat, promised—to take the following steps:

First, reinvigorate its opposition to multilateral loans to China until its human rights abuses come to an end. At the recent G-7 summit, the President personally made this plea to leaders of the other nations.

Second, the administration is committed to using section 301 of our trade laws to open the Chinese market. My colleagues on this side of the aisle should remember that section 301 is a tough, effective, market-opening provision. Just ask countries who have felt the brunt of section 301.

Third, President Bush has pledged to crack down on imports of goods produced by slave labor. Many of those slaves are political prisoners, and this is a significant step at addressing our concerns about human rights.

Fourth, the administration will take a vigorous position in forcing China to halt the spreading of nuclear materials and missiles, and keep negotiations underway to convince China to abide by the Nuclear Nonproliferation Treaty and the Missile Technology Control Regime.

Finally, the President will support Taiwan's application to join GATT, an important change in United States policy.

I view the President's letter as a major victory for those of us who are serious in our desire to maintain trade with China, protect American jobs, and encourage change and reform in China.

Now am I going to sit back and assume that with this one letter our problems are solved? No. I am going to be looking over the President's shoulder every step of the way to see to it that he abides by the promises he has made. Not only his market-opening promise, but those he has made on human rights, and weapons sales.

In the meantime, I believe that President Bush has made a serious and sincere effort to address our concerns. It is now up to those of us here to work together and reach our common goals.

CONCLUSION

If we want to send a message to China, then the best message we can send is to let the reformers know that we stand with them in their struggle for democracy, not to cut ourselves off from that nation.

If we want to make sure the Communist Chinese Government stops its abuses, then we must make sure President Bush stands by his promises to enforce existing laws.

If we want to protect thousands of American jobs, then we must continue to build a strong trade relationship with China.

Let us remember this: most-favored-nation status is not an endorsement of China's human rights abuses or support for their unfair trade practices. MFN is the minimum status that we give to nations with which we conduct trade. Currently, more than 160 nations around the globe have MFN status: nations such as Syria, Iran, Libya, South Africa, and even Iraq. Yes, Iraq, a nation that just a few months ago was killing our sons and daughters is viewed as a most favored nation.

Revoking MFN might make some of my colleagues feel good in the short run, but in the long run it will cost hope to the Chinese reformers and cost jobs for American workers. Do we want to simply make a statement or do we want to be effective?

We must encourage contact with China, not cut it off. We must foster trade with China, not cut American jobs. We must encourage reform in China, not allow oppression. We must move forward in our relations with China, not backward.

I encourage my colleagues to join me in opposition to imposing conditions on most-favored-nation status for China.

Mr. President, I just want to again thank all the Members who participated. I think each Senator has been very constructive in adding to this debate. I think when this is all said and done, we are going to have a good, strong China policy, and we are going to be a lot more effective in pushing China in the direction we want than we would have before. I congratulate all Senators who helped make that happen.

EXHIBIT 1

[From the New York Times, July 23, 1991]

RENEW CHINA'S TRADE STATUS

(By Li Xianglu and Lu Mai)

Since the violent suppression of the student movement in Tiananmen Square in June 1989, condemnation of the Government has been near universal. But revoking its most-favored-nation status with the U.S., or attaching conditions, is the least effective means of improving China's human rights picture. This move, which Congress may vote on today, would punish the wrong people by damaging economic reform that is helping bring about a free market.

Chen Ziming, a prominent dissident, agrees. Though sentenced to 13 years for his role in the 1989 demonstrations, he suspended a hunger strike lest U.S. critics of China use his protest as a reason to revoke most-favored-nation status. Such revocation is the last thing reformers in Beijing want.

The economic innovations of the late 70's have produced a private sector and market-oriented collectives, which have liberated hundreds of millions of peasants from deep poverty and state control. The introduction of new ideas from the outside world and growing freedom in the newly pluralistic economy have generated pressures for social and political change.

Foreign trade and investment are the driving forces behind the growth of the private sector. The State Statistical Bureau says that in 1990, while the output of state enterprises grew at an annual rate of about 4 percent, the private sector's output grew at a rate of more than 20 percent and that of enterprises involving foreign investment leaped more than 30 percent.

Some point to the release of the dissident Fang Lizhi and a select few prisoners as evidence that the Chinese Government can be bullied by the threat of losing its trade benefits. But these meager results are mostly the outcome of quiet American-Chinese negotiations. There is ample evidence that Beijing is prepared to endure substantial costs rather than succumb to international pressure.

Public posturing over China's most-favored-nation status and proposed conditions to renewing it challenge the leadership's legitimacy. Such demands hand conservatives an excuse to play on xenophobia, which is never far from the surface; the destructiveness of xenophobia in modern China is still a vivid memory.

Real human rights improvements will come only from systemic change. Foreign trade and investment and the demands they put on the centralized command economy promote such change and support those people who are pressing for structural reform.

Critics of the Chinese leadership erroneously suppose that canceling most-favored-nation status would create economic difficulties that would eventually lead to a popular uprising and the fall of the Government. Since 1949, however, the Government has weathered repeated economic crises by appealing to nationalism and renewing central planning. Those harmed by the revocation of its special trade status will not turn their frustration and anger against the Government; instead, reduced economic opportunities outside the state system will force them to return to dependency on the Government.

Withdrawing that status would provide the hard-liners with an excuse to recentralize control and curtail the influence of foreign economies. The hard-liners surely prefer things that way, for economic prosperity, rapid growth of the private sector and integration into the world economy are beyond the old system's control.

A gradual and peaceful transition to democracy is in the interests of the 1.2 billion Chinese, the U.S. and the rest of the world. Only economic prosperity and political openness can make democracy achievable. The extension of most-favored-nation status without conditions will help promote these fundamental changes.

The PRESIDING OFFICER. The Senator's 10 minutes has expired. Under the previous agreement, the Senator from Rhode Island is recognized for up to 3 minutes.

Mr. CHAFEE. I thank the Chair.

Mr. President, sometimes on this floor people do listen to what others say, which is perhaps an astonishing fact, but it is true.

Last night I stated that the Mitchell bill confronted the President with practically an impossible task: The President had to certify to Congress that something had not taken place. He had to certify in writing that the People's Republic of China had not transferred ballistic missiles on launchers to Syria or Iran and had not transferred ballistic missiles to Pakistan.

I pointed out on the floor that this was an impossible task for the President. How can the President swear to Congress that something has not taken place? His intelligence community sometimes can tell him that something

has taken place, but he cannot swear to Congress, certify that no transfers have taken place. It is an impossibility.

The Senator from Delaware, it seemed to me, pooh-poohed that statement, but I am delighted to find in the amendment just presented by the distinguished Senator from Texas that this language has been changed. Section 4 has been deleted from the legislation, and in its place is a new provision requiring the President to promptly inform Congress if he determines something has occurred.

I appreciate the amendment that has been presented. I note that it is by Senator BENTSEN for Senator BIDEN. So I presume Senator BIDEN took part in it. I want to thank him for that, because it seems to me it makes a lot more sense to give the President a task whereby he informs Congress if something has taken place and removes this impossible burden that was previously on him to certify that something has not taken place.

I would also note that there is another change in the amendment which is a good one. It now refers to any transfers subsequent to the enactment of the bill whereas previously the bill read that if any transfers had ever taken place then most-favored-nation status is revoked. The Ambassador to the United States from China has already certified that such transfers have occurred.

But finally, Mr. Presdient, I wish to say what this bill is all about. It is about whether we want to feel good; whether we want to tell those Chinese, "You do what we want or you lose most-favored-nation status. It is about whether we are going to be tough with them.

Frankly, that is not going to get us anywhere. It may make us feel good, let us pat ourselves on the back, but China is not going to change one whit. That country, as everyone knows, has had a long history of isolationism. They have a group of old men running that country who would be perfectly delighted to retreat to that isolationism once again.

I think the approach the President outlined is a proper approach. I hope we will join in rejecting the bill by the distinguished majority leader.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous agreement, the Senator from Oregon is recognized for up to 10 minutes.

Mr. PACKWOOD. Will the Chair warn me at 9 minutes?

The PRESIDING OFFICER. Yes, the Senator will be warned.

Mr. PACKWOOD. I thank the Chair.

Once again, let us put in perspective what we mean by most favored nation, because we do speak in acronyms. Most favored nation means we will give trade status equal to the best we give to anybody else. Example: We have a tariff of 2½ percent on imported automobiles that come from Germany, come from England, from Japan, and from Mexico—a 2½-percent tariff. If we were to cut the tariff on cars from Mexico to 2 percent, we would automatically have to do it for cars from all of the other nations we have given most-favored-nation status to, 2 percent for all of them—160 nations, give or take 1 or 2, have most-favored-nation status. We give it to everybody in the world except Communist countries.

In 1951, we passed a law that said we will not give it to Communist countries. Then in 1974 we amended that to say we will even give it to Communist countries if they will allow their citizens to freely emigrate. If citizens of a Communist country can get out, that country can have most-favored-nation status. Picture the situation. All countries get it except for Communist countries, which get it if they will allow emigration unless for some reason we choose to take it away from them anyway, which we have never done. That is roughly what the situation is.

Now we come to China. Does China have bad trade policies? This is one of the arguments that has been mentioned by many people in this debate. You bet they do. Do they sell arms to Third World countries? You bet they do. As does France, by the way. France was a country that sold Iraq the material to build its reactor to build an atomic bomb that the Israelis bombed in 1981. France knew what they were doing. They knew this was an atomic bomb plant. They had several hundred technicians building it and 9 or 10 were killed in it. The French got caught with their hand in the cookie jar and they never said a word.

We cannot depend on Israel to police the world forever for us, unfortunately. They do a good job. France sold Mirages to Iraq. They sell Mirages to other countries—a very good fighter plane. China sells military equipment. The Soviet Union sells equipment. We sell them.

It is interesting, though, that we granted most-favored-nation status to China in 1980 knowing they had a bad trade policy, knowing they sold arms in 1981, 1982, 1983, 1984, 1985, 1986, and 1987, right on up while they had all these policies we did not like.

And then in 1989 Tiananmen Square happened, we saw it on television, and that is the reason we are having this debate about China today. Not because of their trade policy, not because of their arms sales, not because of a variety of other things that have been listed, but because of their human rights policy. And had Tiananmen Square not happened, or had we not known of it even if it happened, or maybe even if we had not seen it on television, we would not be having this debate about China today because—let us strip away all the veneer—this is a debate over the issue of human rights.

That may be a fair basis for the United States to add to its policy of denying most-favored-nation status to countries. But in that case it should not be limited to China. Among the countries that have most-favored-nation status today are Libya, Iran, Iraq, Syria, all bastions of democracy and protectors of civil liberties. Nonsense. Not one of them has the foggiest idea of civil liberties. Syria is up to its neck in complicity with the blowing up of the Pan Am plane over Lockerbie, Scotland. Syria, for years a haven for terrorist training camps; Syria, one of the principal provocateurs of the Middle East, has most-favored-nation status, and to this day Iraq has it.

One of the privileges of being in the Senate is the opportunity to meet some really extraordinary people. In the mid-1970's, I met Mustafa Barzani, who was the then-leader of the Kurds. He was in the United States in the mid-1970's for some reason. I had an opportunity with no more than 9 or 10 people to have dinner with him, a tall man, a proud man, fierce eyes, leading the fight for Kurdish independence from Iran, from Iraq, from Turkey, and asking for our help. We had been helping the Kurds except we then double-crossed him, made a deal with the Shah of Iran and pulled the rug out from under him. Mr. Barzoni, the poor man, died in the United States of cancer in 1979, but I think he really died of a broken heart because of the betrayal.

He has five sons, or I should say he had five sons. Massoud Barzani, who is the leader of the Kurds now; and Idris, his brother, another of the leaders of the Kurds; Ubaidullah Barzani died in 1981, executed by Iraq; Sabir Barzani died in 1983, executed by Iraq; Lukman Barzani, died in 1983, executed by Iraq. According to rumor—we cannot verify this because it did not appear on television—one of those three brothers died after having his toes, fingers, ears, lips, and nose cut off. He was buried alive. But we did not see it. So Iraq still gets most-favored-nation status. Had we at all seen the executions of any of those three brothers or the barbarities practiced upon them, do you think we would be here today allowing Iraq to continue its most-favored-nation status? No question about it. But we let them keep it.

So I would like to quote what the leader, the majority leader said in his closing comments, and they are good comments:

> Should we aim for a relationship in which both parties recognize that there are obligations that go along with the benefits of the relationship? All the governments in the world today recognize that they have international responsibilities as well as privileges. It is fair—

I want to emphasize again—

> It is fair to apply to the Government of China the same standards we apply to all the

nations. Ultimately that is what this bill seeks to do. It is fair to apply to the Government of China the same standards we apply to all nations.

We are not doing that. We are saying to China while we were upset about your trade practices in 1981, and your arms sales in 1982, and your arming of the Khmer Rouge, we were not upset enough to take away your most-favored-nation status. But because of Tiananmen Square, because of your violation of human liberties, human rights, we are offended, and the majority leader says we should apply the same standard to China that we apply to others, the same standard that we apply to Syria, Libya, Iraq, Iran, in granting them most-favored-nation status.

No, Mr. President, I find the bill introduced by the majority leader and others inconsistent, and it will not work. Senator BAUCUS was right. Senator CHAFEE was right. If we pass this bill, and if we eventually take away most-favored-nation status from China, they will not change their positions. They may if we bring other pressures on them, but not this.

But, in the meantime, if we want to have a new policy, let us debate that fairly, openly, and have it be a consistent one. That policy perhaps will then be this: Any nation that does not roughly have our Bill of Rights, our freedom of speech, of the press, our provisions against government search and seizure, our provisions against self-incrimination, any nation that does not have the rough equivalent of these, we will deny to that nation most-favored-nation status.

Of the 160 nations in the world, I think we would be left with about 15 or 20 that would meet that standard. Maybe that is what we want. That is a subject for debate. This bill does not apply to China the same standard we apply to almost ever other government in the world.

I thank the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Texas is recognized for up to 10 minutes.

Mr. BENTSEN. Mr. President, it has been a good debate. The issue is really how far can you push, yet still get a positive reaction, still get some changes in the attitude and the conduct of China?

Let us look at this trade situation that we are talking about, the one that has been described as being so valuable to us to see what is really happening on trade.

In the last year, we have seen China's trade with this country increase by some 27 percent and we have seen our exports to them go down by some 17 percent. We have not had that kind of decrease in our exports in the last year with regard to any other major country or any other major market.

What you are seeing is a further centralizing of control of trade by the Chinese Government. We have a quota agreement on textiles with China. They have the largest quota allocation that the United States gives to any other nation insofar as exports to the United States of textiles.

I will read what we saw in the Washington Post this morning. It relates to China's evasion of the textile quota rules:

> The deception was part of a concerted campaign by China to ship an estimated $2 billion in low-cost garments into the United States last year in violation of long-standing international quotas limiting textile imports into industrialized countries from the Third World.

That is from the administration.

Over $2 billion worth of violations there alone.

When you are bargaining and negotiating with another country, the question is, What kind of trading relationship are we enjoying? Let us look at that. Our exports to China are decreasing because they enforce a controlled market. Their exports to the United States increased by 30 percent a year through the eighties 10 times as fast as China's purchases from the United States. Are we important to them? You bet we are.

The surplus they have in trade with the United States is more than their deficit throughout the rest of the world. We are by far their No. 1 customer. They say that China would not respond favorably to this legislation. But let us look at the world today, and the record around the world.

The law that brings us here, the Jackson-Vanik amendment, contributed to a sea change in Russia and Eastern Europe. We denied those countries the political legitimacy and the economic benefits that come from most-favored-nation status because of their restricted emigration practices, and today there are people in those countries who enjoy the exact same democratic freedoms for which the Chinese students were protesting in Tiananmen Square. We have seen a tenfold increase in Jewish emigration from the Soviet Union, from 16,000 in 1988 to 200,000 in 1990. You bet the conditions worked. And the Russians said they never would accede to that, but they did.

I heard the comments made time and time again that we give MFN to Iraq, that we give it to Libya, that we give it to Iran, that we give it to South Africa. The fact is they would have been delighted to settle for the revocation of MFN instead of what we did to them. We put on embargoes. We put on sanctions much worse than just the revocation of MFN.

How did South Africa react? We have seen a reversal of the policies so abhorrent to American beliefs. The direction is clear. We have seen what effect this debate has had on China as well. Last year, the Chinese scientist Fang Lizhi was allowed to leave the American Embassy where he had taken refuge for 1 year. The Chinese Government said it would never do that. But the pressure from the Congress, the fear of losing MFN, caused some changes in that type of thinking.

Nearly 900 Chinese were released in 1989 after being detained because of their participation in that prodemocracy movement. There are many more, however, that must be released. We know that. These have been modest measures so far but they show that the Chinese leadership will respond if they think MFN is at risk.

It has been reported that a working group on MFN was formed by Deng Xiaoping. The group estimated that almost 10 million Chinese jobs would be lost if MFN was revoked with the United States, that it would cost China $10 billion a year in foreign exchange, and that foreign exchange is precious to them.

I heard a comment ealier that the CIA said that revoking MFN would not have a major effect on China's GNP. But it takes only a very small percentage effect on GNP to have a large reaction. The fact that such a working party was formed demonstrates China's sensitivity to this issue, and that its leadership understands what it would mean to lose MFN to their country.

There is one thing we do know: This administration's policy of accommodation is just not working. It is a tough crowd that headed that long march to the north. But that crowd is also made up of realists who will react. We all know there is a new breed of Chinese leadership on the way, clearly economic reformers. They have seen the impressive growth of South Korea and Taiwan, and they want to emulate it. We have to make sure that they are political reformers as well.

We are China's largest export market. Thus, we hold significant leverage over the Chinese. We ought to use that leverage in pursuit of our principles.

Beijing does care about its standing in the world and it will respond. But it will not respond if it thinks this debate is just one of bluster and idle threats. Some say MFN has no leverage. Well, it is not leverage if you do not use it. You use it or you lose the leverage. They will only believe it is leverage if we use it as such. This bill makes that leverage credible. I believe we will see results in China if we enact it.

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

The PRESIDING OFFICER. Under the previous agreement, the minority leader is recognized for up to 5 minutes.

Mr. DOLE. Mr. President, let me indicate to my colleagues on both sides I think the vote will come a little before 7:45. So they will have that notice.

Mr. President, I think pretty much everything has been said in this debate. It has been a good debate. I might suggest that some of us on both sides of the issue go to China, sit down with the Chinese leaders, express our concerns, and we might be surprised of the impact it would have in that country and upon the leadership.

I think in the final analysis, this legislation will not be enacted this year. I think also the debate has made it clear that it should not be enacted this year. We do have legitimate concerns in China. We must pursue those concerns, and we are doing that, and I believe we are going to be doing it in a much more effective way because of the initiative undertaken by the distinguished Senator from Montana, myself, and 13 other Senators from both sides of the aisle.

We concluded that MFN is not the tool to advance our goals, but we concluded, too, that we do have tools for that purpose, and we ought to be using those tools much more aggressively. The President made clear in his response to our letter that he agrees, and he will pursue a more aggressive course, as he outlined in his letter.

So it boils down to this: The way to feel good in the short run is to vote for the pending legislation; the way to get something done in the long run is to get behind the Baucus-Dole initiative, to get behind the President's action plan, to get behind a really effective approach toward advancing our very real interests in China.

Mr. President, this legislation is rewriting the rules of the game. It says, in effect, let us have different rules for China than we do for the other countries of the Earth; let us punish China, but not speak a peep about the other human rights violators, or trade abusers, or weapons merchants around the world.

It is rewriting the rules in a second way. It says: Let us pile all of our concerns, all of our grievances, all of our goals on the back of MFN, and let it carry the full load.

Mr. President, I think it is time to vote, time to vote for a sensible and effective policy, a fair policy, a policy that will advance America's interest in China, and help the American people here at home.

In my view, the way to vote is to vote against the pending legislation. Let us pursue the outline in the President's letter, and let those of us who have legitimate differences and different opinions—same goal: We are concerned about human rights abuses, and we are concerned about the other things mentioned by my colleagues—pursue those together.

I believe that, in the long run, the best course is to follow the President's direction, make certain the President sticks to that course, and make certain the President becomes more aggressive in the areas outlined in his letter to Senator BAUCUS and others.

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

The PRESIDING OFFICER. Under the previous agreement, the majority leader is recognized for up to 10 minutes.

Mr. MITCHELL. Mr. President, I thank my colleagues for their patience and courtesy through this long debate, during which much has been said. Some of it has clarified the issues; some of it has confused the issues.

The most confusing and the least accurate thing that has been said about this bill is that it denies most-favored-nation trade status to China and will, therefore, isolate China. It does not deny MFN status to China. It will not isolate China. That is not the question here.

To the contrary, the bill renews China's MFN status and extends it for a full year. During that year, the bill gives to President Bush meaningful tools with which to engage China, not isolate it. There is no realistic possibility of the Chinese returning to the self-imposed isolation of previous decades. Its economic circumstances alone will prevent that from occurring.

And of equal importance, few people there, even within the highest levels of the Communist government, want to return to isolation. It will not happen, because it is not in their interest that it happen. All of the dire predictions and the hand wringing that has occurred during this debate is wrong and totally irrelevant. They are going to do what they have done, and that is to act in their national interest.

Extending MFN status for another year, with reasonable and realistic conditions to be met for further extension, is the logical and the moral way to engage the Chinese Government, to get them to change their practices and their policies.

Unconditional extension of MFN, by contrast, which is what the opponents of this bill want, despite all of the words to the contrary, sends to the Chinese Communist leaders, and to the people of China, a clear, unmistakable, unambiguous message: You have done nothing wrong. You must pay no price. There is no problem. Keep on trucking. And keep on trucking, they will, to us, as they have done.

Any Member of the Senate who thought that last year's $10 billion trade deficit with China was bad will soon wake up to the hangover of a $15 billion trade deficit this year. And according to the most recent projection, it will be $22 billion the year after that. When and how are Members of the Senate going to get the backbone to stand up and say: That is enough.

That is what they are doing to us. And that is what a vote against this bill tells them to keep on doing. And they are doing it by unfair manipulation, unfair trade practices and, in plain English, by cheating—cheating, robbing Americans of property rights that they have earned.

Did the Senators read the story on the front page of today's Washington Post about systematic, widespread cheating, organized and directed by the Chinese Government against the United States and against American workers?

How much evidence do Senators need? Well, do not take the Washington Post's word for it. Do not take my word for it. Take the word of the Bush administration, its own expert on international trade, the Deputy Assistant Secretary of Commerce for International Economic Policy, who came before the Senate and testified. I quote him:

> Over the last 2 years, we have observed a pronounced increase and proliferation in tariff and non-tariff barriers to imports that have effectively denied imported goods fair access to China's domestic market.

He went on to say:

> In fact, China's policies have made it increasingly difficult for U.S. firms to gain fair access to domestic markets.

He said, finally, that more disturbing than the substantial and growing United States trade deficit with China is the fact that the deficit reflects a decision by China to intensify protectionist measures as a way of managing imports.

Mr. President, those are the words of the Bush administration about China's trade practices. It defies logic; it defies common sense, that so many Senators are here working so hard to preserve a trade relationship that is so infected with illegal Chinese behavior and so detrimental to American interests.

Beyond trade, there are two other reasons why we should vote for this bill. One is the reckless behavior by the Chinese in the sale of nuclear technology and materials, ballistic missiles, and missile launchers, which were already well covered in this debate. I will not repeat it.

Finally, there is human rights. Mr. President, Americans and people the world over have been moved profoundly by many images in recent years. But I say to the Members of the Senate that no image has been more profoundly moving than that of one Chinese citizen standing before a line of tanks, risking his life, because he wanted freedom and democracy.

Who among us were not moved by that? Who among us do not want to encourage the people of China? And to those who say they do not really want us to rock the boat, the Chinese people do not want us to do this giving any conditions.

I will quote the words of the so-called China expert recently before the Senate Foreign Relations Committee. He said:

> You really don't need a China expert in order to understand the basic reactions of

human beings under oppression. Just step back for a moment and ask yourselves this: Where in modern history have a people under repression ever said to the outside world, "Don't bring pressure on our oppressors"? Or "Just stand aside, let the diplomats talk, and don't cause trouble"? Andrei Sakharov didn't say that; Nelson Mandela didn't say that; Vaclav Havel didn't; Elie Wiesel didn't; the people who suffered under Manuel Noriega didn't; the Kurds in Iraq didn't. These voices represent different countries with different cultures suffering different kinds of repression. But their voice in response to repression is consistent: They say please do speak, do exert pressure. You should do it precisely because you are free to do it and we are not, and our common humanity is the only reason you should need. Why do we suppose that the Chinese people are different from all these other cases?

Mr. President, the Chinese people are not different from others. The universal desire for freedom, for the expression of individual rights, is undeniable. It existed among the Chinese there in Tiananmen Square, brave young students who risked their lives and some of them who lost them, murdered by their own government, the very government being defended here today in the Senate.

They had the courage to stand up nonviolently for democracy and freedom, and as a tangible expression of their courage, they built a paper model of the Statue of Liberty. In their holding that paper model up before it was crushed by the tanks of the Communist government, defended here today, they held up a tangible expression of their belief in what we Americans say about freedom and individual dignity.

They believed in our words, and the question now before the Senate is, Do we?

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

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 and was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Has third reading occurred?

The PRESIDING OFFICER. Yes.

Mr. MITCHELL. I now ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2212, the House companion bill; that all after the enacting clause be stricken, and the text of S. 1367, as amended, be substituted in lieu thereof, and the bill be deemed to have been read the third time.

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

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, this will be the last vote this evening. Then tomorrow morning, there will be a vote on the cloture motion on the motion to proceed to the foreign aid authorization bill. I have not yet set the time. I will do that after consultation with the Republican leader.

That vote will be at 10:45 in the morning.

Mr. President, I thank my colleagues for their courtesy.

I yield the floor.

The PRESIDING OFFICER. 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 called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—55

Adams	Glenn	Mitchell
Akaka	Gore	Moynihan
Bentsen	Graham	Nunn
Biden	Harkin	Pell
Bingaman	Heflin	Reid
Boren	Helms	Riegle
Bradley	Hollings	Robb
Bryan	Inouye	Rockefeller
Bumpers	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Cranston	Kerry	Sasser
D'Amato	Kohl	Simon
Daschle	Lautenberg	Smith
DeConcini	Leahy	Wallop
Dixon	Levin	Wellstone
Dodd	Lieberman	Wirth
Ford	Mack	Wofford
Fowler	Metzenbaum	
Garn	Mikulski	

NAYS—44

Baucus	Durenberger	Murkowski
Bond	Exon	Nickles
Breaux	Gorton	Packwood
Brown	Gramm	Pressler
Burdick	Grassley	Roth
Burns	Hatch	Rudman
Chafee	Hatfield	Seymour
Coats	Jeffords	Shelby
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
Conrad	Kasten	Stevens
Craig	Lott	Symms
Danforth	Lugar	Thurmond
Dole	McCain	Warner
Domenici	McConnell	

NOT VOTING—1

Pryor

So, the bill (H.R. 2212), as amended, was passed.

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

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, by an overwhelming majority in the House of Representatives, and by a clear majority in the Senate, both bodies of the Congress have expressed their disagreement with the policy toward China now being pursued by the administration. I hope that, above all else, the message conveyed by these votes will be heard in Beijing by the leaders of the Chinese Government as they contemplate policies and practices that they intend to continue in the coming months.

There was much disagreement expressed during this debate among Senators on how best to proceed to encourage change in those policies and practices. But there was no disagreement, none whatsoever, on the need for that change. Senator after Senator, of both parties, of both views on this particular bill, took pains to express disagreement with, concern about, contempt for the policies now being pursued by the Chinese Government. And we hope that that single message, above all others, will be heard by the Communist leaders of the Chinese Government.

Mr. President, I thank my colleagues for their cooperation and I am pleased now to yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, let me also not disagree with the distinguished majority leader. I hope the Chinese are listening, particularly the leaders. There is no doubt about it, this legislation is not going to become law. The vote has clearly indicated that, even though there is a majority voting in the affirmative, there is a bipartisan minority more than enough by 10 or 11 votes to sustain a veto. But I do believe the majority leader has made a point that ought to be pursued, and that was the very point we tried to make during the debate.

We may have differences but we want the President to be more aggressive at certain points, as we spelled out in our letter to the President of the United States, 14 of us, Democrats and Republicans. And I do not believe the Chinese leadership should take any great satisfaction because it appears now that the veto will be sustained. I still think very seriously it might be in the interests of this country, and there might be a clear understanding in the People's Republic of China, if a bipartisan group of United States Senators went to Beijing and met with the leadership and spelled out some of the concerns we have. They are real. They are not going to disappear. And I believe the outcome is correct.

Do not misunderstand me. I think the outcome will be that this bill, if it is taken up in the House, whatever may happen, will be vetoed and the veto will be sustained. But I do not disagree with the major thrust of the statement of the majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague. 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. SARBANES. 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. SARBANES. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. As I understand it, the motion to proceed to the foreign assistance authorization bill will be before the Senate tomorrow morning. A vote will take place on a cloture motion on that motion to proceed. Is that correct?

Mr. MITCHELL. That is correct.

Mr. SARBANES. There will be a half an hour of debate before that vote takes place?

Mr. MITCHELL. That is correct.

Mr. SARBANES. I will address the issue at greater length, obviously, in the morning. But I simply want to say I very much hope to be able to proceed to the bill. I know there are some controversial items in the bill and I assume others will be raised, but this is, after all, the basic authorization bill for the entire foreign assistance program and it certainly ought to be considered on the floor of the Senate and debated and voted upon and taken up by the membership.

So I very much hope the cloture motion will carry and that we will be able, then, to move beyond simply the motion to proceed and have the legislation before us on the floor of the Senate and be able to consider it in the regular order of business.

The administration is interested in this bill. They have difficulties with some provisions of it, as do some Members, but in the overall, there are very good provisions in this legislation developed on a bipartisan basis within the committee and developed in, as it were, conjunction or working with the administration.

I very much hope that on tomorrow, we will be able to move forward and at least get the legislation before the Senate and consider it in the proper and due course.

Mr. DOLE. Mr. President, will the majority leader yield so I might respond to the Senator from Maryland?

Mr. MITCHELL. Certainly, yes.

Mr. DOLE. Mr. President, first, I ask unanimous consent to print in the RECORD a letter from Mr. Eagleburger with reference to this bill.

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

DEPARTMENT OF STATE,
Washington, DC.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: As the Senate approaches its consideration of the International Security and Economic Cooperation Act of 1991, I want to express the Administration's views on the bill as it has emerged from the Foreign Relations Committee.

The Committee measure is a considerable improvement over its House-passed counterpart. Although the legislation does not meet the goals for reforming our foreign assistance programs as outlined by the President in his letter of April 12, 1991, to the President of the Senate endorsing the Administration's proposed "International Cooperation Act of 1991," the Committee bill represents a positive first step toward meeting these reform objectives.

The Administration's commitment to the enactment of foreign aid reform legislation remains steadfast, and we applaud the Committee for its willingness to move forward. We strongly endorse the Committee's support for a variety of helpful provisions on reprogramming notifications, drawdowns, commitments of prior year military assistance funds, termination expenses, contracting, waiver and other authorities which will go a long way toward ensuring that foreign assistance may better serve the interests of the United States. In particular, we applaud the Committee for providing the authorization for the U.S. share of the IMF quota increase; recognizing the need to provide legislation which significantly modifies notification requirements including exemptions for meeting emergencies; increasing the applicable ceilings under sections 451 and 506 and updating the authority under section 533; authorizing assistance through NGOs in certain instances where prohibitions exist on the provision of direct aid; and providing satisfactory provisions to fund Support for Eastern European Democracy (SEED) programs.

Significant though these actions are, however, I must emphasize the Administration's strong opposition to several seriously objectionable portions of the bill. The most significant is the provision on Mexico City policy. It must be eliminated. The President has already indicated that inclusion of such a provision in a bill presented to him will trigger a veto.

Section 305 of the bill, the cargo preference provision, is also highly objectionable. It would establish drastic new restrictions on furnishing assistance from the ESF account. It would sharply reduce the usefulness of such assistance for achieving important foreign policy objectives and is fundamentally inconsistent with the objective of making foreign aid a more useful tool of foreign policy. Moreover, it would impose a costly penalty on producers of U.S. goods by decreasing the level of commercial exports to compensate for additional funds needed to pay higher U.S.-flag vessel transport costs. Should the final bill, when it is presented to the President, contain this provision in its present form, his senior advisers would recommend a veto.

In addition, we strongly believe that the Middle East arms control language needs to be eliminated or substantially modified. It is unnecessary in view of the initiative recently announced by the President. Issues of this type can only be addressed effectively through diplomatic channels. We do not believe it is helpful to attempt to resolve such issues through legislation.

We favor as well elimination of the business-as-usual approach to limiting military assistance for Turkey and linking it to funding for Greece. We based our FY-92 requests on best estimates of each country's very different, legitimate self-defense needs. To freeze U.S. military assistance to Turkey and Greece to maintain a 7:10 ratio ignores other critical military and political factors in the region.

We also favor significant modifications of several provisions, such as those under which FMF assistance would be all grant; those governing international narcotics control assistance (including more flexible authorities for furnishing narcotics-related assistance from other accounts and reform of the section 484 provision on title-to-aircraft); those contained in current section 620 and elsewhere regarding termination of assistance to countries; and the provisions on excess defense articles (to include the provision of lethal assistance); the provision on major non-NATO allies, and a number of provisions which raise constitutional concerns.

Additional concerns relate to provisions that would govern A.I.D. programs. Most notably, we believe consolidations of the development assistance accounts would contribute greatly to the effectiveness of our economic assistance. We also advocate the inclusion of provisions on the Enterprise for Americas Initiative that reflect the Administration's request. We disagree with the imposition of mandatory procedural requirements with respect to projects that have environmental impact statements, assessments or analyses. It is also our view that regional or country-specific provisions that would establish new conditions for (or limitations on) the provision of foreign aid should be eliminated.

We are disappointed that the Committee was not able to include several of the Administration's proposed initiatives. Most important in this regard, we regret that the Committee was also unable to provide language establishing a Democracy Contingency Fund (although we are still hopeful that acceptable language can be worked out for a floor amendment).

Lastly, we are disappointed that the Committee bill did not raise the threshold on reporting certain arms transfers. The value of the current thresholds, which were enacted in 1981, have been eroded by a decade of inflation.

In conclusion, I hope the Senate will delete the Mexico City provision and delete or modify the cargo preference provision, thereby avoiding a veto of the bill. I also hope the Senate can build on the Committee's work to ensure passage of a bill that will contribute materially to the efficiency of our foreign aid program, and that provisions are not adopted that detract from the Committee's commendable efforts.

Sincerely,

LAWRENCE S. EAGLEBURGER.

Mr. DOLE. Mr. President, the reason I printed this letter in the RECORD is so that Members may see it. It addresses some real concerns in the bill, but based on that letter indicating that certain things are not correct and a veto would be recommended, I think it is going to be possible to get cloture on a motion to proceed.

We have been working to receive a letter today, and it has arrived. There are concerns about the Mexico City policy, and also about cargo preference. There are other concerns in the bill, but these two were specifically addressed in the letter.

I say to the Senator from Maryland, I intend to vote for cloture on a motion to proceed. I hope there will be a majority. I know the Senator from Maryland and the Senator from Kentucky, Senator MCCONNELL, have been working for a number of years in an effort to pass this bill on the floor. We want to try to help if we can.

Mr. MITCHELL. Mr. President, if I might simply add that I too, intend to vote for cloture, and I hope most, if not all, of our colleagues will so we can proceed to this legislation.

If a Senator disagrees with one or another provision, of course, there is a process by which this disagreement can be expressed during debate on the bill. I thank my colleagues.

MORNING BUSINESS

Mr. FORD. Mr. 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.

A SPELLING INSPIRATION

Mr. PRESSLER. Mr. President, I would like to share with my colleagues an experience I had with an inspiring young man from South Dakota, Mr. Matthew Trask.

Matt is South Dakota's Spelling Bee Champion who represented our State in the National Spelling Bee competition here in Washington this past year. As you can see from the newspaper articles, which I will have printed in the RECORD following my remarks, young Matt has overcome obstacles and accomplished a great deal in his young career. But, what is most impressive about young Matt is not his amazing encyclopedic knowledge of the English language, not his very impressive reading list at the ripe old age of 12, and not even his accomplishments in State and national competitions. What is most memorable about Matt Trask is his incredible sense of purpose, his boundless enthusiasm, and his insatiable thirst for knowledge.

This is a young man who will go far in this world—mark my words. I was so impressed with Matt that I must confess one of my main reasons for speaking out on this outstanding young South Dakotan is so that 20 or 30 years from this date, when I am even grayer than I am today, I shall retrieve this prophetic speech and send it to a young leader who will have already left a considerable mark in this world.

This young man is bound for great things. It was just a real treat to visit with him. He represents the best of our youth and gives me great hope for our quality of leadership in the future.

Mr. President, I want to share with my colleagues correspondence I have had with Master Trask, and ask unanimous consent to include in the RECORD that correspondence, as well as newspaper articles providing some insight into his background. We are very proud of him in South Dakota and look forward with anticipation to his accomplishments in the decades ahead.

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

[From the Rapid City (SD) Journal, May 30, 1991]

"WALKING DICTIONARY" LOSES BEE, WINS IN LIFE

(By Matthew King)

WASHINGTON.—When Matthew Trask walked to the microphone Wednesday to spell his first word in the 64th Annual Scripps Howard National Spelling Bee, he was not only the champion speller of western South Dakota, he was a champion in the battle for life.

Just walking to that microphone was a victory for the 12-year-old Elm Springs boy, who had to use crutches and an oxygen tank until he was 4 years old. Although he was born normal, by the time he was a year old, doctors at Children's Hospital in Denver weren't sure he would live to walking age.

Matt was what doctors called a "floppy baby" for lack of a better term, according to his mother, Rose Mary Trask. His problem was lack of muscle tone that affected his body and lungs. But the condition was never diagnosed further by the doctors in Denver or at the UCLA Medical Center in Los Angeles.

But today Matt is off all medication and, though he still walks awkwardly, he runs and jumps and even rides his pet horse, Dan, on his family's 8,000-acre Spanish Five Ranch north of Rapid City.

"Everything that he does just tickles us," his mother said in a telephone interview. "All of those things are like miracles."

The first word Matt spelled in Wednesday's competition was "lallation," which means defective pronunciation of the letter L. In the second round, he correctly spelled "drosophalist," which is a person who uses the vinegar fly in the study of genetics.

Finally, however, Matt met his match in the third round, when he was felled by "mesoseismal," relating to the center of an earthquake. By then more than 70 of the original 277 contestants had dropped out.

The remaining 165 students will compete until a grand champion triumphs this afternoon. The winner of the grueling bee will win $5,000, a trophy, a prize from Encyclopaedia Britannica and an appearance on ABC-TV's "Good Morning America."

Matt took the setback in stride. "I needed a Pepsi anyway," he said after leaving the stage. "So I had two. I knew the bell was going to ring on me sooner or later."

Matt made it to Washington by first winning a spelling contest at his school in Elm Springs, where he is one of only 18 students and has only one other classmate in the sixth grade.

He went on to win a regional contest, sponsored by the Rapid City Journal, in which he beat 40 other contestants.

"The first one at our school was harder than the one in Rapid City," Matt admitted. "I don't want to brag, but I've become the walking dictionary of the school."

He is accompanied in Washington by Patrick Stevens, a family friend from Faulkton, who is also in the city for the first time.

Matt's parents were unable to accompany him because his mother recently gave birth to a ninth child. Matt, the oldest, now has five brothers and three sisters.

The trip is his first to Washington and his first away from his parents, but he downplays his excitement.

"For some reason, I keep having this feeling that it's Pierre," he said.

Asked what he liked most about the trip so far, he answered, "Sitting around watching TV. But don't put that down."

His parents don't let him watch television at home, which accounts for the love of reading that he credits for his spelling prowess.

[From the Pennington County (SD) Courant, June 14, 1991]

SPELLING CHAMP RETURNS FROM WASHINGTON

O-P-O-S-S-U-M, who would think that a word like that could win you a trip to our nation's capital. Well for Matt Trask, 12, that is exactly what happened. Opossum was the word that Matt had to spell to win the West River Spelling Bee and to become South Dakota's representative to the National Spelling Bee in Washington, D.C.

Matt, a sixth grader at Elm Springs school, won the upper grades contest at Elm Springs which allowed him to compete in the West River Spelling Bee sponsored by the Rapid City Journal. Matt and four of his siblings attended home school until January of this year when they started attending Elm Springs. His mother, Rose Mary, laughs about the fact that Elm Springs went from a one teacher school to a two teacher school when the five Trask children went to school. Matt says that the home schooling helped him the most in the spelling competition.

Matt's parents are Pat and Rose Mary Trask of Elm Springs. He is the oldest of nine children ranging in age from barely a month old to 12 years of age.

Matt was accompanied to Washington, D.C. by a friend of the family, Pat Stevens, because Rose Mary was expecting their ninth child any day. The pair of travelers flew to Minneapolis and then on to Washington. Matt said the plane ride was kind of fun. Once they arrived in Washington they had a busy schedule. Matt got a special treat for Memorial Day this year. Because they were in Washington D.C. on Memorial Day, Pat and Matt took the opportunity to go observe the changing of the guard at Arlington National Cemetery. It was a special occasion because Vice President Dan Quayle was present to lay a wreath at the tomb of the unknown soldier.

The contestants for the Spelling Bee were housed, maybe I should say pampered, in the luxury of the Capitol Hilton. It was especially different to get an entire queen size bed to himself, when Matt is used to sharing a bedroon with his brothers. His family was rather stunned to hear that they had a television and a telephone in the bathroom, yes the bathroom, of their hotel room. "They had a television in the bathroom and in the main part of the room, as well as a refrigerator of candy, pop, fruit, that was provided by the hotel, but they didn't have a swimming pool in the building," laughed Rose Mary.

The National Spelling Bee was held in one of the ballrooms of the Capitol Hilton. Matt was pretty relaxed during the whole contest. As a matter of fact, he fell asleep seven times while sitting up on the stage. "I would wake up when they would ring the bell, then I would just fall back to sleep." Said Matt. Matt spelled two words correctly and missed his third word. You know I would print the words but I haven't the faintest idea how to say them, or what they mean, let alone spell them. Matt thinks that he did pretty well for his first time there. Some of the kids at the contest were there for the second or third time.

"Some of the places let the kids come back again, while others won't let them compete again," said Matt. There were 227 contestants from all over the United States, Canada, Mexico, Europe and the Virgin Islands, as well as from many other places. The students competing from Europe were military personnel children that flew over to compete. The grades allowed in the contest ranged from the fifth grade to the eighth

grade. Matt said that there were only five fifth graders in the whole contest. His family commented on a cute girl from Mexico that Matt got to be good friends with. He really didn't have any comment on the subject, but he said that he met some really interesting people.

"Some of the kids' mothers and fathers were from different countries and had really funny names," says Matt. Matt was recognized as being rather special compared to the other 226 contestants. He came from the smallest school (18 students) and the largest family (11 members). Matt was also the only one there that was from a ranch and owned a horse. He laughed about how the one girl complained how small her school was because there were only 200 kids in the school.

The trip to Washington, D.C. wasn't all work and no play for Matt and his chaperone. They went touring the sites quite a bit while they were there. Some of the places they saw included Union Station, the Capitol, the Supreme Court building and his favorite place of all was the Smithsonian's Air and Space Museum. His one souvenir from his trip was a six-foot tall kite from the museum. With the South Dakota breezes we get everyday, he has gotten his kite up to about 1,000 feet so far.

Matt was also a special guest visitor to Senator Larry Pressler's office. He discussed a few spelling rules with the senator, as well as looking at Pressler's 7-inch-thick Random House Dictionary. This is how hard the words were that the contestants were spelling—Matt and Senator Pressler tried to find the words that he had to spell during the contest in the dictionary and they couldn't find them. After the visit Matt and Pat got to ride Senator Presslers' private subway back to the Capitol.

When asked if he would try again next year, Matt said he probably would. He has a list of words that they used at the national contest and hopes to study them throughout the year. He may have some competition though because his brothers and sisters now ask their mom to give them spelling words too. "I think God decides who goes on and who doesn't. After all if you get easy words you have a better chance of winning than if you get words you don't know how to spell," said Matt.

He represented South Dakota very well. Matt Trask is part of a pretty special family and their pride in his accomplishment is obvious when you speak with them. Congratulations to Matt on a good job and best of luck to him in the future.

U.S. SENATE,
Washington, DC, June 28, 1991.

Mr. MATTHEW TRASK,
Rural Route, Elms Springs, SD.

DEAR MATT: I have done some checking on the word "mesoseismal." It has been an enlightening experience!

As you probably recall, we could not find the word in my own large Random House Dictionary, which contains 260,000 entries. Even the Senate Library could not find anything about the word! After searching various sources, I finally located the word in the Webster's Third New International Dictionary. Spelling Bee officials informed me that this dictionary was the one from which they took all of their words for the contest.

The definition of the word "mesoseismal" in this dictionary is, "of or relating to the center of an area of earthquake disturbance." Enclosed is a photocopy of some information about the word, which I received from the U.S. Geological Survey. According to the Glossary of Geology, the definition of the word is, "pertaining to the maximum destructive force of an earthquake." I will contact Spelling Bee officials about their selection of "mesoseismal." I will then get in touch with you when I receive a response from them.

Matt, once again I congratulate you on your performance in the competition. You were faced with a tough word and you did the best you could, and that is all one can ask for. It certainly was a pleasure to meet you and I hope you will have occasion to come to Washington and visit with me again.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, July 10, 1991.

Ms. RITA ROSE,
1100 Central Trust Tower, Cincinnati, OH.

DEAR RITA: Enclosed is a copy of my correspondence with Matthew Trask, who was South Dakota's contestant in the Scripps Howard National Spelling Bee competition on May 29th. He failed to accurately spell the word "mesoseismal" in the third round.

Matt was naturally disappointed; however, he was also very curious about the meaning of the word. We researched the word and could not find it in several dictionaries. It was also very difficult to find a precise definition of the word.

I am somewhat surprised about the Spelling Bee's selection of words that cannot be found in standard large dictionaries and other sources. I would appreciate any clarification you might be able to provide for me on the Spelling Bee's word selection procedures.

Thank you for your attention to this matter.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

SECOND BIENNIAL REVISION TO THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 64

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 Governmental Affairs:

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984 (Public Law 98-373, section 109(a); 15 U.S.C. 4108(a)), I hereby transmit the second biennial revision (1992-93) to the United States Arctic Research Plan.

GEORGE BUSH.

THE WHITE HOUSE, *July 23, 1991.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1992" (Rept. No. 102-115).

By Mr. BURDICK, from the Committee on Appropriations, with amendments:

H.R. 2698. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-116).

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. LEAHY (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. BOREN, Mr. HARKIN, Mr. CONRAD, Mr. FOWLER, Mr. DASCHLE, Mr. BAUCUS, Mr. JEFFORDS, Mr. DURENBERGER, Mr. KOHL, Mr. WELLSTONE, Mr. LEVIN, and Mr. HEFLIN):

S. 1527. A bill to amend the Agricultural Act of 1949 to establish a price support and production base system for the production of milk and products of milk that will increase producer prices and balance production with consumption of milk and products of milk, to establish a producer board to administer certain export enhancement, diversion and other milk inventory management programs, and to require increased solids content in fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, and Mr. DOMENICI):

S. 1528. A bill to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1529. A bill to enable communities to develop community opportunity systems in order to improve economic opportunity for their low-income residents through the restructuring of programs providing services and benefits, to meet the identified priorities of the community and the needs of the individuals and families to be served; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. INOUYE, Mr. AKAKA, Mr. MURKOWSKI, Mr. BURDICK, Mr. CONRAD, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, and Mr. REID):

S. 1530. A bill to authorize the integration of employment, training and related services provided by Indian tribes; to the Select Committee on Indian Affairs.

By Mr. STEVENS:

S. 1531. A bill to authorize a certificate of documentation for the vessel LOGAN T; to the Committee on Commerce, Science, and Transportation.

By Mr. METZENBAUM (for himself, Mr. MCCAIN, Mr. DODD, and Mr. SIMON):

S. 1532. A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRYAN (for himself, Mr. RIEGLE, Mr. GRAHAM, Mrs. KASSEBAUM, Mr. CRANSTON, Mr. WIRTH, and Mr. SHELBY):

S. 1533. A bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, Mr. HARKIN, Mr. CONRAD, Mr. FOWLER, Mr. DASCHLE, Mr. BAUCUS, Mr. JEFFORDS, Mr. DURENBERGER, Mr. KOHL, Mr. WELLSTONE, and Mr. LEVIN):

S. 1527. A bill to amend the Agricultural Act of 1949 to establish a price support and production base system for the production of milk and products of milk that will increase producer prices and balance production with consumption of milk and products of milk, to establish a producer board to administer certain export enhancement, diversion and other milk inventory management programs, and to require increased solids content in fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FAMILY DAIRY FARM PROTECTION ACT

Mr. WELLSTONE. Mr. President, this week our Agriculture Committee will consider legislation that will determine the future of an industry and the way of life that are basic to our agricultural economy but also to the soul of America. I am talking about family dairy farming. To maintain this country's family dairy industry, we in the Senate need to act quickly, before our August recess, if possible, to effect a change in Federal dairy policy that will make a difference, a difference to dairy farmers who are struggling when they receive a price that is less than what it cost them to produce the product.

That is why I am so pleased to cosponsor this legislation introduced by the chairman of the Agriculture Committee, the distinguished Senator from Vermont. The bill will establish a two-tier pricing system of dairy supply management and set the milk support price at $12.60 per hundredweight.

Mr. President, the administration has said that the current Dairy Program is working fine, and the administration has said that the President might veto a bill such as the one we are suggesting here. The administration has said that there is no crisis in the dairy industry. But, Mr. President, what we do here in Washington has to be rooted in the lives of the people we represent. It has to be based upon the reality of lives of people in our communities, including people in rural communities. I am joined today in the gallery by members of the Minnesota milk producers and many other dairy leaders. I think it is vitally important that all we have to do to understand that there is a crisis in capital letters with dairy farmers is to use our ears and our eyes and to go out and talk with people, talk to farmers, hardworking dairy farmers, good managers, sitting down in their kitchens adding up the figures trying to cash flow. There is simply no way they can do it. Talk to dairy farmers who try to convince their sons and daughters that there is no more honorable profession to go into than to be a farmer, to be a dairy farmer, to produce nutritious milk for people at affordable prices, and yet people do not get a decent price for their work.

In my State, fourth in the country in milk production, we have 15,500 dairy farmers with an average herd size of 50 cows. It is a family dairy industry. It is not a factory farm industry, and we want to keep it a family industry. Our dairy industry is efficient and it is innovative, and it produces a plentiful supply of pure wholesome milk at extremely reasonable prices, but it is also an industry in crisis. It is a crisis not only for dairy farmers themselves but for rural communities throughout the country because the health and vitality of our rural communities is not going to be based upon the size of the herds but the number of dairy farmers who live in those communities, who buy in those communities, who go to churches in those communities, who support the school systems and businesses in those communities.

I am afraid, as I speak here on the floor of the Senate, that in agriculture in our country we are about to go through a transition where all of agriculture will be dominated by giant conglomerates and we will not have any long era competitive sector. That is the family farm sector of agriculture. That will be a transition that we'll deeply regret and that is why we have to act now.

Mr. President, a month ago I received a copy of a resolution passed by the Minnesota State legislature. I would like the full text of this resolution entered into the RECORD following my statement.

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

(See exhibit 1.)

Mr. WELLSTONE. Mr. President, I will read the relevant whereas section and the key therefore section.

Whereas, Minnesota has lost 10,000 dairy farmers since 1980, has lost 40 more in the past 2 weeks, and in the face of the present crisis will continue to lose dairy farmers at an alarming rate, threatening the very existence of the dairy industry in our State;

Therefore, be it resolved that the Congress take immediate action to alleviate the crisis in the Midwest dairy industry by increasing milk support prices by $20.30 per hundredweight, an increase that will allow Minnesota producers to break even at the cost of production.

Mr. President, I hope we can respond appropriately to the pleas that are coming from my State and other agricultural States all around the country. Due to a drastic reduction in the prices paid to farmers for their milk during the past year, thousands of farmers are going out of business. In Minnesota, we have lost 300 dairy farms already this year. We will lose more if we do not change the course of policy. Federal dairy policy has allowed milk production and prices to fluctuate widely. This fluctuation has caused a tremendous amount of instability for producers and consumers but it has been especially bad for farmers. While retail prices for dairy farmers have gone down and while the price for farmers has been dramatically cut by 25 to 30 percent, for those of us who go to the grocery store, we have seen no such decrease.

The solution is a Federal policy that provides a decent living to hardworking family farmers producing needed milk. The average cost of production for milk in the United States is around $13 per hundredweight and yet farmers in my State are receiving less than $11 for the same hundredweight. We need a system that will match output to need and pay farmers a fair price.

There is widespread support around the country for a two-tier pricing method of supply management. Such a system will pay farmers a price that covers the cost of production up to their base amount and when farmers produce a surplus they will receive a less price for their overproduction.

Mr. President, I am a strong supporter of this piece of legislation.

I have some concerns, but those concerns are minor with what I think is accomplished by this piece of legislation introduced by the Senator from Vermont. I want to make it very clear that I believe the vitality of the dairy industry is important not only to my State's economic health and not only important to the economic health of agricultural States all across the country, but I think it is important if we are going to maintain viable rural communities. I think it is important if we are to protect the environment. I think it is important if we are to have diversity. I think it is important if we are to avoid more contration in the agricultural sector of our country. I think it is important if we are to continue to have family farmers who can produce wholesome milk at a decent price for consumers. I think it is important because it represents the very best of what we have been about as a nation. A two-tier program with a support price of $12.60 will revitalize an industry in crisis, and it can do so—and I am sure the Senator from Vermont will spell this out in fare more detail then I—without extra cost to taxpayers or burdensome consumer price increases. I hope we can move such a program through this Chamber. I hope we can do it before the August recess. I am very proud to cosponsor this piece of legislation introduced by the Senator from Vermont, Senator LEAHY.

I thank the Chair.

EXHIBIT 1

RESOLUTION 8

Whereas, the health of Minnesota's dairy industry, which is now in crisis, is key to the economic well-being of the state of Minnesota; and

Whereas, agriculture is the number one revenue-producing industry in Minnesota, and the dairy industry produces the largest share of this revenue; and

Whereas, the current milk price is the lowest farmers have received since September, 1978; and

Whereas, the present milk support price of $10.10 per hundredweight fails to meet dairy farmers' minimum costs of production; and

Whereas, Minnesota has lost 10,000 dairy farmers since 1980, has lost 40 more in the past two weeks, and in the face of the present crisis will continue to lose dairy farmers at an alarming rate, threatening the very existence of the dairy industy in the state; and

Whereas, the income of dairy farmers will be further reduced by an assessment of five cent per hundredweight on nearly ten billion pounds of Minnesota milk in 1991, which is just the latest in a continuing string of increases in fees and assessments paid by dairy farmer; and

Whereas, federal milk marketing orders are discriminatory and skewed to give unfair advantage to large corporate farms of the West and South, suppressing milk prices in the Upper Midwest and inflating prices by several dollars per hundredweight in nontraditional dairy areas; and

Whereas, the dairy farmer has taken more substantial cuts in federal support than any other sector of our economy and agriculture itself, starting with repeal of the April, 1981, six-month price support adjustment for inflation and a continuous series of cuts and reductions in the price support base and fee and assessment increases paid by dairy farmers on milk production in every decision made by the President and Congress; and

Whereas, the Minnesota House and Senate and the Minnesota Governor are committed to preserving the family farm structure and Minnesota's small dairy farmers, now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the President, Congress, and the Secretary of Agriculture to immediately respond to the crisis in the Midwest dairy industry by reopening the dairy provisions of the 1990 federal farm law to insure that Minnesota and Midwest dairy farmers receive cost of production plus a reasonable profit for their products; be it further

Resolved, That the United States Secretary of Agriculture should immediately take action to alleviate the Minnesota and Midwestern dairy crisis by modifying and changing the federal milk marketing order system so as to eliminate the discriminatory provisions from the orders that pay more for milk to Western and Southern producers than paid to Midwest dairy farmers and encourage increased dairy production in markets distant from the Upper Midwest, depressing prices for Minnesota producers; be it further

Resolved, That Congress take immediate action to alleviate the crisis in the Midwest dairy industry by increasing milk price supports by $2.30 per hundredweight, an increase that will allow Midwest producers to break even on costs of production; be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, the Chair of the House of Representatives Committee on Agriculture, the Chair of the Dairy Division of the House of Representatives Committee on Agriculture, Minnesota's Senators and Representatives in Congress, and the United States Secretary of Agriculture.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota for both his statement and his support. I know how deeply he cares about this issue.

It is no secret that our Nation's dairy farmers are facing one of their worst crises in history.

Between last summer and early this year, the price our farmers receive for their milk has dropped 25 percent—the lowest its been since 1978. Many have lost thousands of dollars in income. Some have been forced to apply for food stamps just to feed their families.

In virtually every State of the country—from Vermont to California—family farmers are in danger of losing their farms. Even USDA admits that dairy farmers' revenues will drop by $3 billion in 1991 alone.

The time for talk is past. Dairy farmers need action, and they need it now. They need a program that stabilizes the supply of milk and provides them with a decent income. They need supply management.

Today, Senator JEFFORDS and I are introducing legislation to establish a three-tier supply management program. This bill has the support of a majority of the Senate Agriculture Committee and is a version of the proposal Senator JEFFORDS and I submitted to USDA several months ago.

This legislation could put an additional $25,000 in the pocket of the average dairy farmer and pay that farmer as high as $15.50/hundredweight for his milk.

But with the strong opposition of the administration, I do not know what the fate of this legislation will be.

Last March, the administration, killed emergency dairy relief legislation that passed the Senate on a 60–40 vote.

More recently, after months of study, the administration announced it wants current law—not supply management. What they are saying is they do not want to help the dairy farmers in time of recession. They want supply management by bankruptcy. It is as simple as that. We do not want to give you a plan that will keep you in business, we do not want to give you a plan that is going to help you, but the administration says we will only make this work by the more bankruptcies.

At a time of a deepening recession throughout rural America, and certainly in rural Vermont, to say the only way we will help is to bankrupt more farmers makes no sense at all. It is cruel. It is wrong. And this legislation would stop that if only the administration would help.

But the administration has stepped up its attack. Last week, Secretary Madigan labeled the House Agriculture Committee supply management bill a "Mickey Mouse" proposal. He wants President Bush to veto any legislation that has a mandatory two-tier program and increases the price support level.

The administration has also cooked up new numbers on the impact dairy relief legislation will have on Federal nutrition programs. It is ironic that the same administration that so often opposes more money for these critical programs is using nutrition as an excuse to kill needed help for family dairy farmers.

Where was the administration all the time when I was fighting to get money for WIC, school lunch, and school breakfast, senior feeding programs? The administration says there is not enough money for it. The administration that would not help us on these programs now says, oh my gosh, we cannot help the dairy farmers because we are out there to protect the nutrition programs. That hypocrisy does not stand and nobody really believes it.

Some argue that dairy farmers do not need our help. Let the strongest survive, they say. In fact, this was the basis of the administration's argument last year during the farm bill debate, when it tried to cut the dairy support price in half, to $5.10/hundredweight—an effort we were able to block.

Today, I call upon the dairy farmers of America to let the administration know you support supply management. If dairy farmers stand united, we will have a chance of getting a bill passed by Congress and signed into law by the President.

In our society, we judge few things solely in dollars and cents. Some things simply cost because of the benefits received. Our automobiles cost more because of seatbelts and other safety standards. Our electricity costs more because the American public wants clean air. Our municipal water costs more, because of the efforts we must take to keep it clean.

There is also a cost in failing to pass supply management legislation—we will lose our family farmer.

These farmers are hard-working and industrious people. But they face the constant threats of rising prices, declining profits; but even more importantly, the dramatic boom or bust swings in the marketplace.

The giant corporate farms, the giant impersonal corporate farms, can make it through the lean times. They can handle these swings, these boom and bust. But our family farmers struggle to survive. The college tuition comes due. The bills for the doctor and the dentist come due. The electric bills, the mortgage and all come due. I have sat in the kitchens and in the living rooms and in the milksheds of these farmers in my own State.

I know what honest people they are. I know how they agonize whether they are going to be able to pay their bills after working 80, 90 hours a week. I know that they are not asking for a handout, but they are asking for some kind of help that will smooth out these booms and busts so when the bills come due, they can be paid, so the work they do to provide food for us will be there.

When our country was founded, we were an agrarian Nation made up of small farms. In the past 200 years, large corporate farms have come to dominate our landscape, but some of our past—the family farmer—still survives.

The crisis facing dairy farmers is real. It hits those who live far from Washington, DC—people who spend their lives milking cows, not holding press conferences. These people need our help. Rejecting supply management legislation will only ensure their demise.

It is true that because of supply management, a gallon of milk could cost a few pennies more. But I think most Americans, once they understand the full issue, would be willing to pay a few pennies more for a gallon of milk to save their neighbors—our family farmers.

Mr. President, farming made this country very great long before there were computers. Family farmers keep the diversity, and the character, and nature of rural America. To those of us who come from rural America, as I do, those of us who lived all our life in rural America, as I have, we know what it means. Sometimes it is hard to come here to Washington to explain to people whose life has been in an urban setting what rural America really is. I was born in Vermont; I was raised in rural America. I live today in a community of just over 1,000 people. We know our neighbors, our friends, and we know how dependable they are. We do not want this to change.

Mr. President, I introduce on behalf of myself, Mr. COCHRAN, Mr. PRYOR, Mr. BOREN, Mr. HARKIN, Mr. CONRAD, Mr. FOWLER, Mr. DASCHLE, Mr. BAUCUS, Mr. JEFFORDS, Mr. DURENBERGER, Mr. KOHL, Mr. WELLSTONE, and Mr. LEVIN an act to amend the Agriculture Act of 1949 involving dairy, and that it be in order for that to be introduced and appropriately referred.

The PRESIDING OFFICER. The Senator has that right.

Mr. JEFFORDS. Will the senior Senator from Vermont yield to me for a moment?

Mr. LEAHY. I would be proud and honored to yield to the distinguished Senator from Vermont, my good friend, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I want to commend the senior Senator from my great State for what I consider is a very important first step forward in moving the dairy industry into the future. What it really is, is a bill to stabilize and privatize. It will stabilize, first, by ensuring that our farmers will receive an adequate income over the course of the next few years, and at the same time, it will take a move to allow the dairy farmers to do what has to be done now for many reasons, to take over the industry, to learn how to take over the industry and to move forward with that important step forward.

The dairy industry is one of the most, if not the most, productive industries in America. The benefits it has passed on to the people of this country deserve to be commended. Yet, it is always the one, because of its visibility, because there is not a family in America that does not go to the store to get dairy products every day, and is the one that everyone kind of looks at and sometimes picks upon, and necessarily so.

But what we have to do is recognize that, for the future, there will be tremendous markets opening up, and as we move and try to work with GATT, we must have a program that can live and work with GATT.

This bill of Senator LEAHY's, supported by myself and others, will help us move in that direction. There are provisions that will help us to export, for instance, our wonderful dairy cows, to help the rest of the world, especially the Third World, improve their own nutrition. It has provisions to improve the nutrition of people in this country, which will not only help in the sense of providing more protein and, as some desire, less fat, but it will also help keep another several thousand more dairy farmers in business to provide that extra protein.

Thus, I want to say that I strongly recommend to this body this step forward. It creates a national dairy inventory management board to look to how the dairy industry itself can manage what the USDA has not done or taken any real efforts to figure out how to manage that inventory better, how to export, whether it be the cattle or the product, how to break into the markets of the world.

We have, outside of New Zealand, the lowest cost of producing, and we ought to therefore have the best opportunity to enhance the lives of billions of people in this world through exporting our technology, as well as our products, and at the same time keeping this country on a move toward a more nutritional and better society.

This proposed legislation is an important starting point for a number of fundamental changes in dairy policy that I believe are clearly in order.

First, it is vitally important that the dairy industry start to assume greater responsibility in running the dairy support program. I have strongly felt this way for some time and have stated so in the past on a number of occasions. The establishment of a National Dairy Inventory Management Board in this legislation is a good start in this direction.

A National Dairy Board with strong producer representation could move aggressively and creatively to develop export markets for both dairy products and dairy cattle. At the same time a privately run dairy board could function more effectively in quickly disposing of excess dairy products thereby keeping farm milk prices strong and stable. Stable farm milk prices are also beneficial to the consumer, since it is the wide swing in farm milk prices which cause consumer retail prices to increase. This is particularly harmful to those individuals who take part in the Federal domestic nutrition programs since high milk prices severly restrict the funding availability to purchase dairy products, forcing more of the participants off of these programs.

In the next few years the National Dairy Board should take over more and more of the current Commodity Credit Corporation responsibilities in landing in milk product surpluses. There is a provision in this legislation which would examine the effectiveness of the Dairy Board over the next 3 years and which would also come up with the ways that the Board could take over a much greater operational share of the current Federal dairy support program. This provision would also take into account the consistency of the activities of the Board with the General Agreement on Tariffs and Trade negotiations. In addition this provision would also examine how the National Dairy Promotion and Research Board could coordinate its activities more closely with the National Dairy Board.

I am also pleased that this legislation expands our dairy export capability by adding the export of dairy heifers to USDA's Dairy Export Enhancement Program [DEEP]. There is a great demand internationally for U.S. dairy livestock. This heifer export program would not only provide an excellent outlet for exports by our dairy breed associations, it would also help to reduce potential milk over production by decreasing the total number of future dairy cows.

Last, I would also like to comment on the importance of implementing new national standards of identity for milk which would increase the milk solids not fat in whole milk, low fat and skim milk similar to those in use in California. This would appreciably increase nutritional value by as much as 27 percent and at the same time it would substantially increase the utilization of milk solids—particularly protein—and not fat.

All of those provisions will help to make the dairy industry more vaiable and economically competitive in the future.

So I commend the senior Senator for introducing the bill.

Mr. President, with that, I yield the floor.

Mr. LEAHY. If the Senator will yield one moment, I wish to thank the distinguished Senator from Vermont for his comments. He has been in many, many meetings with me in Vermont plus numerous meetings of his own throughout the State. Senator JEFFORDS, both during his term in the Senate but also in his years in the House, was a leader in this whole area of dairy legislation. I appreciate very much his expertise in this matter.

I yield the floor.

Mr. KOHL. Mr. President, several of my colleagues have come to the floor this morning to speak on the introduction of the Family Dairy Farm Protection Act. As a cosponsor of this bill, I would like to take a moment to explain to my colleagues why many of us are seeking changes to the dairy program this year.

During last year's debate on the 1990 farm bill, we came to an impasse on Federal dairy policy. The administration proposed to solve the problem of surplus milk production by dropping the dairy price support. A solution of supply management through attrition. Put enough dairy farmers out of business and the milk surplus will disappear.

Thankfully, the administration's proposal was not warmly welcomed in Congress. Yet the administration's refusal to consider any kind of meaningful supply management program for the dairy industry made it virtually impossible to enact the type of diary program that many of us believe is necessary. A program that offers some degree of market and price stability for this country's dairy farmers.

As a result, the 1990 farm bill did not address the issue of supply management. Instead, USDA was directed to solicit and analyze supply management proposals from the dairy industry, and come back to Congress with a recommendation on a supply management program this year.

Now, Mr. President, USDA received almost 100 supply management proposals. Some were mandatory programs; some were voluntary. Some were permanent; some were designed as standby programs.

One would have thought that USDA could have found a supply management program to its liking out of all of these proposals. But USDA came back with a recommendation that no changes to the current program are necessary.

What I find so discouraging about this recommendation—or lack thereof—is that it was made on June 14 of this year. It was made when milk prices were at their lowest level since 1978. It was made after 60 Members of this body went on record in support of a temporary price increase for dairy farmers. It was made at a time when there is virtually no disagreement that changes to the dairy program are needed.

As a result, the National Milk Producers Federation—a national association of dairy cooperatives—came together and forged a consensus on recommended changes to the dairy program. That consensus is the basis of the Family Dairy Farm Protection Act of 1991.

Now I have to say that I do not agree with everything in this bill. I have a fundamental disagreement with exempting certain regions of the country from any supply management program. We have a national market for milk. And we have a national surplus. And, in my opinion, all regions—and all dairy farmers—should be held accountable for that surplus.

But I agree with the fundamental principles of this bill. I recognize that it represents a consensus that involved compromise from all regions of the country. And, more importantly, I am committed to seeing changes to the dairy program enacted this year. And this bill, the Family Dairy Farm Protection Act, represents our greatest chance of succeeding in this effort. For that reason I am a cosponsor of this legislation.

I am pleased to learn that the Agriculture Committee plans to act on this bill this week. And I want to offer my thanks to the distinguished chairman of the Agriculture Committee, Senator LEAHY, for his continued commitment to seeking changes in the dairy program this year. And I hope that we can bring this legislation to the floor before the August recess.

But I am not optimistic. I am not optimistic because the administration has threatened to veto a similar bill that was recently reported by the House Agriculture Committee. And that, Mr. President, leads me to my conclusion here this morning.

I disagree with this administration's position on dairy policy. I am discouraged with this administration's refusal to consider any form of supply management program for the dairy industry. And I am tired of being told that Congress should not propose dairy program changes that the administration will not support.

Frankly, Mr. President, I do not know what changes—if any—the administration will support. Because even a compromise offered in the House Agriculture Committee was not embraced by USDA. And frankly, Mr. President, I no longer care. If the administration refuses to engage in serious negotiations, then I believe we should press ahead without them.

I do not want to send a dairy bill to the President that will be vetoed. Because I do not want a partisan fight, I want a solution. And I want a solution this year. But if getting that solution means forcing the issue with the administration, then so so be it.

So, for that reason, I urge my colleagues on the Agriculture Committee to move on this legislation as soon as possible, so that we can bring this bill to the floor within the next 2 weeks.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I am pleased to stand today to cosponsor legislation to strengthen our current dairy program. I want to compliment the hard work of Chairman LEAHY in introducing this important legislation.

Mr. President, I also want to commend Senator KOHL from Wisconsin who, while not a member of the Agriculture Committee, has devoted considerable time and effort to helping us write this legislation.

Most Americans are not aware that dairy prices have hit their lowest point in 13 years. Few Americans know that dairy farmers all over the country are struggling to keep their operations going on the same price they received in 1977.

It is ironic that at this time of crisis for the American dairy industry, the administration is claiming that the Government's present dairy program is functioning well. A USDA study released June 14, 1991, States that "no new plan to help dairy farmers and prevent over production is better than the Government's current program."

That study was a waste of the Government's money. It is simply not the case that the current dairy program is working. In real dollars, milk producers are receiving about one-half of what they were only 14 years ago. To be able to make a living at that price, dairy farmers are expected to increase productivity at over 5 percent per year for 14 years—more than three times the rate of productivity gain for the United States.

In my State of North Dakota, we are losing one dairy farmer daily—not monthly, not weekly, but daily. One dairy farmer per day is going out of business in my State as a result of poor dairy prices and high operating costs. In 1985, there were 3,400 dairy farmers in North Dakota. By 1988, that number had dropped to 2,500. Today, Mr. President, there are just over 1,500 dairy farmers in North Dakota.

Mr. President, we are liquidating an industry. More important, we are liquidating a way of life, I think we need to ask ourselves, is that really what we want the policy of the United States to be? Do we want to liquidate a way of life in this country?

Many people have argued that dairy farmers should not get an increase in price to compensate for inflation or even part of inflation because it would be unfair to consumers. In fact, some of that argument comes from the distinguished news media. I note with some interest, Mr. President, that in 1977 you could buy a Washington Post for 15

cents and the Sunday addition for 20 cents, and dairy farmers received about $10 per hundredweight for their milk. Today dairy producers still get about $10 per hundredweight for their milk, but it costs 25 cents per day for the Washington Post and $1.25 for the Sunday Post. The Washington Post had enough economic power to beat inflation—their prices have risen by 37 percent more than the rate of inflation since 1977.

This bill provides that dairy producers receive an increase equal to just 25 percent of the rate of inflation since 1977—that is not asking too much, not 25 percent more than inflation—just 25 percent of inflation.

We all know that improved animal husbandry techniques have led to productivity gains. However, even allowing for productivity growth of 2 percent per year would still mean that milk should be about $17 per hundredweight today, not $10.

Mr. President, our bankrupt dairy farmers are not a sign of inefficiency. The bankruptcies are a sign of a dairy program that is not helping the efficient producers it was designed to assist.

For some time now the dairy program has been operating to the detriment of dairy producers. Gross producer income in real dollars is down 15 percent since 1977 while output is up 25 percent. Consumers are getting more milk from farmers at a lower total cost; but those farmers are going bankrupt. We need a positive response from USDA, not a do-nothing approach.

Today's dairy farmers are in trouble because our dairy program is not assuring them the price they need to keep operating. Dairy farmers are not asking for the Sun and the Moon. The bill proposed by the dairy cooperatives, and embodied in Senator LEAHY's bill, would mean that dairy farmers would receive a pay raise of about 1.5 percent per year for the past 14 years when inflation averaged 5.2 percent per year. In other words, even with the improved price in the Leahy bill, dairy producers are expected to increase their productivity by 3.7 percent per year to survive. The administration and some others apparently feel that the dairy farmer needs no increase in pay after 14 years. How many other industries are expected to make such rapid gains in productivity to stay in business?

The American consumer pays a lower percent of his income for food than do the consumers of any other country in the world—about 10 percent. The American consumer pays so little because our farm programs have worked to the benefit of our consumers.

I have one strong reservation about this legislation. While USDA and other analysts agree that the legislation will have no long-term effects on the cattle industry, there is an impact in the first few months of implementation of a two-tier approach. I appreciate Chairman LEAHY's willingness to work with me and other members of the committee to add language to the bill to minimize the effects of implementation on the cattle industry. I will be asking for an assessment of the revised bill's impact on the cattle industry. In addition, I will be looking at additional amendments to further minimize the impact on the cattle industry. Before I vote for final passage of the bill, I must be convinced that as much as possible has been done to minimize the effects on the cattle industry.

I am also concerned that the new legislation will encourage dairymen to produce milk to build production history. I will have an amendment to minimize the incentive to build production history.

Let me close by stating once again that I am pleased to support this legislation with the above noted reservations. I am committed to developing a workable improvement in our dairy program.

Mr. DASCHLE. Mr. President, the Nation's dairy farmers are now facing the worst economic situation they have experienced in many years. Unless something is done soon, it is likely to get much worse. The dairy legislation being introduced by Senator LEAHY today, entitled the Family Dairy Farm Protection Act, is designed not only to address the current situation, but to return stability to the industry for the long term. This legislation incorporates some of the key principles of the National Dairy Act, which I introduced several weeks ago.

Prices for dairy producers have collapsed by 30 percent. Dairy farmers across the nation are leaving the farm as a result of continued losses and increasing debt. Worse yet, recent indications from the administration are that USDA plans to do nothing to address this crisis. In fact, President Bush has gone as far as to suggest he will veto any bill that differs significantly from the current program.

The problem with that head-in-the-sand approach is that the current dairy program has proven to be inadequate. When support prices are high, producers respond with increased production that causes large surpluses and high government costs. When the support price is too low, as is currently the case, large numbers of producers are forced out of business, and the market experiences dramatic price swings.

We need to adopt a program that will keep people on the farm, contain government costs at present levels, and provide price stability for both consumers and producers. The two-tier price approach, which was included in my earlier bill and is a key element of the Leahy legislation, is the only policy option that satisfies all of these criteria. The first tier price will be paid for milk produced within a producer's marketing base. A lower, second-tier price, will be paid for all milk produced above a producer's marketing base. While some producer flexibility may be lost under such a system, many efficient producers who are being forced out of business have found that the current system offers them only one choice—quit, or lose everything.

The most ironic statement to come out of USDA in years is that if efforts are taken to increase dairy prices, consumer prices will increase correspondingly. If anything positive has come out of the dairy price crisis, it is that consumers are beginning to realize that low prices on the farm do not necessarily translate into lower retail prices. Prices to dairy farmers for their product have dropped by nearly 30 percent, yet the price of dairy products in the Nation's grocery stores has hardly budged a penny.

This is the reality that people have to grasp if we are to hope for success in designing a dairy policy that will keep families on the farm. We must realize that a strong farm program is in the Nation's own best interest. If we continue to allow the needless sacrifice of our farmers, consumer prices will remain high while a host of new, costly problems are created in rural communities.

In the past, the cattle industry has been generally skeptical of reforms in dairy policy because of the potential effects reform might have on the cattle market. This case is not an exception. The beef industry is worried that a dairy program that limits the amount of milk a producer can market will result in increased numbers of dairy cattle being slaughtered, thereby putting downward pressure on cattle prices.

I am very sensitive to this concern. Any dairy program I support will ultimately have to address this concern by ensuring that any increased dairy cow marketing will be spread out over a period of time in order to minimize short-term effects on the cattle market. In the long run, a two-tier dairy program will prove to be beneficial to the beef industry by ensuring an orderly entry of dairy cattle to the slaughter market. Without a dairy reform package that returns stability to the industry, beef producers will have to continue to face the effects of periodic cycles of heavy culling in the dairy industry that results from wild fluctuations in milk prices.

I want to stress that the work being done on the dairy program should not be viewed in isolation, but as one piece of a puzzle. One of the reasons I opposed the 1990 farm bill was because it did not employ sufficient mechanisms to maintain prices. Today, we can see the effect of this omission in both grain and dairy prices. As we debate dairy policy, we must not forget the lessons of the 1990 farm bill. Failure to take a strong stand now and get a fair

program for the Nation's dairy producers would be a disturbing omen for the Nation's other agricultural producers.

Time and again, both in-Washington and when I am home, I hear from proud, hard-working, efficient farmers that it is not a handout they are after—just a chance. Congress must design and enact dairy legislation that gives producers a chance. It will not be an easy task, but, for the future of rural America and other farm programs, we really do not have any other choice.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1528. A bill to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

MIMBRES CULTURE NATIONAL MONUMENT ESTABLISHMENT ACT

Mr. BINGAMAN. Mr. President, today I am introducing together with my colleague, Senator DOMENICI, an important piece of legislation for our State and I believe for the Nation, legislation entitled the Mimbres Culture National Monument Establishment Act of 1991.

This legislation is intended to create a protection system for Mimbres sites throughout southwestern New Mexico.

The measure follows the enactment of the National Mimbres Culture Study Act of 1988. The act directed the Secretary of the Interior to analyze the significance of Mimbres culture, to identify sites appropriate for understanding and interpreting the culture, to recommend preserving known Mimbres resources located in and around Silver City, NM, and to outline the development of a facility that will allow for public education and understanding of this important culture resource.

The National Park Service study is complete. It is now time to introduce legislation to implement many of the study's recommendations. Creating a national monument will recognize the international significance of the cultural resource properties associated with the Mimbres culture and would protect and interpret these resources for the benefit and the enjoyment of present and future generations.

Mr. President, I would just point out to the Senate that this is legislation that was introduced in the last Congress. At the time it was introduced, there were objections raised by landowners and by others in the community. Objections and concerns were raised about the amount of land that the Federal Government was proposing to acquire, concerns were raised about water rights that people felt or feared might be threatened, concerns were raised that the rural way of life which many people have moved to southwestern New Mexico to enjoy might be threatened by this legislation.

In response to those concerns, I have met with many people in this area, in southwestern New Mexico, and in my home town of Silver City, and along the Mimbres River and the Gila River.

My colleague, Senator DOMENICI, I know has also met with many of our constituents there to hear their concerns and try to be responsive to those.

I am very pleased to report that the legislation we are introducing today accommodates those concerns to the greatest extent that we can. The legislation does reduce the amount of land the Federal Government will acquire. It makes it very clear that water rights are not to be disturbed, private water rights. It makes it very clear that we are trying to develop a monument, provide the protection for these sites, provide the interpretation and the ability of people to understand the significance of this culture resources with the least possible interference with activities as they now exists in that area of our State.

Mr. President, I am very pleased that my colleague, Senator DOMENICI, has taken the personal interest in this that he has. I know that he spent a substantial amount of time not only visiting some of the sites but talking with local people there, and I am very pleased that he has found changes that could be made in the legislation which I was very pleased to agree to that will accommodate his concerns and the concerns of those that he met with.

So, Mr. President, I commend this legislation to the full Senate, and I hope that the full Senate will support me and Senator DOMENICI in the enactment of this legislation.

Mr. President, I rise today to introduce legislation to establish the Mimbres Culture National Monument and to create a protection system for Mimbres sites in southwestern New Mexico. I am pleased to be joined today by my distinguished colleague from New Mexico, Senator DOMENICI.

This measure follows the enactment of the National Mimbres Culture Study Act of 1988, which I introduced. The act directed the Secretary of the Interior to analyze the significance of the Mimbres culture, to identify sites appropriate for understanding and interpreting the culture, to recommend preserving known Mimbres resources located in and around Silver City, NM, and to outline the development of a facility that would allow for public education and enjoyment.

The National Park Service study is complete and it is now time to introduce legislation to implement many of the study's recommendations. Creating a new national monument would recognize the international significance of the culture resource properties associated with the Mimbres culture, and would protect and interpret these resources for the benefit and enjoyment of present and future generations.

My home State of New Mexico is rich in cultural resources. People have lived there for at least 11,000 years. Three great civilizations—the Anasazi, the Hohokam, and the Mogollon—flourished in the southwest region. Each of these cultures expressed a particular adaptation to their specific environment.

The most significant expression of the Mogollon culture was left by those who are known today as the Mimbres people. The origin and demise of the Mimbres tradition are not fully understood; however, we do know that the Mimbres people lived between A.D. 200 and 1150.

The region occupied by the Mimbres people extended from southwestern New Mexico into southeastern Arizona and the northern Chihuahua State of Mexico. Today, many of the Mimbres sites are in the river valleys of Mimbres, Gila, and San Francisco that surround present day Silver City, NM.

Originally, the Mimbres people lived as nomadic hunters and gatherers. After A.D. 200, they began to build agricultural villages consisting of a few hundred people. They supplemented their farming with hunting and foraging. They excelled in agricultural development which included the creation of sophisticated stream diversion and canal irrigation systems.

Semi-subterranean pithouses were replaced around A.D. 1000 with masonry villages, achieving levels of population density unknown by other contemporary southwestern societies. Some of the pueblos built during the later Mimbres period of occupation are among the largest in the Southwest. We are only now becoming truly aware of the significance of the large pueblos and extensive irrigation systems associated with the Mimbres tradition. The Mimbres peoples' successful adaptation to their semi-arid environment could well hold lessons for us today.

The Mimbres tradition is best known for the development of an extraordinary decorated pottery characterized by striking black-on-white painted motifs. Mimbres pottery went through a series of well-defined changes from early to late periods, but it is the later black-on-white pottery that distinguishes Mimbres ceramic art.

Some of these black-on-white pots are painted with highly complex geometric designs, but the most intriguing works are beautifully executed representational designs, including paintings of plants, animals as well as humans any mythological beings. The mythical beings sometimes exhibit a combination of animal features and are often shown interacting with humans or animals. Scenes of pottery-making, food gathering, hunting, planting, childbirth, story-telling, swimming,

gambling, and many other activities are also depicted on Mimbres pottery. Mimbres art is a unique visual resource that reveals the world of the Mimbres people and gives us glimpses into their intellectual and spiritual lives.

Mimbres pottery currently possesses an international reputation; about 7,000 pieces are displayed in museums around the world. Scholarly and popular literature has documented and attested to the beauty and craftsmanship of the work. Mimbres pottery is perhaps the single most famous prehistoric American Indian art style.

The pottery first came to public notice through archeology of the Southwest. During the 1870's and 1880's, accounts of ruins in the Southwest began to receive widespread attention in the East. These accounts focused on the cliff dwellings of Mesa Verde and the ruins of Chaco Canyon, but the ruins of the Mimbres area were also known to early archeologists.

It was not until the second decade of the 20th century that J. Walter Fewkes of the Smithsonian Institution made a reconnaissance of the Mimbres area and brought back the first collection of Mimbres pottery to the Smithsonian and the Museum of the American Indian in New York. His discovery led to a wave of scientific excavations in the 1920's and early 1930's. These excavations produced the first good evidence of the full range of Mimbres material culture. Several hundred rooms were excavated and over 2,500 painted bowls were removed.

As a result of the 1988 National Mimbres Culture Study Act, the National Park Service [NPS] has evaluated 22 of the largest, most well-known, and nationally significant sites in the Silver City area. These sites span a period of about 1,700 years and include numerous pithouses, room blocks, rock art, and ceramic and lithic materials, as well as agricultural irrigation systems. Some Mimbres sites have been vandalized and destroyed by looters, but outstanding Mimbres sites, that have a relatively high degree of integrity, still exist in the Silver City area.

In addition to the NPS study, there have been meetings with individuals and organizations that have recommended alternative sites for inclusion in the monument. I have talked with local residents and visited some of these areas with them. The bill I am introducing has been written to reflect our discussions.

While interest in Mimbres culture and art is international in scope, no unit of the National Park System or for that matter, any other agency, is dedicated to the preservation and interpretation of the Mimbres culture. My bill is intended to protect Mimbres resources and to provide for their interpretation, scientific study, and educational use.

The legislation I am introducing today would create a new unit of the National Park System dedicated to the Mimbres culture. For of the sites—the Cameron Creek, Maddock, TJ Ruin, and Woodrow Units—evaluated in the National Park Service study will comprise the new national monument. In addition, a Mimbres Archeological Site Protection System would be established to coordinate the protection of other Mimbres cultural properties. Mimbres sites have been looted for decades. Indian graves have been ravaged by pothunters seeking ceramics that had been buried with the dead. The Archeological Protection System will help preserve the remaining sites that are left to us and future generations.

A visitor center for the interpretation of Mimbres culture, including exhibits of Mimbres material culture and general visitor orientation, will be developed in Silver City as part of the national monument. On-site interpretation will also be considered for appropriate ruins in order to facilitate public understanding and enjoyment of some of their more subtle features.

Through interpretation and education, visitors can better comprehend the architectural, artistic, social and economic achievements of the Mimbres tradition, the relationship of the Mimbres to the Mogollon, Salado, and Casa Grandes cultures, and the tie between the Mimbres people and the land.

The National Park Service will coordinate with public and private entities in establishing, planning, and managing the Mimbres Culture National Monument and the Mimbres archeological site protection system. For example, Western New Mexico University and the National Park Service will work cooperatively to provide curatorial services of Mimbres cultural materials.

The National Park Service will also provide leadership in coordinating the efforts of the various landowners, such as Federal, State, and local agencies, foundations, private individuals, and others, involved in the Mimbres archeological site protection system. An advisory committee, representing these parties, will work with the National Park Service to promote the protection of Mimbres cultural resources and to provide for interpretation and research.

My goal is to foster public understanding of this Nation's rich heritage and provide for additional protection for Mimbres cultural resources. I urge my colleagues to join me in supporting this legislation to protect and preserve this important part of our past for the benefit of present and future generations.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 1528

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 "Mimbres Culture National Monument Establishment Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the prehistoric Mimbres tradition was the most significant expression of the Mogollon culture, and represents 1 of 3 great prehistoric civilizations of the American Southwest;

(2) the Mimbres and Gila River valleys, including the Silver City, New Mexico, area, contain many Mimbres sites;

(3) some of the Mimbres pueblos in these valleys were built during the classic phase of that culture in the 11th century and are among the largest in the southwestern United States;

(4) the Mimbres people developed sophisticated canal irrigation technology prior to the Anasazi Culture;

(5) the Mimbres material culture is epitomized by distinctive and strikingly painted black-on-white pottery that is recognized as the consummation of several formal, pictorial, and iconographic traditions in the American Southwest;

(6) Mimbres pottery is internationally known and is probably the single most famous prehistoric American art style;

(7) many Mimbres sites have been vandalized or destroyed, and remaining sites are threatened by further vandalism and illegal pot-hunting; and

(8) in light of the national significance of the Mimbres sites and the urgent need to protect the valuable Mimbres cultural resources from vandalism and destruction, it is appropriate that a national monument be established in New Mexico.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the nationally significant cultural resources associated with the prehistoric Mimbres tradition;

(2) to provide for the protection and interpretation of these resources for the benefit and enjoyment of present and future generations;

(3) to facilitate research activities; and

(4) to encourage government and private sector protection actions.

SEC. 3. MIMBRES CULTURE NATIONAL MONUMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the State of New Mexico the Mimbres Culture National Monument (hereafter in this Act referred to as the "Monument") as a unit of the National Park System, consisting of approximately 959 acres, including the Cameron Creek, Mattocks, TJ Ruin, and Woodrow Units, as generally depicted on a map entitled "Mimbres Culture National Monument", numbered 80,007-A and dated July 1991. This map shall be kept on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in appropriate offices of the National Park Service in the State of New Mexico.

(2) ACQUISITION OF LANDS.—

(A) IN GENERAL.—Within the boundaries of the Monument, the Secretary of the Interior (hereafter in this Act referred to as the "Sec-

retary") may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange.

(B) FUTURE ADDITIONS.—No lands or interests in lands added to the Monument after the date of enactment of this Act may be acquired without—

(i) the consent of the owner; and

(ii) specific authorization by Congress.

(C) RIGHT OF USE AND OCCUPANCY.—

(i) IN GENERAL.—Subject to negotiated agreements to ensure cultural resource protection, an owner of improved property within the boundaries of the Monument may, on the date of the acquisition of the property, retain for the owner, and the owner's successors or assigns, a right of use and occupancy of the property for such residential purposes as existed before August 2, 1991, for a term, as the owner may elect—

(I) of not more than 25 years; or

(II) ending at the death of the owner or the owner's spouse, whichever is later.

(ii) PAYMENT.—The Secretary shall pay to the owner the difference between—

(I) the fair market value of the property on the date of the acquisition; and

(II) the fair market value on that date of the right retained by the owner.

(3) VISITOR CENTER.—The Secretary shall establish a visitor center and administrative headquarters for the Monument in Silver City, New Mexico, and may acquire, through donation, purchase with donated or appropriated funds, or exchange, up to 3 acres of land in Silver City for that purpose.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer, manage, and protect the Monument—

(A) in accordance with this Act and the laws generally applicable to the administration of the units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.); and

(B) in such manner as to preserve, for the benefit and enjoyment of present and future generations, its cultural and natural resources, and to provide for interpretation of and research relating to those resources.

(2) CURATORIAL OPERATION.—The Secretary may enter into a cooperative agreement with Western New Mexico University for the purpose of establishing a curatorial operation for the care and maintenance of Mimbres cultural materials. The cooperative agreement may include agreements to provide funding assistance to Western New Mexico University for curatorial needs.

(3) RESEARCH PLAN.—The Secretary shall develop a research plan in cooperation with other Federal agencies, institutions, and private entities to evaluate broad aspects of the Mimbres tradition. The Secretary may enter into cooperative agreements with other Federal agencies, institutions, and private entities to implement the research plan.

(4) RESEARCH SITE.—The Secretary shall administer the Woodrow Unit primarily as a research site. General public use facilities shall not be provided at the Woodrow Unit.

(5) WATER RIGHTS.—Any water right required by the Secretary to carry out the purposes for which the Monument is established shall be—

(A) limited to a right within the units of the Monument; and

(B) acquired and transferred for use within the Monument in accordance with State law.

(6) IRRIGATION DITCH MANAGEMENT.—If lands within the Monument boundaries are occupied or utilized for irrigation ditches on the date of enactment of this Act, the Secretary shall not interfere with the continued use, maintenance, and operation of the irrigation ditches.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after funding is made available to carry out this subsection, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a general management plan for the Monument consistent with the purposes of this Act. The plan shall include—

(A) a statement of the numbers of visitors and types of visitor use within the Monument that can be accommodated consistent with the protection of the resources;

(B) a general development plan for the Monument, including—

(i) a description of facilities needed to accommodate public use and to provide for resource protection; and

(ii) an estimate of the cost of these facilities;

(C) a long-range strategy for completion of—

(i) the research plan;

(ii) resource inventories;

(iii) resource nominations, as authorized under section 4(a)(3); and

(iv) protection of cultural resources of the Monument;

(D) details of cooperative agreements and other actions with agencies and Western New Mexico University that will be undertaken to accomplish the purposes of this Act and to protect resources within the Monument;

(E) an interpretive plan for units of the Monument and for the visitor center, which shall include arrangements with other agencies and dissemination of information on the Masau Trail; and

(F) a feasibility analysis of the WS Ranch archeological site including the potential for public use and interpretation, and management options.

(2) CONSULTATION.—The Secretary shall consult with American Indian groups, including the Zuni Tribe, for the preparation of those aspects of the plan required under paragraphs (1)(C)(iv) and (1)(E).

SEC. 4. MIMBRES CULTURE ARCHEOLOGICAL SITE PROTECTION SYSTEM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—To encourage the protection, interpretation, research, and integration of information about the Mimbres tradition, there is established the Mimbres Culture Archeological Site Protection System (hereafter referred to in this Act as the "system"), as generally depicted on a map entitled "Mimbres Culture Archeological Site Protection System", numbered _____ and dated _____.

(2) PUBLICLY OWNED SITES.—Eleven Federal- and State-owned archeological sites shall comprise the initial system. These are—

(A) in the Mimbres Valley—

(i) Black Mountain;

(ii) Cottonwood;

(iii) Gatton Park;

(iv) Lake Roberts;

(v) Old Town; and

(vi) Pony Hills;

(B) in the Silver City area, the Pine Flat;

(C) in the Gila Valley—

(i) Red Rock Cemetery; and

(ii) Red Rock Pithouse;

(D) in the San Francisco Valley, the WS Ranch; and

(E) in the Rio Grande Valley, the Rio Vista.

(3) PRIVATELY OWNED SITES.—The system may also include privately owned Mimbres sites. An owner of a private site may nominate the site for inclusion in the system by not later than 3 years after the date of enactment of this Act.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, and in consultation and cooperation with affected agencies, shall administer the system in a manner that will provide protection for Mimbres cultural resources and provide for interpretation and research opportunities.

(2) COOPERATIVE AGREEMENTS.—

(A) AUTHORIZATION.—The Secretary and the Secretary of Agriculture may enter into cooperative agreements with other Federal, State, and local agencies, foundations, private landowners, and other persons for the purposes of site system administration and management, protection, research, and interpretation.

(B) EXPENDITURES.—Federal funds may be expended on non-Federal sites through cooperative agreements with, and the willing consent of, landowners.

(3) NON-FEDERAL SITES.—Non-Federal protection sites shall be managed through cooperative agreements with landowners as authorized under paragraph (2). Nothing in this Act shall be deemed to be authority for the Federal Government to acquire non-Federal sites for the system.

(c) JOINT MANAGEMENT PLAN.—Not later than 3 years after funding is made available to carry out this section, the Secretary, acting through the Director of the National Park Service, and in cooperation with the State of New Mexico, the United States Forest Service, the Bureau of Land Management, and private landowners, shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a joint management plan that shall include—

(1) general administrative arrangements;

(2) protection measures and their cost;

(3) research needs and plans;

(4) interpretive plans and opportunities;

(5) cooperative agreements and their cost;

(6) a listing of all private sites to be included in the system; and

(7) guidelines for cooperative agreements as authorized under subsection (b)(2).

(d) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee, composed of representatives of Federal and State government agencies, and other interested parties, to provide guidance in the preparation of the joint management plan and implementation measures.

(e) RESEARCH AND REPORT.—Not later than 3 years after funding is made available to carry out this subsection, the Secretary shall—

(A) undertake research to locate additional Mimbres sites on Federal lands in New Mexico; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a report that provides recommendations for additions to or deletions from the list of archeological protection sites in subsection (a)(2).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated each fiscal year such sums as are necessary to carry out this Act.

Mr. DOMENICI. Mr. President, first let me say that this Mimbres monument and preservation scene happens to be the home county, the county of birth of Senator BINGAMAN and, frankly, I think it is fair to say that one of the most unique distinguished and credible American Indian cultures is the Mimbres culture. Mimbres are known for a lot of things. But many across the world are familiar with their pottery, very valuable, very unique, very distinguished, and very distinctive. It so happens that we made a mistake by not doing something much earlier to preserve the history of this American Indian culture.

Frankly, I do not believe we would have done anything but for the fact that Senator BINGAMAN who comes from that part of New Mexico decided a couple years ago to get started, and we did it together, in an orderly way. It was looked at by our Federal Government. Contributions were absolutely unequivocal that we better move and preserve what we could or we would only have a culture found in pottery and in various artifacts around the world. They would be in London, New York, Chicago, and Albuquerque, but we would not have anything there.

Frankly, because many, many people in growing numbers do not trust the Federal Government, especially when it comes to acquiring real estate, the first bill that was introduced created a significant firestorm about the issues that Senator BINGAMAN has talked about.

I will say now, unequivocally, I went to the site. I have talked to enough people, and I am absolutely convinced that on the major sites, so-called Maddock site, it was a controversial site because there is some development around there and some people thought they knew more about it than those expert archaeologists, and so we were being besieged with people saying you do not need it. Go somewhere else.

I am convinced today, as I join in an amended bill, that it is the right site. I am convinced that when we acquire it and the archaeologists go to work with the Park Service, we will have an entire Mimbres village in place underground and everything that goes with it will be on this site. I do not doubt it now at all.

I believe some of the property owners who were opposed because we all had to work at this, I think they are now, some of them, are convinced it is the right site. In fact, I spoke last night, as I told Senator BINGAMAN, to Mr. Wilson, one of those most affected on site. He now has convinced himself by talking to some experts who were on the site that it is the right site.

We have amended the bill so that we cannot under any circumstance without coming back to Congress take additional land. We have amended the bill to define the water rights and we permit some of the occupants of the site to take a life estate that they desire, to use if for their life instead of acquiring it now. I do not believe we are going to have any problems in that regard. In fact, I believe most of them will prefer to sell out and we will have to pay them a market value and that may be an argument as to what that is because of various strained interpretations of the law. Nonetheless, we will proceed with reference to it, and I believe it is affordable.

So I believe we will have both a museum ultimately in that part of the United States for this culture and its pottery and artifacts, and we will have a viewable, visible, onsite remnants of this Indian culture for people to see and experts to study for decades to come. I think that is a rather good achievement if we can get it done rather quickly and I believe we can.

By Mr. HATCH:

S. 1529. A bill to enable communities to develop community opportunity systems in order to improve economic opportunity for their low-income residents through the restructuring of programs providing services and benefits, to meet the identified priorities of the community and the needs of the individuals and families to be served; to the Committee on Labor and Human Resources.

COMMUNITY OPPORTUNITY ACT

Mr. HATCH. Mr. President, I am pleased to introduce the Community Opportunity Act of 1991 on behalf of the administration. This measure represents a lot of creative and thoughtful effort on the part of President Bush, Secretary Sullivan, and their key staff, and I hope the Senate will give it the serious consideration it deserves.

It should be obvious to everyone by now—after nearly 30 years of the war on poverty—that we need to come up with more effective delivery systems for assistance programs. Currently, our programs are fragmented, uncoordinated, duplicative, and frequently miss their marks. The "trickle down" approach to providing resources only means funds are siphoned off for administrative costs along the way.

Some of my colleagues might advocate creation of a new entity at the top level to coordinate these overlapping programs. But, Mr. President, it does not make much sense to me to create a new program to coordinate programs. In my view, that approach simply adds a new layer of administration and bureaucracy and would not result in more efficient service delivery.

What will work, Mr. President, are local initiatives to leverage available resources. The Community Opportunity Act of 1991 is intended to break down the barriers to innovative, locally designed programs to target assistance to low-income citizens.

First, it encourages elimination of the bureaucratic middlemen. Funds would go directly to the entity running the program.

Second, it encourages communities to put their own ideas forward. The Federal Government is not the fount of all wisdom. We have all seen some very impressive public-private partnerships at the local level; but, Federal regulations for specific programs sometimes inhibit the development and implementation of these ideas. This bill provides the mechanism for localities to obtain waivers of those regulations when it would benefit the needy citizens of that community.

Mr. President, I commend the Bush administration for suggesting this legislation. It may not solve every problem we have in the public assistance area; but, it is certainly on the right track. We cannot claim to have truly helped those less fortunate when we waste so much time and money spinning our wheels. This legislation will help get us out of the rut.

Mr. President, I ask unanimous consent that the text of the bill, a fact sheet prepared by the administration, and the transmittal letter from Secretary Sullivan be printed in the RECORD.

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

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Opportunity Act of 1991".

PURPOSE; FEDERAL ADMINISTRATOR

SEC. 2. (a) It is the purpose of this Act to declare the need and provide the necessary authority for the development of new approaches to increase economic opportunity and opportunities for self-sufficiency, implemented through restructured delivery systems at the community level, so that in the case of each system—

(1) services and benefits for low-income individuals and families funded under categorical or other single or limited purpose Federal programs, can be integrated and restructured at the community level, through the increased discretion and flexibility afforded to the community by this Act, to increase the economic opportunity and self-sufficiency of those individuals and families;

(2) the system is neighborhood or community based, with a specified target group or groups of beneficiaries;

(3) the individuals and families to be served can participate in the design and implementation of the comprehensive system for the delivery of services and benefits; and

(4) the delivery system affords individuals and families in the target group of beneficiaries the maximum choice and control over the range, source, and objectives of the services and benefits to be provided.

(b) In order to provide a single focal point for the administration at the Federal level of government of the authorities provided under this Act, the President shall designate an official of the Executive Branch, or two or more such officials to act in concert as a panel. The designated official or officials (hereafter referred to as the "Federal administrator") shall exercise the authorities con-

ferred below, in consultation with all heads of Federal departments and agencies having programs that an applicant agency seeks to include in its restructured system, and shall make a recommendation to each such department or agency head with respect to approving the inclusion of a program for which such department or agency head has legal responsibility, or the waiver of any Federal statutory or regulatory requirements applicable to that program.

TECHNICAL ASSISTANCE

SEC. 3. An agency eligible to submit an application under section 4 to conduct a demonstration may request, through the Federal administrator, technical assistance to aid in the development of the information necessary for the design and implementation of a restructured system for the integrated provision of services and benefits to low-income individuals or families within one or more communities in the State. Assistance under this section may be provided only upon application therefor which describes, in such detail as the Federal administrator finds appropriate, the nature of the system which the applicant proposes to implement and the target group or groups. The application must also provide reasonable assurances that in the development of the application under section 4 the applicant agency will afford adequate opportunity for participation by the low-income individuals and families, and by any agency carrying out a human services program, within the community and that the application will be developed only after considering fully the needs for services and benefits expressed by individuals and families, and the community priorities and available resources in the area served by the applicant agency.

(b) The Federal administrator may request that the head of the Federal department or agency with the preponderance of Federal funds or Federal programs likely to be included in the applicant's system furnish technical assistance to the applicant. The department or agency head may, out of any appropriations available to him (or to his department or agency), provide such assistance to the extent that he finds it will enhance the application and, ultimately, the successful conduct of the applicant's demonstration.

COMMUNITY OPPORTUNITY SYSTEMS

SEC. 4. (a) In order to be eligible to submit an application under subsection (b), an agency—

(1) must—

(A) be currently receiving or eligible to receive Federal grant funds or other Federal financial assistance under one or more of the Federally funded programs proposed in the application to be included in the restructured system, and

(B) provide documentation of the concurrence of each other non-Federal official or entity to which the Federal funds involved would otherwise be provided (either directly or through intervening levels of grantees or other recipients) and demonstrate that it will have the cooperation of each such non-Federal official or entity in the applicant's implementation of the system, and

(2) must provide assurance, found adequate by the Federal administrator, that—

(A) it has the ability to develop a community opportunity system and to implement the system, directly or through contractual or other arrangements, within a defined geographic area,

(B) it will implement effective fiscal control and related procedures in order to account for all Federal funds received for use in implementing the system, and

(C) the low-income individuals and families within the geographic area in which the demonstration will be conducted have participated in the development of the system described in the application.

(b) In order for an agency to implement a system under this Act, it must submit an application to the Federal administrator, which contains the following information:

(1) the geographic area to be served and the rationale, in light of the goals of the community opportunity system to be conducted in that area, for so defining the service area;

(2) the particular groups, by age, services needs, economic circumstances, or other defining factors, to whom services and benefits under the system will be targeted;

(3) the way in which the system will increase the economic opportunity and self-sufficiency of the members of the target groups within the geographic area to be served, the specific goals and performance levels to be achieved (and how the demonstration is expected to attain those goals and performance levels), how those performance levels will be measured, and a plan for the comprehensive evaluation of the impact on participants, community effects, and program costs;

(4) those elements of the program design that will assist the individuals and families, after receiving full information about available services and benefits and the providers, to participate actively in developing both long and short range plans for services and benefits, and in deciding other matters such as (A) the scope of services necessary and desired to meet the full range of the individual's or family's needs, (B) the choice of provider, and (C) any other choices affecting the service design for that individual or family;

(5) the Federally funded programs to be included within the system and the services and benefits that will be available, including criteria for determining eligibility for services and benefits under the system, the services available, the amounts and form (such as cash, in-kind contributions, or financial instruments) of non-service benefits, and any other descriptive information the Federal administrator may find necessary to decide on the system's potential for success;

(6) any Federal statutory or regulatory requirement applicable to a Federally funded program, for which waiver is sought in order to permit the applicant's system to be implemented;

(7) the fiscal control and related accountability procedures applicable to the system; and

(8) such other information as the Federal administrator may require to determine whether the application should be approved or otherwise to carry out the provision of this Act.

(c)(1) In the case of Federal funds which, pursuant to the relevant authorizing statute, are required to be paid to a non-Federal official or entity other than the applicant, the concurrence of the official or entity, as required under subsection (a)(2)(C), shall constitute its consent for the appropriate Federal official to pay directly to the applicant that portion of its funds that would otherwise be provided to such official or entity for the target group or groups within the geographic area to be served by the system.

(2) If the statute authorizing any such grant funds requires a non-Federal share, the application must describe, and provide assurance of the availability of, the requisite non-Federal funds with respect to all included Federal grants.

(d) The Federal administrator may request, in order to determine whether an application should be approved, that the applicant provide a statement by the Attorney General of the State involved that there is authority under State law for the applicant agency to take all actions described in its application and implement the community opportunity system.

APPROVAL OF APPLICATION

SEC. 5. (a)(1) Upon receipt of an application to implement a community opportunity system, the Federal administrator shall provide a copy to the head of any Federal department or agency with responsibility for the administration of any Federally funded program to be included in the applicant's system. Actions, taken by the Federal administrator to approve the inclusion of specific programs, or to waive program requirements, shall only be taken with respect to programs for which he has responsibility under Federal law; he shall make recommendations to each department or agency head with respect to programs of the department or agency that are proposed for inclusion in the applicant's system and each such department or agency head shall thereafter advise the Federal administrator whether the program has been approved for inclusion.

(2) Except as provided in subsection (c)(3), the Federal administrator with respect to a Federally funded program for which he has responsibility, or the head of any Federal department or agency with respect to a program included in an application for which he has responsibility, may waive any statutory or regulatory requirement applicable to that program (and substitute a lesser requirement, where appropriate) if he finds it necessary for the program's inclusion in and successful contribution to the applicant's community opportunity system.

(b)(1) The Federal administrator may approve an application under this Act only if he finds that the design of the system, and the proposed plan for its ongoing operation, show substantial promise for the improved economic opportunity of the target groups to be served and the achievement of the purposes of this Act.

(2) The Federal administrator may not approve an application under this Act unless he finds that under the restructured system individuals and families in the target groups who were previously assisted under one or more of the included programs will be able to reasonably meet the needs for which such included programs were originally designed.

(3) The authority provided by this Act shall not be exercised in a manner that, with respect to any community opportunity system, increases total obligations or outlays of discretionary appropriations for programs included in the system, or that increases total obligations or outlays of funding for all direct-spending programs included in such system, for any fiscal year over those that would have occurred absent the authority provided by this Act.

(c) In approving the application to implement a community opportunity system, the Federal administration shall specify the understandings that have been reached with the applicant on each of the following:

(1) the term of the demonstration, which may be extended with the consent of all parties,

(2) the Federally funded programs that will be included in the system, except that there shall not be included in any such system Federal benefits paid directly to the individuals by the Federal Government, Federal benefits financed from trust funds, or any medical assistance which a State is required under title XIX of the Social Security Act to

provide as a condition to the approval of its State plan,

(3) the program requirements that have been waived, and the requirements or conditions, if any, that have been substituted pursuant to subsection (a)(2), except that the Federal administrator (or other department or agency head)—

(A) may not waive any statutory or regulatory requirement under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or the Age Discrimination Act of 1975,

(B) may not waive any requirement for a non-Federal share of funding for a Federal program included in the system,

(C) may waive a program requirement only if he finds that its waiver will not unnecessarily or unreasonably adversely affect individuals or families, and

(D) shall not impose any confidentiality or similar requirement which would impede the exchange, within the system, of information needed for the design and delivery of integrated services and benefits,

(4) the total Federal cost of the program over its full term (or mechanism for determining the total Federal cost), the amount that will come from each Federal program approved for inclusion in the system subject to the availability of Federal appropriations, and the source of the required non-Federal share, and

(5) the data to be collected during the terms of the demonstration to permit its comprehensive evaluation, including the application of measurable performance criteria over the term that the system is in operation to assess the extent to which the stated goals and performance levels are being achieved.

EXCLUSIVITY OF SYSTEM AS SOURCE OF SERVICES AND BENEFITS

Sec. 6. Any individual or family within a designated target group of a community opportunity system shall not be eligible for services or benefits under any included Federal program except under the terms and conditions of the approved application for that system.

EVALUATION AND MODIFICATION

SEC. 7. (a) Over the term of each community opportunity system under this Act, the non-Federal administering agency shall take all actions necessary to evaluate the system's impact on the target groups specified in the application, community effects, and program costs, and shall cooperate with the Federal administrator in Federal evaluation or other review. In addition, the non-Federal administering agency shall submit to the Federal administrator, not later than 90 days after the close of each 12-month period during which the demonstration is conducted, a report summarizing the principal activities and achievements of the system during that period, and comparing its achievements to the measurable performance criteria agreed upon in the application.

(b) If the Federal administrator determines, after consultation with each Federal department or agency head having Federal funds included in the applicant's system, that there is a substantial failure to meet the specified goals and performance levels, and that they remain sound in light of any experience gained to that point in the conduct of the demonstration, he may terminate the demonstration, allowing a reasonable period or periods of time for all affected Federal, State, or local agencies to resume, in an orderly and effective fashion, the administration of the various included programs in accordance with the applicable authorizing laws and regulations thereunder.

REPORTS; EXTENSION OF AUTHORITY FOR SUCCESSFUL SYSTEMS

SEC. 8. (a) the non-Federal administering agency implementing a community opportunity system shall submit such reports, at such time or times, and cooperate in such audits of Federal funds, as the Federal administrator may require, and shall submit a final report, including a full evaluation of the system's successes and shortcomings and the impacts on the self-sufficiency of the target groups, after the expiration of the term of the system. If the agency concludes that the system has demonstrated its worth and has proven a superior way to assist individuals and families, that agency may submit its final evaluation and reports prior to the expiration of the system's term and request, and the Federal administrator may approve (with the concurrence any Federal department or agency head having responsibility for a Federal program included in the demonstration, with respect to such program) for such period or periods as he finds appropriate, the extension of the system and the necessary waivers.

(b) A copy of the final report shall be promptly sent to the Governor of the State involved.

DEFINITIONS

SEC. 9. As used in this Act—

(1) the term "State" means the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands,

(2) the term "agency" or "applicant agency", when not referring to a Federal entity, includes any State or local agency, and such term also includes the governing organization of an Indian tribe (as defined by the Federal administrator), and

(3) the term "Governor" of a State means the chief elected official of the State.

REDUCING FEDERAL BUREAUCRACY AND ESTABLISHING OPPORTUNITY AREAS:

Programs providing social, child welfare, health and nutrition, education, and job training services are often delivered in fragmented ways. Allowing services to be integrated effectively will better serve the recipients of these programs, expand social and economic opportunities, and promote greater personal responsibility and individual and family self-sufficiency.

The Community Opportunity Act of 1991 will enable local communities to develop "community opportunity systems" and allow them to restucture Federal programs to provide services and benefits in the way the community deems best to meet the needs of the individuals and families served.

The legislation creates the framework for experimentation and innovation across a broad band of domestic social programs not allowed under current law. It moves Federal programs from being an impediment to being a catalyst in the work of States and localities as laboratories of change.

The legislation will allow a Federal administator designated by the President to recommend to the relevant Federal agency heads a waiver of most Federal statutory and regulatory requirements applicable to each of the Federally funded programs included in the community's opportunity delivery system. Activities carried out under the waiver must be budget-neutral overall but can target available funds to areas of innovation.

Communities will be able to develop community opportunity systems in which:

Services and benefits can be integrated, combined, and collocated at the community level;

The system is neighborhood- or community-based, with a specified target group of individuals and families and could adopt a consolidated and streamlined eligibility process;

The individuals and families served can participate in the design of the system;

The labeling and stigma associated with participation in many categorical programs can be eliminated; and

The delivery system offers individuals and families in the target group of beneficiaries the maximum choice and control over the types of the services and benefits to be provided, the providers of services, and the service environment.

Each community opportunity system will have clear and measurable goals and will be evaluated with regard to both the short- and long-term impact on individuals and families.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, May 3, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To enable communities to develop community opportunity systems in order to improve economic opportunity for their low-income residents through the restructuring of programs providing services and benefits, to meet the identified priorities of the community and the needs of the individuals and families to be served," together with a section-by-section summary of its provisions. Upon enactment, it would be cited as the "Community Opportunity Act of 1991".

Despite substantial numbers of government and private assistance and service programs, many individuals and families continue to live in poverty and dependency. All too often, Federal domestic programs are directed at particular problems, provide a narrow range of services and assistance, and contain eligibility and benefit rules based on the specific goals of each program. Therefore, no program fully addresses the multiple needs of an individual or family in escaping from dependency. There is no accountability across the service system for the system's results, and few programs are accountable to the people they serve.

We must do a better job of offering low-income individuals and families an opportunity to participate in the economic and social mainstream of American life. I believe that communities, as well as individuals and families, can increase economic opportunity and self-sufficiency if we can clear away the tangled underbrush of federal categorical program requirements.

The "Community Opportunity Act of 1991" will enable American communities to demonstrate innovative systems to increase the economic opportunities of their low-income residents. Communities which can join in a cooperative effort involving low-income residents, relevant units of government at all levels, and the private sector will have an opportunity to restructure programs and benefits to meet their identified needs and priorities. Community opportunity systems will have clear measurable goals and objectives and will offer individuals and families in those communities the maximum choice and control over the range, source, and objectives of the benefits and services they receive.

Toward these ends, the bill authorizes the waiver of Federal statutory and regulatory requirements which would impede implementation of a promising community opportunity system. However, the approved system must be disigned to assure that individuals and families in the target group who were previously assisted under one or more of the included programs will be able to reasonably meet the need for which those programs were originally designed. The system may include any Federal program except those in which the Federal Government pays cash benefits directly to individuals and families, where Federal benefits are financed from trust funds, or the mandatory portions of State Medicaid programs.

It is our firm belief that there is untapped creativity both at the community level and among the individiuals who are served by the program. By giving them the latitude to restructure programs, to make choices, and to control the implementation of programs in their community, we will all be better served and our fiscal resources more effectively employed.

Therefore, we ask that the Congress give its prompt and favorable consideration to the enclosed draft bill.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

LOUIS W. SULLIVAN, M.D.

By Mr. SIMON (for himself, Mr. INOUYE, Mr. AKAKA, Mr. MURKOWSKI, Mr. BURDICK, Mr. CONRAD, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, and Mr. REID):

S. 1530. A bill to authorize the integration of employment training and related services provided by Indian tribes; to the Select Committee on Indian Affairs.

INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT

• Mr. SIMON. Mr. President, today I am introducing a bill that would allow Indian tribes to merge the employment and training programs they participate in into a single program consistent with the policy of self-determination.

The Federal Government continually encourages tribes and other Native American groups to link and coordinate human resource development programs to improve the effectiveness of the services they provide. The Department of Labor, in particular, has repeatedly stressed such connections in numerous instructions issued to Indian Job Training and Partnership Act grantees and in the technical assistance workshops it conducts.

When you consider the myriad of just job training money a tribe may receive—JTPA, JOBS, and BIA Adult Vocational—it is easy to see why the ability to coordinate these services is essential for all tribes, especially small tribes. In many cases, these allocations do not even cover the cost of running the program. While the Federal Government preaches program coordination, the agencies' own operational procedures frequently penalize tribes that try to do this. Let me give you a few examples:

Every agency demands a separate contact within the tribal or organizational structure.

Reporting requirements are different and without much flexibility. Budgeting, cost classification systems and accounting procedures are different despite supposedly uniform OMB requirements.

On-site monitoring varies from nonexistent to punitive.

In one instance, despite Labor Department support for integrated operation of one tribe's JTPA and Job Opportunities and Basic Skills [JOBS] Programs, the Department still insisted that every cent spent by tribal council members and staff attending workshops on service integration be charged to separate grants.

The Department of Health and Human Services financial management staff told a group of tribal and Native Alaskan job training program managers running JTPA, JOBS and BIA adult vocational training programs that they must pro-rate the time they spend on each program, preferably on an hour-by-hour basis. Faced with this type of paperwork burden, several smaller grantees are considering merging their JOBS programs with their State welfare agencies. As tribes struggle to cope with the conflicting demands of Federal funding agencies, they often find that their needs and their desire to orient their job training programs around tribal goals and development projects may well be in conflict with an agency's desire to fund a more traditional program or activity.

We need to simplify the procedures for tribes and be more responsive to their employment and economic development needs. My bill directs the Secretary of the Interior to develop, in conjunction with other Federal agencies that administer Indian training and employment programs, a demonstration project that would allow tribal governments to integrate their job training and employment programs into a single program.

The bill would bring JTPA, JOBS, vocational education, and tribal employment assistance programs under one director within a tribal government. The tribal government would have to file only one report and keep one set of books, thus reducing the mountains of paperwork they must deal with when administering these programs.

I ask unanimous consent that the bill be printed in full in the RECORD.

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

S. 1530

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 "Indian Employment, Training and Related Services Demonstration Act of 1991".[S23JY1-517]{S10687}SEC. 2. ST

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally-determined goals consistent with the policy of self-determination. [S23JY1-518]{S10687}SEC. 3. DE

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) INDIAN TRIBE.—The terms "Indian tribe" or "tribe" shall have the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(2) INDIAN.—The term "Indian" shall have the same meaning as in section 4(d) of the Indian Self-Defermination and Education Assistance Act.

(3) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, shall, upon the receipt of a plan acceptable to the Secretary of the Interior submitted by an Indian tribal government authorize the tribal government, to consolidate, in accordance with such plan, its federally funded employment, training and related services programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under any such plan referred to in section 4 shall include, but are not limited to, programs authorized under the Job Training Partnership Act, the job opportunities and basic skills program under the Family Support Act of 1988, vocational education programs under the Carl D. Perkins Vocational Educational Act, and programs administered by the Secretary generally referred to as the "tribal work experience program" and the "employment assistance program".

SEC. 6. PLAN REQUIREMENTS.

For a plan to be acceptable pursuant to section 4, it shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy which identifies the full range of potential employment opportunities on and near the tribal government's service area, and the education, training and related services to be provided to assist Indian workers to access those employment opportunities;

(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the trib-

al government believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the affected tribe.

SEC. 7. PLAN REVIEW.

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the tribal government submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by such tribal government or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this Act. Notwithstanding any other provision of law, the affected Secretary shall also have the authority to waive any statutory provisions so identified. Further, in carrying out their responsibilities under this section, the Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, and Secretary of Education shall interpret Federal laws in a manner that will facilitate the accomplishment of the purposes of this Act.

SEC. 8. PLAN APPROVAL.

Within 90 days of the receipt of a tribal government's plan by the Secretary, the Secretary shall inform the tribal government, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

SEC. 9. JOB CREATION ACTIVITIES AUTHORIZED.

The plan submitted by a tribal government may involve the expenditure of funds for the creation of employment opportunities and for the development of the economic resources of the tribal government or of individual Indian people if such expenditures are consistent with an overall tribal economic development strategy which has a reasonable likelihood of success.

SEC. 10. PRIVATE SECTOR TRAINING PLACEMENTS.

Notwithstanding any other provision of law, a tribal government participating in a demonstration program under this Act is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and to guarantee permanent employment to the participants upon satisfactory completion of the training period.

SEC. 11. FEDERAL RESPONSIBILITIES.

Within 180 days following the date of enactment of this Act, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services and the Secretary of Education shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this Act. The lead agency for a demonstration program under this Act shall be the Office of Self-Governance in the Office of the Assistant Secretary for Indian Affairs, Department of the Interior, unless a tribal government requests that another office, including a Federal department or agency other than the Department of the Interior, serve as the lead agency for that tribal government's demonstration project. The responsibilities of the lead agency shall include

(1) the use of a single report format related to the plan for the individual project which shall be used by a tribal government to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by a tribal government to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribal government appropriate to the project, except that a tribal government shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

SEC. 12. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this Act.

SEC. 13. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfers of funds otherwise available to a tribal government in order to further the purposes of this Act.

SEC. 14. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

SEC. 15. FUNDS AUTHORIZED FOR TRAINING RELATED TO INDIAN ROAD CONSTRUCTION.

In expending moneys allocated for Indian road construction programs, the Secretary of the Interior shall expend an amount equal to one quarter of one percent of the amount so allocated to train Indians for employment on road construction projects.

SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives on the implementation of the demonstration program authorized in this Act. Such report shall identify statutory barriers to the ability of tribal governments to more effectively integrate their employment, training, and related services in a manner consistent with the purposes of this Act.•

• Mr. MURKOWSKI. Mr. President, I rise today in support of the Indian Employment, Training, and Related Services Demonstration Act of 1991. This act will help us to improve upon the delivery of much-needed employment and training services to Indian peoples.

Too often, Government services are designed without taking into account the needs of the people they are supposed to serve. Indian employment and training programs share this program. There are several different employment and training programs for American Indians and Alaska Natives scattered throughout the Departments of the Interior, Labor, Health and Human Services, and Education. All of these programs are designed to help American Indians and Alaska Natives receive job training and find employment. However, their different rules and requirements often only confuse people and reduce their ability to find help.

Another problem with the current system is the burden it places on tribal administrations to understand several different sets of changing regulations. Each program requires its own coordinator. For a small village in Alaska it is unnecessarily difficult to find a separate, qualified person to administer each program, let alone pay them. Most tribes would like to do the logical thing and have a single department of employment. They do not have the resources to set up a separate division for JTPA and another for the JOBS Program.

However, their consolidation is countered by the "divide and conquer" Federal approach to employment problems. Every month new rules and information for each program are sent to participating tribes. The time and money spent studying and implementing each set of rules would be much better spent helping the people the programs are designed to serve.

This legislation will address these problems by authorizing Indian tribes with approved plans to consolidate federally funded employment, training, and related services programs into a single, coordinated, comprehensive program that will allow tribes to more effectively serve the needs of Indians seeking employment or training and will reduce costs by consolidating administrative functions.•

By Mr. STEVENS:

S. 1531. A bill to authorize a certificate of documentation for the vessel *Logan T*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "LOGAN T"

• Mr. STEVENS. Mr. President, this legislation would allow the Coast Guard to issue a valid certificate of documentation for the 58-foot fishing vessel *Logan T*, formerly the *Fedecoop XIX*, U.S. official number 953795, which is currently owned by John and Adele Swanson of Petersburg, AK. The vessel was built by Delta Marine Industries in Seattle, WA, in 1982. The boat was then owned by L.A.W. Maritima De Baja California S.A., a corporation controlled by the Mexican Government, until 1989 when it was purchased by the Swansons. Mr. Swanson has used the *Logan T* to fish for salmon since early

1990, under a license issued by the Alaska Department of Fish and Game.

The *Logan T* is currently documented under the laws of the United States for use as a fishing vessel. However, a vessel that has been owned or controlled by a foreign government at any point during its history cannot legally carry cargo for hire between two points in the United States. This legislation is needed in order to allow the Coast Guard to amend the *Logan T*'s present certificate of documentation so that the *Logan T* can be used as a fish tender vessel in the commercial fisheries off Alaska.•

By Mr. METZENBAUM (for himself, Mr. MCCAIN, Mr. DODD, and Mr. SIMON):

S. 1532. A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988, and for other purposes; to the Committee on Labor and Human Resources.

ABANDONED INFANTS ASSISTANCE ACT AMENDMENTS

• Mr. METZENBAUM. Mr. President, the drug crisis in this country has claimed many victims. Some of the most tragic are the children and families of drug abusers. With drug abuse during pregnancy on the rise, every year as many as 375,000 infants are born exposed to one or more illegal substances. In addition, the Centers for Disease Control estimates that by the end of 1991, there will be 10,000 to 20,000 children with the HIV infection. Most of these children will be born to mothers who are IV drug users or are sexually involved with an IV drug user.

Compounding this tragedy are the abuse and neglect these children may be exposed to by parents who are either unwilling or unable to properly care for them. Infants exposed to alcohol and infants exposed to alcohol and drugs during gestation tend to have complex problems. These medically fragile children are at a higher risk of premature birth and low birth weight; tend to display extreme irritability, hypersensitivity to stimulation, excessive crying, difficulty bonding, and developmental delays; and are more likely to be subject to sudden infants death syndrome.

Moreover, unprecedented numbers of alcohol, drug, and HIV exposed infants remain in hospitals after treatment, as "border babies"—children who are medically cleared to go home, but have no home to go to. Evidence of this rapidly growing problem is a Child Welfare League of America 1-day survey of five major U.S. cities, which discovered that 69 percent of babies boarding in the surveyed hospitals were born to chemically dependent mothers.

An initial Federal response to this problem was the Abandoned Infants Assistance Act of 1988. This act, which I am proud to have authored, enjoys bipartisan support in providing funding for much needed services for these at-risk children, their families, and caregivers. Indeed, the administration recognizes the value of the act and its programs by requesting appropriations for the act in its budget for fiscal year 1992.

Authorization for the act, however, expires in September of this year. Therefore, today we are introducing the Abandoned Infants Assistance Act Amendments of 1991 in order to continue to serve the needs of our most vulnerable children.

A primary goal of the legislation is to prevent abandonment and stop the pattern of neglect and abuse by providing comprehensive services to children, parents, and extended families before and after birth. In the event however, that care-giving by the parents or extended family is not possible or advisable, the bill provides funding for foster care and respite homes for abandoned babies. These homes not only provide a caring environment but also curtail the massive costs of warehousing these children in hospitals.

The bill also provides funding for the national resource center programs serving abandoned infants and infants at risk of abandonment. This center assists in developing and utilizing effective services and information for these infants and their care-givers. Priority for the center's services will be given to those communities with infants and families who have been statistically underserved by such information services and dissemination.

The legislation we are introducing today represents a modest investment of Federal dollars to help improve the quality of life for the most innocent victims of drug abuse and the aids epidemic.

I ask unanimous consent that the text of the Abandoned Infants Assistance Act Amendments of 1991 be printed in the RECORD.

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

S. 1532

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 "Abandoned Infants Assistance Act Amendments of 1991".

SEC. 2. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in paragraph (6), by striking ", and the number of cases has doubled within the last 13 months;

(2) in paragraph (9)—

(A) by inserting after "counseling services" the following: "early intervention and developmental services,"; and

(B) by striking "and" at the end thereof;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

"(10) one of the goals of these comprehensive services shall be to support the family in the broadest sense of the term, both with respect to those involved in the service and the coordinated and comprehensive services provided, with the goal of prevention of abandonment of the child; and".

SEC. 3. PROGRAM OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 101(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) in the matter preceding paragraph (1), by striking "may make grants" and inserting the following: "shall make grants from funds appropriated pursuant to section 104(a)";

(2) in paragraph (1), by inserting before the semicolon the following: ", including the provision of services to all members of the natural family for any condition that increases the probability of abandonment of an infant or young child";

(3) in paragraph (2), by inserting before the semicolon "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile";

(4) in paragraph (3), by inserting after "those with acquired immune deficiency syndrome" the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile,";

(5) in paragraph (4)—

(A) by striking "children," and inserting the following: "children (including the actual expenses of the persons receiving the services),"; and

(B) by inserting "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children" before the semicolon;

(6) in paragraph (5), to read as follows:

"(5) to provide residential care programs for abandoned infants and young children, who are unable to reside with their families or be placed in foster family care, particularly those with acquired immune deficiency or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile;".

(7) In paragraph (6), by amending the paragraph to read as follows:

"(6) to carry out programs of respite care, family support groups, programs to teach parenting skills, and services (including, but not limited to, in-home support services, the use of volunteers and individual counselors and payment of expenses to attend such groups and provide alternative care) for natural families, foster families and adoptive families of infants and young children with acquired immune deficiency syndrome, or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or medically fragile children and young persons; and"; and

(8) in paragraph 7, by inserting before the period "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or those who are medically fragile.".

(b) COMPREHENSIVE SERVICE CENTERS.—Section 101 of the Abandoned Infants Assistance act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subjection (a) the following new subsection:

"(b) COMPREHENSIVE SERVICE CENTERS. —

"(1) The Secretary shall make grants from funds appropriated pursuant to subsection 104(b) to fund a demonstration program to public and nonprofit private entities to plan, coordinate and establish model comprehensive service centers. These centers shall—

"(A) bring together and coordinate, at one site, services (including, but not be limited to, social service, child protection, health, and education/training components, including schools) needed to support the infants and young people and the natural, foster, and adoptive families covered under this Act, providing comprehensive services to all members of the families in order to strengthen the family unit and ameliorate or prevent potential dysfunctional conditions that will increase the probability of abandonment;

"(B) be conducted in a setting convenient to, and easily accessible by, large numbers of natural and foster families, particularly those providing services to infants and children with acquired immune deficiency syndrome or medically fragile conditions, or those who are pre- or post-natally exposed to the etiological agent for the human immunodeficiency virus, drugs or alchohol; and

"(C) involve community-based and nonprofit organizations that have demonstrated expertise in the operation of such programs or that demonstrate the potential expertise, to the greatest extent possible.

The Secretary shall make grants under this subsection based upon the most comprehensive services to be offered and shall prioritize the applications upon the need for such services, as evidenced by the relative numbers of infants and young children covered under this Act to be served.

"(2) In the case of public or nonprofit private entities that have been providing similar comprehensive services under grants made under subsection (a) before the date of the enactment of the Abandoned Infants Assistance Act Amendments of 1991, the Secretary shall make provision to transition these projects, upon application by said public or nonprofit private entity for such transition, to this program during the first period for which funds are made available under section 104(b) for this subsection, provided that the Secretary shall make provision in such transition for the expansion, over a period of no more than 2 years, to encompass all of the services required under this subsection.".

(c) ADMINISTRATION OF GRANT.—Section 101(d) of the Abandoned Infants Assistance Act of 1988, as redesignated by subsection (b)(1) of this section, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "(d) Administration" and all that follows through "The Secretary" and inserting the following:

"(d) ADMINISTRATION OF GRANT.—

"(1) The Secretary";

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) 2 ems to the right; and

(4) by adding at the end of following new paragraph:

"(2) Subject to the availability of funds, the Secretary shall make grants under this section for periods of not less than 3 years, with there being 2 automatic extensions of the grants being made absent a finding by the Secretary of substantial nonperformance.".

SEC. 4. EVALUATIONS, STUDIES, AND REPORTS BY SECRETARY.

(a) EVALUATIONS OF DEMONSTRATION PROJECTS.—Section 102(a) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "shall," and inserting "shall from funds appropriated under section 104(c),".

(b) SPECIAL NEEDS DISSEMINATION.—Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) SPECIAL NEEDS DISSEMINATION.—

"(1) The Secretary shall, from amounts appropriated under section 104(d), maintain the National Resource Center for Programs Serving Abandoned Infants and Infants at Risk of Abandonment and Their Families established by the Secretary under the Abandond Infants Assistance Act of 1988. The National Resource Center shall assist in identifying, developing and utilizing effective program practices, information and materials in order to meet the service needs of specific groups of individuals, who, on a national or State basis, demonstrate a disproportionate risk of dysfunctional behaviors that will lead to the abandonment of infants or young people covered under this Act and who have been historically underserved with respect to the provision of information and services.

"(2) The National Resource Center described in paragraph (1) shall—

"(A) identify innovative or exemplary programs, public and private agencies, resources and support groups;

"(B) disseminate information on prevention and preventive services;

"(C) provide technical assistance, training and consultation to service providers and to State agencies to improve professional competency, to ensure service coordination and integration and to promote the utilization of resources and the best practices related to the management and administration of abandoned infants assistance programs;

"(D) develop a national network of professionals in the field to serve as consultants and to link such individuals with persons and agencies requiring assistance; and

"(E) identify emerging issues with respect to child welfare, developmental disabilities and maternal and child health, particularly as such issues relate to pre and postnatal alcohol, drug and pediatric HIV exposure.

"(3) Among the groups to be given priority for these services under this provision are those who are drug or alcohol addicted, individuals with acquired immune deficiency syndrome, and minorities and limited English proficient individuals who have been statistically and historically underserved by such information services and dissemination. Information on prevention and services shall also be distributed to the communities of such individuals.

"(4) The Secretary shall enter into contracts or cooperative services under this subsection for periods of not less than 3 years. The Secretary shall extend the contract or grant for 2 additional consecutive 1-year periods absent a finding by the Secretary of substantial nonperformance.";

(3) in paragraph (1)(A) of subsection (c) (as so redesignated), by inserting after "infants who have acquired immune deficiency syndrome", the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or who are medically fragile,"; and

(4) in paragraph (2) of subsection (d) (as so redesignated), by striking "April 1, 1991" and inserting "April 1, 1992".

SEC. 5. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking "sec." and all that follows through "the term" and inserting the following:

"SEC. 103. DEFINITIONS.

"For purposes of this title:

"(1) The term"; and

(2) by adding at the end the following new paragraphs:

"(2) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, familial members (including all siblings and children resident in the household), and others (on a continuing basis) who reside in the household and are in a care-giving situation with respect to infants and young children covered under this Act.

"(3) The term 'medically fragile' includes those infants and young children who exhibit medical, physical or developmental conditions occasioned by pre- or post-natal alcohol and drug exposure.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) DEMONSTRATION GRANTS IN GENERAL.—For the purpose of making grants under section 101(a), there are authorized to be appropriated $15,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(b) COMPREHENSIVE SERVICE CENTERS.—For the purpose of making grants under section 101(b), there are authorized to be appropriated $1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(c) EVALUATIONS OF DEMONSTRATION PROJECTS.—For the purpose of making grants under section 102(a), there are authorized to be appropriated $1,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1992, 1994, and 1995.

"(d) SPECIAL NEEDS DISSEMINATION.—For the purpose of making grants under section 102(b), there are authorized to be appropriated $5,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(e) ADMINISTRATIVE EXPENSES.—

"(1) In addition to the funds authorized above, there shall be an amount authorized for the purpose of administering this program of 5 percent of the amount appropriated for the programs in fiscal years 1992, 1993, 1994, and 1995.

"(2) The Secretary may not obligate any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the aggregate amounts appropriated under subsections (a) through (d) for the fiscal year, the Secretary has obligated for the purpose described in paragraph (1) an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(f) AVAILABILITY OF FUNDS.—Funds appropriated under this authority shall remain available until expended.".

SEC. 7. CONFORMING AMENDMENTS.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following: "AND ABANDONMENT PREVENTION PROGRAMS".

SEC. 8. TERMINATION OF PROGRAM.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.●

• Mr. McCAIN. Mr. President, I rise today to join my colleague from Ohio, Senator METZENBAUM, in introducing the Abandoned Infants Assistance Act of 1991. This legislation reauthorizes a critical program that exists today as a result of legislation my colleague from Ohio and I introduced in 1987.

The Abandoned Infants Assistance Act addresses the human suffering of infants born with AIDS and addicted to narcotics.

Mr. President, we are in the throes of the most lethal epidemic in the history of humankind. AIDS is quite probably the most virulent social disease in history. It cruelly destroys the immune system of its victims, thus eliminating the body's ability to fight off illness. It ultimately leads to death. And—at present—there is no cure.

AIDS has brought enormous human suffering and great expense. Without a doubt, all of our hearts go out to those suffering at the hands of this most dreaded of diseases. Perhaps the most heart-wrenching aspect of this epidemic, however, is the cruel and needless suffering of the children who are being born with this infection.

Mr. President, the act this legislation reauthorizes provides adoption and care assistance for those kids born with this disease and who are abandoned by their parents at the time of their birth. It also provides similar assistance for children born addicted to narcotics.

It saddens me greatly to know that each day there are children born in America who may never be able to fully experience life as a result of being born with either a narcotics addiction, or being infected with the AIDS virus. Mr. President, most of these children will never make it to adulthood. And, were it not for the assistance provided by this act, many would never have the chance to experience the world outside of a hospital ward, or the loving touch of a surrogate parent.

Mr. President, I would encourage our colleagues to study this reauthorizing legislation carefully and ask that they consider joining the distinguished Senator from Ohio and myself as sponsors of the Abandoned Infants Assistance Act Amendments of 1991, so that we might reauthorize this critical program.•

By Mr. BRYAN (for himself, Mr. RIEGLE, Mr. GRAHAM, Mrs. KASSEBAUM, Mr. CRANSTON, Mr. WIRTH, and Mr. SHELBY):

S. 1533. A bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES INVESTOR PROTECTION ACT

• Mr. BRYAN. Mr. President, I rise today to introduce legislation to restore important protections for investors from perpetrators of securities fraud.

Under Federal law, victims of securities fraud can file civil suits under section 10 of the Securities and Exchange Act of 1934. While States remedies are also available, most victims of such fraud choosen to file suit in the Federal courts, due to the interstate nature of many securities scams.

Since section 10 of the 1934 act does not include time limits for these suits, the time limit for filing such Federal cases have generally been determined in reference to appropriate State statutes. Many of these time limits are quite generous—often extending up to 6 years from the date the fraud is discovered.

On June 20, the U.S. Supreme Court reversed this longstanding practice. In the Lampf versus Gilbertson decision, the Court found that uniform Federal time limits should be used in section 10 civil suits. Accordingly, the Court, by a 5 to 4 decision, required plaintiffs to sue within 3 years of the date the fraud was committed, and within 1 years of the date the fraud is discovered. These arbitrary time limits are borrowed from other sections of the Securities and Exchange Act—sections involving far less egregious activities than section 10.

Even more alarmingly, it appears that the Court's decision will apply retroactively, nullifying thousands of securities fraud cases currently underway—cases filed in a timely manner in good faith reliance on the then existing rule.

While I do not debate the Court's desire to provide a uniform time limit for section 10 cases, the time limits propounded by the Court simply do not reflect the complexity and importance of cases filed under section 10. I find myself in agreement with Justice John Paul Stevens' dissent, when he writes that the Court—

> Has undertaken a lawmaking task that should properly be performed by Congress * * * uniform limitations rule is preferable to the often chaotic traditional approach of looking to the analogous state limitation * * * Congress * * * has the responsibility for making the policy determinations that are required in rejecting a rule selected under the doctrine of state borrowing, long applied to Section 10(b) cases.

It is time for Congress to step forward and make these policy determinations.

The legislation I am introducing today provides a reasonable solution to this problem. Given the nature of these frauds, my preference would be to enact a simple 2 or 3 year after discovery rule, with no overall repose period. Instead, the legislation I am introducing today subjects suits filed under section 10 to a 2 year from discovery-5 year repose limit. In addition, the legislation will eliminate the retroactivity of the Lampf decision, allowing suits already underway to move forward under the new time limit rule, and permit the prompt refiling of any case dismissed based on Lampf which would have been timely filed under the 2 year-5 year limitation.

It is hard to determine exactly who will be affected by the Lampf decision. Without question, some of the greatest losers will be the victims of fraud associated with limited partnerships or municipal bond offerings. Often, perpetrators of securities fraud can go undetected for years, and will not be exposed until their fraudulent investment schemes ultimately collapse. Even then, putting the pieces of these complicated scams together to form the basis for a lawsuit can take an enormous amount of time.

Of course, the securities industry needs to be protected as well. An unlimited time limit for filing section 10 suits would expose securities firms to unreasonable and unpredictable liabilities. The legislation I am introducing today recognizes the concerns of both the securities industry and the individual investor.

During the Court's deliberation of the Lampf case, the Securities Exchange Commission argued in favor of a 2 year-5 year time limitation, and supports the legislation I am introducing today.

There is a great deal of urgency involved in overturning the Lampf decision. In addition limiting recourse for victims of future and current fraud, the Lampf decision will result in the dismissal of a great number of legitimate cases currently under litigation. Plaintiffs who have made good faith efforts to file suits under current law will see their cases evaporate due to new conditions imposed by the Supreme Court—conditions that cannot possibly be met.

The unprecedented level of activity in the financial markets throughout the 1980's provided equally unprecedented opportunities for securities fraud. While many of the most disagreeable trends of the 1980's, including the proliferation of unwise and unsound limited partnerships, are behind us, there will always be something new on the horizon. Like most of the financial innovations of the 1980's, the great majority of investments will at least be honest, if not prudent. When fraud does surface, however, we have a responsibility to ensure that investors have enough time to seek legal redress.

I would like to thank Richard Griest from Sparks, NV, for bringing this important issue to my attention. Mr. Griest demonstrated to me how difficult it is to collect the material necessary to file a complicated investor fraud case. While a more lengthy filing period may be appropriate, I believe this bill provides a step in the right direction.

Mr. President, I urge other Senators to support this legislation.•

• Mr. RIEGLE. Mr. President, I am pleased to cosponsor the Securities In-

vestor Protection Act of 1991 with my distinguished colleague from Nevada, Senator BRYAN. By extending the statute of limitations on implied rights of action under the Securities Exchange Act of 1934, this bill will give individual investors ample time to prepare for litigation in the event of securities fraud.

The bill is in response to the decision by the U.S. Supreme Court in Lampf versus Richardson. In that case, the Court determined that any litigation brought by a private litigant under section 10 of the Securities Exchange Act of 1934 must be initiated within 1 year of the discovery of the violation and no more than 3 years after the violation has occurred. The Court rejected an argument made by the Securities and Exchange Commission which said that the Court should have applied a significantly longer statute of limitations. The Court's determination resolved a longstanding question on this matter since the limitation period for implied rights of action are not clearly stipulated in the Securities Exchange Act of 1934.

The bill we introduce today will extend the statute of limitations for implied rights of action to 2 years after the plaintiff knew or should have known of the securities law violation, but in no event later than 5 years from the date of the securities law violation. This statute will apply to all implied rights of action under the 1934 act and contains a provision which protects currently pending cases from dismissal due to the Supreme Court's determination of the shorter statute of limitations.

This bill serves as a reminder that the individual investor is the key to the strength and liquidity of our securities markets. In order to attract participation by individual investors, we must ensure that the securities markets are accessible and fair. Regrettably, on occasion there will be violations of the securities laws. This bill will protect individual investors by providing them with sufficient time to put a case together to fight any violations of the securities laws.●

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. COHEN, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors 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. 140

At the request of Mr. WIRTH, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirements that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 601

At the request of Mr. ADAMS, the name of the Senator from Florida [Mr. GRAHAM] was withdrawn as a cosponsor of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 665

At the request of Mr. THURMOND, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 665, a bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry.

S. 734

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 734, a bill to permanently prohibit the Secretary of the Interior from preparing for or conducting any activity under the Outer Continental Shelf Lands Act on certain portions of the Outer Continental Shelf off the State of Florida, to prohibit activities other than certain required environmental or oceanographic studies under the Outer Continental Shelf Lands Act within the part of the Eastern Gulf of Mexico Planning Area lying off the State of Florida, and for other purposes.

S. 736

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 736, a bill to amend the Outer Continental Shelf Lands Act.

S. 765

At the request of Mr. BREAUX, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 884

At the request of Mr. PACKWOOD, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 923

At the request of Mr. AKAKA, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 923, a bill to amend section 484(d) of the Higher Education Act of 1965 regarding methods for qualifying as an "ability to benefit" student at institutions of higher education and proprietary institutions of higher education, and for other purposes.

S. 971

At the request of Mr. DECONCINI, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 971, a bill to promote the development of microenterprises in developing countries.

S. 995

At the request of Mr. GORE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 995, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes.

S. 1093

At the request of Mr. BIDEN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1093, a bill to establish a commission to study the feasibility, effect, and implications for United States foreign policy, of instituting a radio broadcasting service to the People's Republic of China to promote the dissemination of information and ideas to that nation, with particular emphasis on developments in China itself.

S. 1226

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1226, a bill to direct the Administrator of the Environmental Protection Agency to establish a small community environmental compliance planning program.

S. 1270

At the request of Mr. MCCAIN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning United States personnel classified as prisoners of war or missing in action.

S. 1352

At the request of Mr. DODD, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. LEVIN], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1352, a bill to place restrictions on United States assistance for El Salvador.

S. 1413

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1413, a bill to encourage the termination of human rights abuses inside the People's Republic of China and Tibet.

S. 1438

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1438, a bill to provide for international negotiations to seek increased equity in the sharing by foreign countries of the costs of maintaining military forces of the United States in such countries.

S. 1471

At the request of Mr. ADAMS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1471, a bill to amend the Older Americans Act of 1965 to establish an elder rights program, and for other purposes.

S. 1498

At the request of Mr. BREAUX, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1498, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of businesses within Federal military installations which are closed or realigned and for the hiring of individuals laid off by reason of such closings or realignments, and for other purposes.

S. 1522

At the request of Mr. BOREN, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment by cooperatives of gains or losses from sale of certain assets.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from Montana [Mr. BURNS] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

AMENDMENTS SUBMITTED

UNITED STATES—CHINA ACT

GRAHAM AMENDMENT NO. 803

Mr. GRAHAM proposed an amendment to the bill (S. 1367) to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1992 provided certain conditions are met, as follows:

On page 7, between lines 16 and 17 insert the following:

( ) in reducing assistance to Cuba whether in the form of subsidized trade, management of trade balances or in any other form.

MIKULSKI (AND WIRTH) AMENDMENT NO. 804

Ms. MIKULSKI (for herself and Mr. WIRTH) proposed an amendment to the bill S. 1367, supra, as follows:

On page 7, between lines 19 and 20, add the following:

(7) does not support or administer any program of coercive abortion or involuntary sterilization.

KERREY AMENDMENT NO. 805

Mr. KERREY proposed an amendment to the bill S. 1367, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SANCTIONS BY OTHER COUNTRIES.

If, pursuant to this Act, nondiscriminatory (most-favored-nation) treatment is denied or a decision is made to terminate such treatment, most-favored-nation status for the People's Republic of China shall be rescinded 60 days after such denial or decision to terminate. During such 60-day period, the President shall undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

HELMS AMENDMENT NO. 806

Mr. HELMS proposed an amendment to the bill S. 1367, supra, as follows:

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

SEC. . ENFORCEMENT OF PROHIBITION AGAINST IMPORTATION OF CONVICT-MADE GOODS.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) by striking "All goods" and inserting "(a) IN GENERAL.—All goods";

(2) by striking "'FORCED LABOR,'" and inserting "(b) FORCED LABOR.—'Forced Labor,'"; and

(3) by adding at the end thereof the following new subsections:

"(c) PENALTIES.—(1) With respect to any violation of subsection (a), an order under this section shall require the person to pay a civil penalty of—

"(A) $10,000 for one violation;

"(B) $100,000 in the case of a person previously subject to one order under this section; or

"(C) $1,000,000 in the case of a person previously subject to more than one order under this section.

"(2)(A) Before imposing an order described in paragraph (1) against a person for a violation of subsection (a), the Secretary of the Treasury shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary of the Treasury) of the date of the notice, a hearing respecting the violation.

"(B) Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is so requested, the Secretary of the Treasury's imposition of the order shall constitute a final and unappealable order.

"(C) If the administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person an order described in paragraph (1).

"(3) The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary of the Treasury unless, within 30 days, the Secretary of the Treasury modifies or vacates the decision and order, in which case the decision and order of the Secretary of the Treasury shall become a final order under this subsection. The Secretary of the Treasury may not delegate his authority under this paragraph.

"(4) A person adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(5) If a person fails to comply with a final order issued under this subsection against the person, the Attorney General shall file a suit to seek compliance with the order in any appropriate circuit court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(d) PETITION FILED WITH THE DEPARTMENT OF COMMERCE.—(1) A petition to enforce the

prohibitions contained in subsection (a) may be filed with the Secretary of the Department of Commerce (hereafter in this subsection referred to as the 'Secretary') by—

"(A) any public interest group or human rights organization; or

"(B) an entity including trade association, firm, certified or recognized union, or group of workers, which is representative of an industry adversely affected by the sale of imports produced by forced labor.

"(2)(A) Whenever a petition is filed under paragraph (1) the Secretary shall promptly transmit copies of the petition to the Office of the United States Trade Representative and other Federal agencies directly concerned.

"(B) In order for a proceeding to be commenced based on a petition filed with the Secretary under this subsection, such petition must be accompanied by reasonable evidence that a violation of subsection (a) has occurred.

"(3)(A) Upon the filing of a petition under paragraph (1), the Secretary shall, within 20 days after the date on which such petition is filed, determine whether the petition alleges the elements necessary to impose a penalty or issue an exclusion order under this subsection and contains reasonable evidence supporting such petition.

"(B) The Secretary shall make a determination within 180 days after the date on which a petition is filed with respect to whether a violation under subsection (a) has occurred.

"(4)(A) If the Secretary determines, as a result of an investigation under this subsection, that there is a violation of the provisions of this section, it shall—

"(i) direct that the articles concerned, imported by any person violating the provisions of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the product of like or directly competitive articles in the United States, and United States consumers, the Secretary finds that such articles should not be excluded from entry; and

"(ii) direct the Secretary to impose penalties provided under subsection (c) against any person violating the provision of this section.

"(B) The Secretary shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry or imposition of penalties under subparagraph (A), and upon receipt of such notice, the Secretary shall, through the proper officers refuse such entry or provide for the imposition of such penalties.

"(5) The Secretary may, by rule prescribe sanctions for abuse of discovery and abuse of process to the extent authorized by Rule 11 and Rule 37 of the Federal Rules of Civil Procedure.".

BIDEN AMENDMENT NO. 807

Mr. BENTSEN (for Mr. BIDEN) proposed an amendment to the bill S. 1367, supra, as follows:

Page 7, line 20, delete section 4 and insert in lieu thereof the following:

SEC. 4. TERMINATION OF MOST-FAVORED-NATION STATUS

(a) IN GENERAL.—Not later than July 3, 1992, products of the People's Republic of China may not be provided non-discriminatory (most-favored-nation) trade treatment if the President determines, at any point subsequent to the enactment of this Act, that the People's Republic of China has transferred to Syria or Iran—

(1) ballistic missiles or missile launchers for the weapon systems known as the M-9 or the M-11; or

(2) material, equipment, or technology which would contribute significantly to the manufacture of a nuclear explosive device.

(b) NOTIFICATION.—The President shall promptly inform Congress in writing of any determination described in subsection (a).

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee business meeting to markup dairy and nutrition legislation. The business meeting will be held on Thursday, July 25, in SR-332, at 9:30 a.m. and is scheduled to last all day.

For further information please contact Janet Breslin or Ed Barron of the committee staff at 224-5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing scheduled before the Committee on Energy and Natural Resources to receive testimony on the resettlement of Rongelap, Marshall Islands, has been postponed.

The hearing, which was originally scheduled for July 30, 1991, has been rescheduled to take place on September 31, 1991, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

For further information, please contact Allen Stayman of the committee staff at 202-224-7865.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 23, 1991, at 2:30 p.m. to receive a report by the Defense Base Closure and Realignment Commission and to consider Senate Joint Resolution 175, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 23, 1991, to receive testimony on consent to amendments by the State of Hawaii to the Hawaiian Homes Commission Act, Senate Joint Resolution 23 through 34.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 23, 1991, to receive testimony on S. 140, to increase Federal payments in lieu of taxes to units of general local government, and for other purposes; and S. 927, to provide for a transfer of lands between the U.S. Forest Service and Eagle and Pitkin Counties in Colorado.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 23, 10 a.m., to conduct a hearing on S. 481, the Water Research Act of 1991.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 23, 1991, at 10 a.m., to hold a hearing on legislative proposals for compensation of victims of sexual crime.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 23, 1991, at 9:30 a.m. on reauthorization of the Corporation for Public Broadcasting.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 23, 1991, to hold a hearing on disaster legislation before the committee. Room 5323 at 9:30 a.m.

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

ADDITIONAL STATEMENTS

U.S.-U.S.S.R. TRAVEL AND FAMILY VISITS

• Mr. DECONCINI. Mr. President, in September, the 35 signatory states of the Conference on Security and Co-

operation in Europe will be meeting in Moscow for the third of three meetings of the Conference on the Human Dimension. The various human rights and humanitarian issues to be discussed at this meeting include that of travel and family visits. In signing the Helsinki Final Act, the CSCE states committed themselves to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families." The signatories also pledged that "applications for temporary visits to meet members of * * * families will be considered without distinction as to country of origin or destination."

The family visits issue is an excellent illustration of both how far the Soviet Government has come with respect to its obligations as well as to shortcomings that still exists. At a time when we are witnessing dramatic transformations in the Soviet Union, it is easy to lose sight of issues such as travel. But it is precisely human contacts, including visits between family members and private citizens, which have had such a profound impact on Soviet society. The transformation towards democracy and economic reforms in the U.S.S.R. depends on contacts with the outside world. The tens of thousands of Balts, Ukrainians, Russians, and Jews who have had the opportunity to travel to the West in the last few years have undoubtedly had an impact on democratization and economic reform in the Soviet Union. The same, of course, applies to the hundreds of thousands of Americans who have visited the U.S.S.R.—whether to renew family ties, assist in projects to help Soviet citizens in the various republics, or simply to visit and observe. The rise in the sheer number of human contacts is, indeed, impressive.

Numbers, however, do not tell the whole story. In fact, Mr. President, as impressive as the numbers may be in relation to what they were just a few short years ago, they are most certainly not on par with demand. Despite the liberalization of travel in practice and with the passage of the Soviet law on exit and entry, Soviet actions such as raising air fares between the U.S.S.R. and U.S.A. or eliminating savings kept in large denomination ruble notes serve as practical barriers to free travel. And, although to a much lesser extent than before, foreign travel permission can still be denied to people for political motives.

Even today, several Soviet citizens are prevented from exercising their right to leave the U.S.S.R. to visit family members in the United States who had defected from the Soviet Union. Natalia Kurbatova and Alexander Levchenko, Anna Shevchenko, Augusta and Ivan Sheymov, and Natalia Novikova and Kondrat Novikov, all continue to be refused permission to visit parents, children, and spouses in the United States. I would take this opportunity to commend Representative DON RITTER, the ranking House member of the Helsinki Commission, who recently initiated a letter to President Gorbachev on behalf of these four families. These refusals violate both the Helsinki Final Act and the 1989 Vienna Concluding Document of the CSCE, which states that the participating States will "ensure that acts or omissions by members of the applicant's family" will not adversely affect the rights of the travel applicant. I urge the Soviet Government to live up to its commitments and allow these Soviet citizens to visit their loved ones in the United States without further delay.

With respect to travel to the Soviet Union, the situation has undoubtedly improved. More of the Soviet Union is now open, thus individuals are better able to visit the homes of relatives in formerly closed areas where this was earlier forbidden. Despite these increased opportunities, however, the process of travel for private visits is still fraught with obstacles. One of the most significant impediments to normal travel is the requirement that foreign visitors have official invitations to stay in private homes—including homes of relatives—for extended periods of time (visitor's visa), procedures which can drag on for half a year—much longer than business or even tourist visas. Visits to family members or friends should certainly not have to take considerably longer than business or tourist visas.

Mr. President, while mindful of the progress that has been made in liberalizing human contacts, the Helsinki Commission, which I cochair, will continue to work toward ensuring that these contacts become fully normalized.•

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

• Mr. BURDICK. Mr. President, today I rise to participate in the Congressional Call to Conscience for Soviet Jews to call attention to the continued difficulties faced by Soviet Jews who wish to emigrate.

I would like to bring to the attention of the Senate the case of Regina Pashkovsky, who is from Minsk, U.S.S.R. Mrs. Pashkovsky and her late husband first decided to emigrate to Israel in 1974. At that time, they both worked at a research institute that had a connection with the Defense Ministry. In his work for the ministry, Mr. Pashkovsky had some sort of involvement with the development of computers used in military systems. She worked in a standardization section where she had no involvement with computers. Her husband lost his job at the institute at the time they applied to emigrate and their request subsequently was denied. Mr. Pashkovsky died of stomach cancer in 1989, which Mrs. Pashkovsky attributes to his forced work on a state farm in an area that was contaminated by the Chernobyl disaster.

Mrs. Pashkovsky was able to continue working at the institute until 3 days after she reapplied for permission to leave the Soviet Union in August 1989, along with her 80-year-old mother and Mrs. Pashkovsky's daughter's family. When Mrs. Pashkovsky was refused permission to emigrate in November of that year, the reason given was secrecy. She applied again the next year and, to my knowledge, has not received a decision on that application.

Her daughter's family was allowed to emigrate, however, and has lived in Israel since 1989. However, Mrs. Pashkovsky's mother stayed behind to help obtain the release of her daughter. Mrs. Pashkovsky and her mother would like to join Mrs. Pashkovsky's daughter and her family in Israel.

In the past few years, President Gorbachev has eased the way for Soviet Jews to emigrate and recently, the Soviet legislature has codified this new policy. I sincerely hope that Mrs. Pashkovsky's case will be reviewed in the context of this era of glasnost and that she and her mother be allowed to emigrate.•

SPECIAL TRANSIT: HELPING THE COMMUNITY AND OUR ENERGY DILEMMA

• Mr. WIRTH. Mr. President, I would like to address for a few moments the subject of natural gas, and the efforts of Special Transit, a Colorado company, to utilize this energy source. Our Nation's present energy dilemma has created a dire need for alternatives to oil. As our energy consumption increases and domestic production decreases, our Nation becomes more dependent on imported petroleum, and more vulnerable to unstable foreign politics. This growing dependence represents a real threat to our economic and national security.

Transportation is the single largest user of oil in our economy. The development of alternative automobile fuels represents one of our greatest opportunities for oil savings, advancing both our economic and energy independence goals. The use of compressed natural gas in vehicles is currently one of the most promising of these alternatives. It is safe, clean, efficient, and relatively inexpensive.

Companies which have experimented with natural gas energy have discovered its value. Special Transit, a Colorado nonprofit agency which offers transportation to elderly, disabled, and rural passengers recently began a pilot

project by converting two of their vehicles to compressed natural gas. The vehicles ran cleanly and safely, performed efficiently, and operated with low maintenance costs. They applied for and received an alternative fuels initiative grant from the Urban Mass Transit Administration to convert their remaining 12 vehicles to natural gas, construct a safely ventilated garage, and install their own fueling station. Special Transit's project has saved money, helped the environment, and helped to contribute to everyone's goal of reducing our dependence on foreign oil. This is an excellent example of the promise of alternative fuels in the transportation sector. If we are to gain energy independence, we must continue to promote this promise.

Mr. President, our energy future demands that we develop and use alternative forms of energy. Our Nation simply cannot produce its way out of the current energy dilemma. Advancing technology is providing us with new options in the form of alternative fuels, which can be a huge component in our efforts to ensure a bright energy future for our Nation. I want to salute Special Transit for their initiative and their innovation in providing transportation for the elderly, the disabled, and others without access to the transportation they need, in a way that helps our entire Nation in its quest for a healthier environment, a more robust economy, and energy independence.•

SWITZERLAND TO PURCHASE McDONNELL DOUGLAS AIRCRAFT

• Mr. BOND. Mr. President, recently the Defense Minister of Switzerland, Mr. Kaspar Villiger, announced that Switzerland has reaffirmed its 1988 decision to buy 34 McDonnell Douglas F/A-18 Hornet aircraft from the United States in a deal that will bring more than $2 billion in export revenues to our country.

Facing strong pressure from European interests to buy the French-made Mirage 2000-5, Minister Villiger recommended, and the Swiss Federal Council approved, the decision to buy from McDonnell Douglas, where hard-working people build the world's best fighter aircraft.

Minister Villiger said the Hornet beat out its competitors—the French Mirage 2000-5, the Swedish Gripen, and the United States F-16—for a number of important reasons. These include the Hornet's superior performance capabilities, operational autonomy, and low life cycle costs. The Swiss also cited the Hornet's two engines, and sophisticated radar and avionics systems. Each of these factors is crucial for all-weather operations over Switzerland's mountainous terrain.

In their announcement, the Swiss recognized the importance of the United States as a trading partner saying "that even in times of closer European collaboration, Switzerland has vital interests throughout the world and in overseas markets."

We, too, have vital interests in overseas markets. Sales of defensive military equipment to friendly nations is not only important to American workers, but it is important to our overall economy, and to our ability to execute foreign policy.

Work from this sale will benefit more than 1,500 companies in 46 States. It will preserve jobs, help build homes, and keep communities healthy. And like sales of the Hornet to Canada, Australia, Spain, and Kuwait, it will help hold down the cost of the F/A-18 to the United States Navy, which has decided to make the F/A-18 the backbone of carrier aviation into the next century.•

THE DRIFT NET MORATORIUM ENFORCEMENT ACT

• Mr. D'AMATO. Mr. President, I rise today to cosponsor the Drift Net Moratorium Enforcement Act. I am pleased to join my colleague from Oregon, Senator PACKWOOD, in this vital effort to help end large-scale drift net fishing on the high seas by June 30, 1992.

This legislation will help to save thousands of sea birds, dolphins, whales, endangered turtles, and other wildlife from the snares of drift net fishing. The legislation is especially important for the preservation of the Pacific Northwest salmon, which originated in the United States and is currently facing possible endangered status due to the practice of drift net fishing.

The Drift Net Moratorium Enforcement Act serves to enforce the December 1989 U.N. resolution calling for a worldwide moratorium on large-scale drift netting on the high seas by June 30, 1992. The legislation offered by Mr. PACKWOOD would call for drift netting nations to notify the United States by January 1, 1992, whether they will stop large-scale drift net fishing on the high seas by June 30, 1992. If a country fails to comply, the President has authorization to place sanctions on fish and fish products that country exports to the United States.

The Drift Net Moratorium Enforcement Act will provide U.S. officials with the tools necessary to preserve the lives of several threatened and endangered wildlife species. I applaud Senator PACKWOOD for undertaking this worthwhile initiative, and I urge its prompt consideration and passage.•

COMPENSATION OF MUTUAL BENEFIT LIFE INSURANCE CO. EXECUTIVES

• Mr. LEVIN. Mr. President, an article in Friday's Washington Post reported that the executives of Mutual Benefit Life Insurance Co. of New Jersey voted to pay themselves a severance package valued at over $3 million less than a month before the company was placed under the custodianship of the State of New Jersey.

Mr. President, with all due respect, that stinks to high heaven.

What this means, Mr. President, is that Mutual Benefit customers may not be able to redeem their insurance policies while the company's senior executives walk away with $3 million of their money. There are people who have annuities held by Mutual Benefit which they had planned on having available upon retirement, who now potentially have little, maybe even nothing—we don't know, yet—that they can recover. Many of these, Mr. President, are people who have worked all their lives and felt they were being responsible and prudent in planning for their retirement. They are understandably angry and frightened.

Mr. President, this is another example of highly questionable executive compensation packages. My oversight subcommittee recently took testimony from experts in the field of executive compensation, and, Mr. President, the situation is worrisome to put it mildly. We presently have a situation in which our chief executive officers are making over 100 times that of our workers—100 times. In Japan the figure is about 17 times and in Germany about 23 times. That's a dramatic difference—a telling difference.

And stockholders have no say, under current SEC practice, over the pay of the executives in their own corporations. I have introduced a bill that would at least let the stockholders of publicly traded corporations have some say in how their executive pay is set. It's one way to bring greater rationality to their situation. It won't help the annuitants who may be left high and dry by Mutual Life's high rollers, but it can hopefully make a difference in the future.

I ask that the text of the July 19 article from the Washington Post be printed in the RECORD following my remarks.

The article follows:

INSURANCE EXECUTIVES SET PAYOUT

(By Albert B. Crenshaw)

Top executives of Mutual Benefit Life Insurance Co. voted less than a month before their company was taken over by regulators to give themselves a severance package that could be worth a total of $3 million.

The pay package was left intact by New Jersey insurance regulators because the Mutual Benefit executives refused to agree to a voluntary takeover otherwise, said an official of the New Jersey Department of Insurance.

Panicked policyholders were staging a "run" on the company, and regulators feared that if they were forced into a court fight for control of the company the delays would have worsened the situation, the state official said. "Our feeling was that an adversarial legal battle would have been disastrous

for the policyholders," said the official, Jo Glading.

As state and company officials were negotiating terms for allowing the executives their severance, frightened and angry policyholders were gathered in the lobby of the company's headquarters demanding that Mutual Benefit workers give them their money back. Several told reporters their life savings were tied up in Mutual Benefit annuities.

Policyholders are blocked from cashing in their policies under the terms of the takeover, although state officials insist they will continue to honor benefit claims.

Rep. John Dingell (D-Mich.), chairman of the House Energy and Commerce Committee, which has been critical of state insurance regulation, said the package smacked of the kind of self-serving deals seen in other recent financial collapses and "tends to indicate the need for some effective federal supervision of the issue of [insurance company] solvency."

Under the severance package, Henry Kates, who was Mutual Benefit's chief executive officer until he resigned Tuesday, will get $937,500 in termination benfits plus $150,000 in deferred compensation that was earned previously but not paid, according to the state. Kates will also remain as a consultant.

Six other top officials, including Stephen J. Carlotti, who succeeded Kates as CEO of the Newark-based company, will share about $2 million under the plan.

The company did not respond to a request for comment.

New Jersey officials said the severance package was approved at a meeting of senior executives June 19. The executives told the state regulators that it was merely the formalization of a severance policy affecting all employees—not just top executives—that had been in place for years but not voted on by the company's directors, state officials said.

The policy was formalized in anticipation of layoffs, the company told the state.

Mutual Benefit, the nation's 18th-largest life insurance company with some $13.5 billion in assets, announced July 3 that it would lay off some 430 people in its home office by Aug. 5.

The existence of the severance package was disclosed in court documents in Trenton and originally reported by the New York newspaper Newsday.

Under the company's plan, everyone in the executive offices would receive two weeks' pay for each year of employment up to a maximum of 52 weeks. Employees at the rank of executive vice president or above received an additional 26 weeks' pay.

Mutual Benefit executives wanted the packages left untouched as "a precondition to agreeing to a voluntary state takeover, New Jersey officials said. The state balked, "and there were extensive talks about this," one state official said.

Company officials finally agreed to three conditions: that they remain on the job for the next six to 12 months (Kates is to "remain available" as a consultant); that if any evidence of wrongdoing or violation of state corporation law is found, the benefit is canceled; and that the package be approved by a state judge.

Judge Paul Levy tentatively approved the state takeover agreement Tuesday and has scheduled a hearing on final approval Aug. 5.•

BILL INDEFINITELY POSTPONED—S. 1367

Mr. FORD. Mr. President, I ask unanimous consent that S. 1367 be indefinitely postponed.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1507

Mr. FORD. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed to consideration of Calendar No. 169, S. 1507, the Defense Department authorization bill, as any time after 12:30 p.m., Monday, July 29, notwithstanding the provisions of rule XXII.

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

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, that Senate committees may file reported Legislative and Executive Calendar business on Thursday, August 29, from 11 a.m. to 3 p.m.

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

NATIONAL SENIOR CITIZENS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 181, a joint resolution designating August 18, 1991, as "National Senior Citizens Day" and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 181) designating the third Sunday of August of 1991 as "National Senior Citizens Day".

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

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

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res 181) was ordered to a third reading, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, July 24; that following the prayer, the Journal of Proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:15 a.m., with Senators permitted to speak therein; that during morning business, Senator ADAMS be recognized for up to 15 minutes, Senator JOHNSTON for up to 20 minutes, and Senator MURKOWSKI for up to 10 minutes; further, that the time from 10:15 to 10:45 a.m. be for debate on the motion to proceed to H.R. 1435, the foreign aid authorization bill, with the time equally divided and controlled between Senators PELL and HELMS or their designees; further, that at 10:45 a.m., the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 1435, the foreign aid authorization bill, with the mandatory live quorum being waived.

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

Mr. SIMPSON. Mr. President, I will not object, but I would add my comments along with those of Senator DOLE and Senator MITCHELL and others, that I too will assist in invoking cloture. I think we need to deal with that authorization. We do not seem to do it. We cannot leave it to the appropriators. I think it is very important, even though very contentious, that we begin to proceed with it. I hope that will be the case.

Mr. FORD. I thank my distinguished friend.

I, too, will vote to support cloture. I think it is improtant that we have this piece of legislation on the floor, that we debate the authorization. In the past, this is one piece of legislation that has not been debated; we have left it to the appropriators, and I think the distinguished Senator from Wyoming is exactly correct.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as under the previous order until 9:30 a.m., Wednesday, July 24.

There being no objection, the Senate, at 8:17 p.m., recessed until Wednesday, July 24, 1991, at 9:30 a.m.

EXTENSIONS OF REMARKS

WHAT I'M HEARING ABOUT THE POSTAL SERVICE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. BROOMFIELD. Mr. Speaker, I have gotten an earful from my constituents recently about the U.S. Postal Service. Yesterday I sent a letter to the Postmaster General.

I told him what I was hearing. Among the many complaints: rising postal costs, declining post office hours, and fewer collection boxes.

Those who manage the Postal Service say they are just trying to improve operations. Maybe so, but they are doing it by squeezing their customers.

Right now the Postal Service is a Government-enforced monopoly. It can afford to be callous toward its customers because Congress continues to shield it from those it serves.

I recently introduced legislation which would create a commission to study the Postal Service. Our constituents want better service at more reasonable rates.

I urge my colleagues to join me as cosponsors of this urgently needed legislation.

INTRODUCTION OF THE PUBLIC TELECOMMUNICATIONS ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. MARKEY. Mr. Speaker, today I join with my colleague, the ranking Republican member of the Subcommittee on Telecommunications and Finance, Mr. RINALDO, as well as Messrs. SCHEUER, TAUZIN, WYDEN, RICHARDSON, BRYANT, BOUCHER, COOPER, MANTON, MCMILLEN of Maryland, LEHMAN of California, HARRIS, OXLEY, BILIRAKIS, ECKART and SCHAEFER, in introducing the Public Communications Act of 1991. This legislation authorizes appropriations for the Corporation for Public Broadcasting [CPB] for fiscal years 1994 through 1996 and authorizes the appropriation of funds for the Public Telecommunications Facilities Program for fiscal years 1992 through 1994.

Specifically, the act authorizes CPB appropriations of $310 million for fiscal year 1994, $373 million for fiscal year 1995, and $425 million for fiscal year 1996. These funding levels are necessary to ensure that CPB can continue to assist stations in maintaining high quality service and to provide adequate funds for the production of diverse and innovative programming. Moreover, the funds will enable CPB to harness the resources of the public broadcasting system for educational purposes and to continue the expansion of radio services to presently unserved and underserved audiences.

In addition, the legislation authorizes continued funding of the Public Telecommunications Facilities Program [PTFP], administered by the National Telecommunications and Information Administration [NTIA], at $42 million for each of fiscal years 1992, 1993, and 1994. These funds will enable public television and radio to extend service to areas not already served, and to maintain and upgrade existing facilities. The funds authorized by this legislation are necessary as well if PTFP is to continue its role in the development of public broadcasting facilities owned and operated by minorities and women.

The legislation I am introducing today also would expand the role of PTFP in enhancing the provision of public telecommunications services to underserved audiences, including deaf and hearing-impaired and blind and visually-impaired people. This provision will help to ensure that public telecommunications services are fully accessible to all Americans.

In order to maintain managerial efficiency at CPB, the legislation reduces the number of directors on the Board of CPB from 10 to 9, permits directors to serve until their successors are confirmed, increases the term of the Board members from 5 to 6 years, and staggers the terms of Board members so that three Board seats will turn over every 2 years. These changes will allow CPB to operate more efficiently by keeping a full Board in place and eliminating the potential for tie votes that tend to inhibit the work of the institution.

Through two statements of policy, the legislation emphasizes the potential for public television and radio stations and public telecommunications services to address national concerns and solve local problems by utilizing community outreach programs and services, and it recognizes the importance of the provision of public telecommunications services through all appropriate available distribution technologies.

The legislation also mandates that CPB, after consultation with the system, prepare and submit to Congress an annual report for each of fiscal years 1994, 1995 and 1996 on CPB's activities and expenditures relating to educational programs and services and the expansion of public radio services to unserved and underserved audiences.

Finally, the legislation clarifies the intent of Congress with regard to the Children's Television Act of 1990 to ensure that both commercial and noncommercial broadcasters are required, as a condition of license, to meet the informational and educational needs of children.

Since the passage of the Public Broadcasting Act of 1967 almost 25 years ago, Congress has enacted legislation increasing CPB's authorization from $9.0 million in fiscal year 1969 to $285 million in fiscal year 1993. These funding levels reflect a continued congressional commitment to ensuring sufficient funding for the public broadcasting system in the United States. The bill I am introducing today, and the funding levels contained in it, reaffirm this long-standing commitment.

Today, public television reaches 94 percent of American homes through 342 local community stations across the United States, compared with just 60 percent of homes reached by cable. For many Americans, therefore, public television is their only source of programming in the fields of science, cultural events, and children's television. Similarly, in many communities, public radio—which serves 86 percent of the population—is an unparalleled, if not the sole, source of radio news and public affairs programming. Public radio also provides listeners with access to classical and alternative music and other unique service offerings.

Public broadcasting has a reputation for excellence in educational, cultural and informative programming. Moreover, public broadcasting has been at the forefront of new technologies; it was the first to use a satellite interconnection system to broadcast its programs across the country. Public television and radio also have used technology to provide media access to people that in the past have been denied full and equal access. CPB and public television stations, for example, have funded over 1,600 hours of closed captioned programs for deaf and hearing-impaired individuals.

Similarly, Descriptive Video Service [DVS], developed by the WGBH Educational Foundation, provides narrated descriptions of a program's key visual elements without interfering with the program audio or dialog, making television more accessible to blind and visually impaired people. Public radio programs during which newspapers are read aloud over the airwaves also provide important services for blind and visually-impaired listeners. In addition, simultaneous second language audio broadcasts of public television programs and Spanish language radio programs have provided access to public broadcasting for millions of Spanish speaking people in the United States.

Local public television and radio stations also have been a source of community leadership in a variety of fields ranging from environmental clean-up to remedying social problems such as drug abuse and illiteracy. For instance, since 1993, "Project Literacy U.S.," a joint project of public television and Capital Cities/ABC, has recruited volunteer tutors and created 450 local literacy task forces. Locally, public television programs are the focus of community campaigns designed to meet hometown and regional needs; in Dallas, to encourage racial harmony; in Albuquerque, to raise concern about domestic violence; in North Carolina, to spotlight the crisis in childcare. Public radio also has sponsored a

variety of locally based, community outreach programs, for instance, inspiring communities to participate in charity drives and educating the public about issues of public safety. Programs like these, targeted to solve community problems and coordinated with off-air activities, are the model for local programming at many public broadcasting stations.

Increasing educational opportunities through television has been one of public television's greatest successes. Today, the range of programming and educational services is astounding. For example, high-tech interactive videodiscs based on the PBS series "Nova" have transformed how children learn science in the classroom. The Satellite Educational Resources Consortium [SERC] allows high school students in 23 States to take advanced courses in math, science and foreign languages from teachers thousands of miles away. Learning programs offered on public television and available in people's homes have enabled thousands of adults to pass the high school equivalency GED exam, and thousands more to complete college through televised courses. At the preschool level, public television is helping children in the crucial first 5 years of life gain important skills and a love of knowledge that will prepare them to enter school ready to learn. Public television also has developed instructional materials for childcare provider, child development workers and Head Start program employees, teaching them to serve children's educational needs.

In public radio, educational activities encompass a wide range of activities: programs on children's books encourage students to read along; a music education series with accompanying workbooks enables students to continue learning in school districts that have cut music from the curriculum due to budget restraints; newsroom experiences for children range from one-time field trips to the station to weekly radio programs written and produced by children.

In sum, public broadcasting has a long history of serving both local communities and the Nation as a whole. It has established an outstanding reputation for quality and innovation in programming and technological development that have served the needs of all segments of American society. Public broadcasters have been at the forefront of many technological innovations and continue to pioneer the use of high technology, such as HDTV in television and DAB in radio, as we enter the second decade of the information revolution. The Public Telecommunications Act of 1991 is essential if public broadcasting is to continue to play this critical role. I urge my colleagues to support this legislation.

KELLY CHRISTOPHER WARD

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. ARCHER. Mr. Speaker, today I would like to recognize Kelly Christopher Ward, of Houston, TX. Kelly is the Texas winner of the Veterans of Foreign Wars' annual Voice of Democracy Scriptwriting Contest. His script is a tribute to the ideals of freedom and democracy, and I am pleased to submit his script to be inserted in the CONGRESSIONAL RECORD:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Kelly C. Ward)

Today was the big day. The world was going to decide which political system it was going to adopt to launch mankind into the future. Tensions were high, but Uncle Sam remained cool and collected. He was going to represent democracy in this most unusual trial by his world peers. The judge pounded his gavel and asked for everyone to be seated. The court quieted and the judge motioned for Uncle Sam to take the stand: "You may now make any opening comments you'd like to, Uncle Sam . . ." the judge asked. "Thank you, your honor," Sam said. "Today, I represent democracy as the key to the voice of freedom. I'm reminded of a quote from my earlier days that stated 'Creating all men free and equal isn't enough. Some means must be devised to keep them free and equal.' I think democracy has done a good job of this and I hope to establish once and for all to this world court why democracy truly is the vanguard of freedom! I am now open for any questions this court may have."

A longstanding opponent to democracy slowly rose to his feet and calmly approached the Prosecutor's podium. After organizing his notes, he challengingly asked his first question. "What is it, Uncle Sam, about democracy that ensures we have freedom?"

"Well Mr. President," Sam answered, "the most precious thing democracy gives the people is the ability to choose, to have options. The more choices allowed, the more freedom the individual has in fulfilling basic human desires."

"And what, Uncle Sam, are those desires?" the Prosecutor queried. After a few hesitant moments Sam replied, "Human nature is very protective of itself. In order to preserve the future of mankind there is a strong emphasis on 'self'. Emotional, physical and mental stability, self-preservation, being a member of society, a high sense of self esteem—all of these are very important to the individual. But also inherent within man is a sense of 'kindness' and a desire to help his fellow man. These are the attributes coveted by the individual."

"Hmmmm," the Prosecutor mused, "well then if these desires are inherent within every man, then why don't other political systems such as socialism, fascism, monarchism—why don't these systems represent the vanguard of freedom?" "Because," Sam fiercely replied, "these systems fulfill the desires of only a limited portion of society—namely the elite. These elite only account for, say, one percent of society. The other 99 percent of the population are either deprived of choices or their rights are severely limited. I am reminded of a quote that stated 'Human nature is harder to change than a 1,000 dollar bill.' You see, human nature doesn't belong to just the elite, the one percent. It belongs to all of mankind, including the other 99 percent of society. Therefore, these other political systems don't have the capacity to fulfill the basic desires of all men like democracy can." The Prosecutor began to show signs of frustration, but toiled on. "So then, why aren't the political elite vanguards of freedom and furthermore, why does democracy fill this need?"

"Because the elite only represent one point of view—the elitist one. Democracy has this funny habit of allowing everyone that wishes to speak their mind to have the opportunity to do so. Democracy is like an orchestra, all of us contribute our own tune. Our instruments we play are our rights that we use to convey that point of view. Other political systems have a habit of only letting the drums play, or the woodwinds, or the strings. Democracy lets everyone play, even those that play out of tune because even they add to the richness and uniqueness of the tune called 'freedom'. In this way, democracy protects our freedom to 'play our own tune'—to 'march to the beat of our own drum.'"

The court fell silent. The Prosecutor was stunned. The judge smiled, he knew that this world court had reached a decision concerning which political path it was going to take. Uncle Sam remained unmoved. He had done a good job representing democracy. The judge tallied the votes from all the countries of the world and prepared his verdict . . . He addressed the court curtly, "Today, Uncle Sam has shed some light on why democracy truly is the vanguard of freedom. It is by the decision of this court that democracy will be our choice of government. The plan for democratization of the world will begin with the felling of the Berlin wall, then we'll move to the U.S.S.R., Eastern Europe will follow in suite, as will China, next will be . . ." And thus the list went on, and the world moved one step closer to harmony. Uncle Sam smiled to himself and quietly remembered a statement that had been broadcast from the far reaches of the moon earlier in his life. "That's one small step for man, one giant leap for mankind." The world's decision for democracy that day was definitely a huge leap for mankind, the one that would propel him into the future and protect his precious freedoms. Uncle Sam looked with pride upon the new world and was satisfied to be closer to democracy.

HOUSE PAYS TRIBUTE TO FRED W. DROMS, RESPECTED UPSTATE NEW YORK SUPERVISOR AND ASSEMBLYMAN

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SOLOMON. Mr. Speaker, a long-time friend of mine has passed away, a man after whom I patterned my own career as a public servant.

Fred W. Droms of Clifton Park, NY, served as town supervisor, chairman of the county board of supervisors, and as a State assemblyman. His passing is a loss to an entire community to which he devoted his entire life.

I could read from the account of a local newspaper to give you an idea of the enormous respect in which Mr. Droms was held by his peers, of which I was proud to be one.

A "man of integrity," one colleague called him. "A very honest man and very straightforward," said another. And "a pillar of the community" said yet another.

He was in public life at a time when Clifton Park was transformed from a rural community into the Albany area's fastest growing suburb. Mr. Droms played a vital role in that growth, yet he was always a friend of the farmers.

The elected positions he held tell only part of the story. He was active in fraternal, farming, and sporting organizations. I measure a

man by how much he gives to his community. By that yardstick, Fred Droms was a giant.

The greatest loss is being suffered by his wife, Judith, and the rest of the family. I, too, will miss him greatly, and I know that I speak for everyone who has had the pleasure of working with him or knowing him.

Mr. Speaker, I ask Members to please rise in tribute to Fred W. Droms, a model public servant, a great American, and a valued friend.

WORKPLACE FAIRNESS ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. KLECZKA. Mr. Speaker, on July 17, the House considered H.R. 5, the Workplace Fairness Act. Clearly, this is the most important labor-management relations legislation to come before Congress in years. I truly regret that I was unable to be in attendance for the debate, but due to a hospitalization on that date, I could not vote on this measure.

However, there has been a lot of debate over the past few months about what this bill will do. In short, H.R. 5 protects the individual's right to participate in a bona fide labor dispute without losing his job for doing so.

As far as a striking employee is concerned, when he is permanently replaced, he is fired. In effect, employers are saying to their employees, "If you participate in a labor dispute, you will be fired." This violates our most basic labor freedoms contained in the National Labor Relations Act. Any way you slice it, this is an unfair labor practice.

Opponents of this legislation have said that more strikes will occur if the bill is approved. They say the American workplace will become a breeding ground for strikes designed to put employers out of business. This view defies logic. No worker seeks to eliminate his own job. That is not why he goes on strike. A strike is a last resort. It is an act of frustration with a process that is not working. But it becomes a necessary action which service as a catalyst to put the collective bargaining process back on track.

Much has been said about the balance of negotiating power between labor and management and how this bill would affect that balance. The facts show employers are using permanent replacements more and more, and they threaten to use them when a dispute arises. Is that a balance? Definitely not. The balance is already tipped in favor of employers. The U.S. General Accounting Office [GAO] recently found that in 35 percent of all strikes employers explicity threatened to replace striking workers. Other observers have noted that this amounts to bargaining with a gun to your head, and I agree. We need H.R. 5 because it restores a balance between labor and management.

Mr. Speaker, the issues associated with labor disputes are more important than ever in these difficult fiscal times. Widespread problems, such as skyrocketing health care costs, have a direct impact on the American worker. This worker has a right to act to protect his health benefits and a right to act to protect his retirement benefits. These are core issues in modern labor disputes, and employers seeking to undermine worker rights by replacing workers who take a stand are acting unfairly.

The American worker needs to know that if he takes a stand to ensure better conditions for himself, his coworkers, and his firm, the law of the land will provide a level playing field for him to go to the bargaining table with his employer.

We in Congress should support the Workplace Fairness Act because we cannot afford to shortchange the basic rights of American workers. Let us do our job so they can keep their job.

SCALES OF JUSTICE MUST BE BALANCED

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. WOLPE. Mr. Speaker, for many reasons, Mr. Bush's nomination of Clarence Thomas to the Supreme Court is troubling. I commend to my colleagues a recent Battle Creek Enquirer editorial which spells out some persuasive arguments why the Senate should reject Mr. Thomas's nomination.

SCALES OF JUSTICE MUST BE BALANCED

President Bush may have claimed that Clarence Thomas was "the best person for the job" on the U.S. Supreme Court, but millions have seen it for the rhetoric it was.

Rather than proclaim Thomas as the best, it would have been more honest to acknowledge Thomas as the most expedient, politically shrewd choice.

Shrewd? Of course. Those who object to Thomas run the risk of appearing racially biased—because, wonder of wonders, Thomas is black, seemingly perfect for stepping into Thurgood Marshall's distinguished shoes.

But if they were members of the Senate panel weighing whether to approve Thomas for the court, most black voters probably would reject him as "the best person for the job." And so would we.

The nomination was a triumph for one side of the ideological fence. The current issue of the National Right to Life News heralds Thomas' nomination on its front page—and grows quickly ambiguous about the nominee's likely stand on abortion as if any doubt existed.

There's fear on the other side—fear that the nation ultimately will be torn as it was in the 1800s by the issue of slavery. The catalyst this time will be the issue of abortion.

There's little doubt that the addition of another conservative to the court is likely to tip the balance of future decisions toward an eventual overturn of the 1973 *Roe* v. *Wade* decision, which legalized abortion nationwide.

Therein lies the hub of the controversy. A little further out toward the rim, however, is a broader concern over the court's increasing extremism under Chief Justice William H. Rehnquist.

We don't equate conservatism with extremism. Earl Warren led the court in the 1960s into liberalism just as dangerously out of balance.

Whatever the direction, an extremist Supreme Court is bad news. The excesses of Warren's court were just as divisive for the nation as we might expect from Rehnquist's increasingly conservative panel.

We also have reservations about Thomas' qualifications. The Senate should weigh his nomination just as carefully as it considered, in 1987, that of Robert Bork, a far more capable jurist who nevertheless was rejected for his ultra-conservative views.

But qualifications aren't our major concern. Many seemingly unqualified judges have gone on to distinguished careers on the high bench. Our primary concern is balance—in American law, and in its impact on American society.

A minority view is needed on the Supreme Court, but that view should be more moderate. Rather than hand Thomas the job, Bush should be given the chance to choose more wisely.

REHOBOTH WELSH CHURCH CELEBRATES 100TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mrs. BENTLEY. Mr. Speaker, the year 1991 marks the 100th anniversary of the construction of the Rehoboth Welsh Church of Delta, PA—Cardiff, MD.

Situated on opposite sides of the Mason-Dixon line, the tiny communities of Delta, PA, and Cardiff, MD, have been a refuge and home for immigrants from Wales since the late 1700's who found the quarrying operations similar to those in their native land in Northwest Wales. These communities sprang to life with the discovery of abundant high quality slate and became known for their world renowned product.

In 1850, the slate was voted "Best in the World" at the London Crystal Palace Exhibition. The mining of peach bottom slate was the life blood and mainstay of the area. Delta, PA, often was described as a "one industry town." Settlers to the area built homes similar to the slate quarrymen's cottages in Wales, using the local slate for roofs and window sills. The use of slate and Welsh architecture continues to be prevalent in the town. Many of the town's buildings still retain their slate roofs and slate sidewalks.

Despite an inexhaustible supply of slate, the industry eventually died out. However, a source of inspiration to the communities of Delta and Cardiff has been the Rehoboth Welsh Church. For a century, the church has attended to the needs of its congregation with the warmth and caring that only the church can provide.

The Rehoboth Church still remains a living part of what some have called "one town in two States." The era of peach bottom blue slate indeed has passed, yet the rich Welsh-American tradition continues to thrive at the church. The Welsh Rehoboth Church and its surrounding communities personify an America of long ago. The sense of unity and responsibility among the community and parishioners never has been lost. The enticements and progress of a modern day world have not changed the unique qualities and warmth of this quiet community.

Our Nation owes much to the church and to those of Welsh ancestry. Thomas Jefferson,

for example, was of Welsh ancestry and the church has indeed been a source of inspiration and guidance since the founding of this great land.

Mr. Speaker, my fellow collegues, it is with great respect and admiration that I commend the Rehoboth Welsh Church on the celebration of its 100th anniversary. May God bless the church and its parishioners with continued health and prosperity in the years ahead.

ANTITRUST LAWS SHOULD NOT APPLY TO STUDENT AID

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. EDWARDS of California. Mr. Speaker, the Justice Department under Presidents Reagan and Bush has for the most part been apathetic in its enforcement of our antitrust laws. For example, the Department has not brought a single case against price fixing in over a decade.

Given the Department's inaction on this issue, I was surprised and disappointed to learn that the Justice Department has charged the Ivy League universities with price fixing because they exchange information concerning financial aid. The Department argues that this restrains competition for students among the universities. However, the reality is that this practice helps these institutions to make certain that financial aid is awarded solely on the basis of need.

In a July 22 editorial in the New York Times, Paul E. Gray, chairman and former president of the Massachusetts Institute of Technology, persuasively argues that financial aid should not be used to promote a bidding war for students by our Nation's colleges. I commend this article to the attention of my colleagues:

MEASURE NEED, NOT MONEY

(By Paul E. Gray)

CAMBRIDGE, MA—Traditionally, many of America's private colleges and universities have admitted students based on intellectual merit regardless of their financial situation. Financial aid, on the other hand, has been awarded solely on the basis of need. Now these fundamental principles are under attack.

On May 22, 1991, Attorney General Dick Thornburgh charged the Ivy League schools and the Massachusetts Institute of Technology with violating the Sherman Antitrust Act. According to the Attorney General, the exchange of information among schools about financial aid decisions constitute a conspiracy to restrain price competition.

Mr. Thornburgh has in effect condemned the practice of awarding aid solely on the basis of need and asserted that it is in the public interest for colleges to compete for students with unrestrained financial aid offers.

In response to the complaint, the eight Ivy League schools consented to a decree that forbids them to cooperate to award aid solely on the basis of need or to confer about policies determining the level of family contributions. M.I.T., which did not sign, was sued by the Government. The Institute filed a response in Federal court in Philadelphia on July 8.

Antitrust laws are not intended to apply to college financial aid cases. The issue is not price fixing. There is no personal gain or profit motive involved here. In fact, it is quite the reverse: the issue concerns the fair distribution of subsidies—generated largely from private, charitable donations—to help defray the cost of education for talented students whose families cannot afford it.

The Attorney General's accusations flout the 1986 law, mandated by Congress, that requires schools to give Federal aid only to those who have demonstrated need. The charges reveal a basic misunderstanding of how and why need-based financial aid is practiced. Here is how it works:

Every year, colleges appraise the financial circumstances of each financial-aid applicant using information provided by the student's family about income, assets and financial commitments. The colleges then make an estimate of the amount the family can contribute. The student's need for aid is simply the difference between the college costs and the family conribution. The difference is made up with jobs, loans and scholarships provided by the college.

In 1990, M.I.T. provided financial aid to 60 percent of its students. The cost of tuition, room, board, books, incidentals and travel was about $23,000. The average family contribution was $7,500. The Institute made up the difference with an average aid package of $10,200 in scholarships and $5,300 in loans or term-time jobs.

Many other private institutions have similar aid practices. Consequently, applicants to more than one of these schools can expect similar parental contributions and levels of need-based aid. Indeed, to ensure consistency, financial aid officers from many private universities, including M.I.T., have in the past met to discuss their methods and to compare awards. Their openly declared aim has been to see that students receive the aid they need, allowing them to select a school that offers the most suitable education, not the most money.

If the antitrust action prevails, what will the consequences be? Given that funds are limited, once colleges and universities are forbidden to agree on aid, some will choose to compete for students by offering them sums beyond their needs, thus reducing the amount available to other students. Admissions practices may change to give preference to students whose families can pay for college rather than those with the highest academic ability.

Since the Justice Department began its investigation three years ago, M.I.T. and some 60 other private colleges have spent more than $10 million in legal fees to respond to these inquiries. These funds could have been used for scholarships.

If successful, the Government's antitrust action will result in financial competition for individual students that will, over time, drive up college costs. It will erode the principle of intellectual merit as the primary factor in admissions decisions and deny many the full measure of assistance they require to attend college. In the end, the course suggested by the Attorney General will stifle, not aid, the American dream of access to higher education.

A TRIBUTE TO KATE DRUMMOND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. KILDEE. Mr. Speaker, there are some people you meet during your lifetime whose impact far exceeds the amount of time you were able to spend with them. Kathleen (Kate) Drummond was such a person. Her tragic loss is felt not only by her friends and family, but by all who came in contact with her.

Kate testified before my subcommittee in February on the importance of workplace literacy programs. Her testimony was excellently researched and presented, but more importantly she was able to convey the deep sense of commitment that she obviously had for her work and those around her. Additionally, Kate provided invaluable assistance to me and the subcommittee staff in preparing for the hearing.

Kathleen Drummond was born and raised in Flint, MI, the oldest of James and Delores Beattie's nine children. She attended St. Luke's Elementary School and St. Michael's High school, graduating with honors in 1963. While at St. Mike's she was a cheerleader, class officer, all parochial council officer, homecoming queen and winner of the DAR Award for Outstanding Citizenship. During most of her high school years and her first 2 years of college she worked at Pasadena Jewelers, proving to be an outstanding employee from the start.

She enrolled in Flint Junior College in the fall of 1963, graduating 2 years later. She then transferred to Michigan State University intending to become a special education teacher. In 1966 she left MSU to marry Gary Lee of Grand Blanc. Eventually they moved to Houghton County where Gary opened a barber shop. They had three daughters. The marriage ended in divorce in 1972. She moved back to Flint with her three small daughters. She had no money or job or property. She did, however, have a tremendous determination to create a good life for the girls and herself.

In 1973 she began working on the line at Chevrolet Manufacturing—now AC West. The quality of her work and her commitment to doing the best possible job were apparent. Management soon asked her to serve as a temporary foreman. Chevrolet sent her and several other employees through a management training program at Mott Community College in 1974. There she met James Drummond, an English instructor, also divorced, who was raising two small boys by himself.

In 1975 Kate transferred to AC Spark Plug where she was a supervisor in a department that made instrument panels. Later that year Kate and Jim were married. At the time of the wedding, their five children were 4, 5, 6, 7, and 8 years old.

Her career at AC went through several stages. She left instrument panels to be a supervisor in Plant Seven where air cleaners were manufactured. She volunteered to work third shift on this job because the alternative, second shift, would have kept her from spending time with her family each day. She was then made a suggestions coordinator, where

she did an outstanding job of researching and evaluating suggestions. Her next position was apprenticeship coordinator, working with a UAW counterpart, Bernie Smith.

Later, Kate was promoted and transferred to the UAW-GM Human Resource Center where she continued to work cooperatively with UAW colleagues, such as Ed Foy and Miles Owens, on developing training programs and assisting laid off GM employees. Her work with the apprenticeship program and with UAW–GM human resources meant that she worked closely with Mott Community College. She was connected with the college in a variety of ways throughout her adult life. Her last position with AC Rochester was in personnel management in the ignition and filtration business unit. In every job she excelled. She brought to her work a genuine enthusiasm and a commitment to do the best possible job.

At the same time that she was raising five children, she was also deeply involved in church and volunteer work. She was a Sunday school teacher and youth leader. She organized and supervised the Christmas "Boar's Head" Dinner for several years. Kate served on the church board and as a leader at church camp. She worked successfully with people of all ages and backgrounds.

For years she was in charge of child care for the Mother's and Other's 10 kilometer race for the benefit of WFBE, Flint's public radio station. She volunteered for the Amercian Cancer Society and the Salem Housing project. For 2 years she was in charge of the United Way campaign at AC. In another connection with MCC, she joined her husband in working with Goals Unlimited, the senior citizen group at the college. Probably her most important vounteer work was with Hospice for Communities where she helped terminally ill people so that those people could die at home with dignity and without pain. She had been visiting a hospice patient the night of her death.

Kate was always very involved in her children's lives at school as well at home. The children particpated in athletics, music, drama, clubs and organizations, and Kate was always there. At the same time, she attended the University of Michigan—Flint, graduating with honors in 1984. The Flint Journal published a profile of Kate and her academic achievements, referring to her in the headline as "Supermom."

Beyond any list of activities, and more far more important, was Kate's sincere and profound love for others—her husband, her children, her friends, her coworkers. She had a sixth sense about other people. She understood them and could detect their feelings and moods without them having to tell her. She always seemed to know what to say and what to do. Her life touched many, many people. She was articulate and intelligent, and absolutely ethical in everything she ever said or did. She could organize events and activities without ever sounding or behaving like a boss.

Kate was a beautiful woman, and everyone was struck with how attractive she was. Her beauty, though, was certainly her least important trait. She was never too busy to help someone out. She carried her zeal into every aspect of her life and to everyone who knew her. She was strong willed but never stubborn, confident but never arrogant, helpful without being condescending or intrusive, kind and gentle at the same time that she was a leader. She packed more life into 45 years and touched the lives of more people than most could in 90.

A scholarship in Kate's memory has been established to assist low-income mothers 30 years of age and older in attending Mott Community College. The Kathleen M. Drummond Memorial Scholarship will ensure that Kate's deep concern and interest in the lives of others will continue to enrich our community.

A FAMILY'S PLEA FOR HELP

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. HUBBARD. Mr. Speaker, today I would like to draw the attention of my colleagues to an excellent letter which I received from Sandi Jacoby of Los Angeles, CA.

Sandi's father, Seymour Jacoby, a resident of Palm Springs, CA, suffers from Parkinson's disease. In her letter, Sandi details how this disease has affected not only her father, but her entire family as well.

She wrote this letter to urge me to support the National Institutes of Health Revitalization Amendments of 1991, H.R. 2507, which the full House is scheduled to consider on Thursday of this week.

Therefore, I would urge my colleagues to read this very touching letter, and consider this family's situation as you deliberate on this very important piece of legislation.

The letter is as follows:

LOS ANGELES, CA,
July 12, 1991.

Re Parkinson's disease—bill H.R. 2507, Title I.

Hon. CARROLL HUBBARD, Jr.
Member, U.S. House of Representatives, House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: I am writing you regarding the above-stated bill with great hope that you will support it when it does go to the Full House of Representatives later this month.

My father became afflicted with Parkinson's disease about two years ago. In turn, our entire family became afflicted emotionally by the disease and his emotional and physical traumas. It turned all our lives upside down. Our only way to helping him, besides supporting him emotionally, is by supporting this bill, so that it will pass and give medical science a monumental chance to save lives!

All of my father's life, he has always been an extremely well man physically and an extraordinarily sharp minded businessman. When he was informed by his doctor that he had Parkinson's disease, it shattered him. The shaking in his left hand (of which he is lefthanded), was so terribly embarrassing for him, he became reclusive and my parents marriage in turn suffered from his frustration with the disease, leading my parents to live separately thereafter. My father didn't want to socialize or lead any type of life that entailed him being with people for the fear of them noticing the tremor in his hand. It didn't matter whether these people were close friends of my parents, acquaintances or strangers. It made him extremely uncomfortable, wherein he would choose to shelter himself from the world as much as possible. As another result of this disease, there is more rigidity in his walk and movements, which is part of the deterioration process of this disease. He has experimented with a couple of different types of medications to help lessen the tremor. The latest medication that he has just recently begun taking appears to be helping, but you just never know for how long, or, how great the side effects will be. One of the side effects of this particular medication is memory loss. When my father was made aware of this side effect by his doctor, he made a very important and courageous choice for himself. He chose risking memory loss over the other impairments that this disease causes. Why should he have to make this kind of sacrifice, when there's a possibility that fetal tissue transplant may help him.

You may not be aware that each drug that a person takes for this disease eventually begins to lose its efficacy and creates side effects as bad as the disease itself. This can happen anywhere from a few months of discovering the illness or for most others, within ten years. Parkinson's begins to rob the ability to walk, talk, write, even eat and move.

My family and I don't want to watch our father and husband slowly deteriorate. We want to support the research needed to make a medical breakthrough happen, hopefully in his lifetime when he can benefit, but if not, for all the others that suffer and will suffer with Parkinson's Disease.

This bill keeps being linked to the anti-abortion issue. It is not an anti-abortion issue. It's totally separate. The Bush Administration's own blue ribbon panels have endorsed the research and the ethical guidelines that protect the abortion decision from influence. Women are not going to be lured into having abortions by the benefit to medical science, especially because there would be the ethical guidelines. And, fetal tissue transplant may not only help Parkinson's afflicted people, but those with diabetes, spinal cord injury, alzheimer's disease and certain blood disorders.

Why should lucid, active and once happy human beings, now struck with their illness, have their dreams and hopes of a cure being found for the disease abandoned because of the misinterpretation of this bill? Because a woman chooses to have an abortion, independent of this issue, why shouldn't other lives benefit by being enhanced or saved? Don't we all hope and pray for medical science breakthroughs, not only for ourselves, but for our loved ones, our friends and others throughout the world.

If I have made the smallest impression on you today regarding your support of this bill passing, then I have made a breakthrough towards the world's future.

Thank you for taking the time to read my letter, and, I hope with all of my heart that you will be supporting the Bill HR2507, Title I, as we do. It will save lives!

Sincerely,

SANDI JACOBY.

DENNY CORSALE IS LONGEST-SERVING TRAIN CONDUCTOR IN THE UNITED STATES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SOLOMON. Mr. Speaker, there are few Members of Congress—indeed, few Americans—who do not have many fond memories of railroad trains, either traveling on them or just watching them roll through town.

But I can take that one step further. I can boast of knowing the No. 1 train conductor in the United States.

His name is Denny Corsale, and in the mind of those who know him, only Casey Jones can be more closely identified with the railroad. He's more than a railroad conductor. He's an institution.

He's from my hometown of Glens Falls, NY, but now lives in Saratoga Springs. He's pushing 70 years of age, but you would not know it. When you love your work, you stay young for a long time—and Denny Corsale loves his work.

Mr. Corsale started with Delaware & Hudson Railway in 1941 and joined Amtrak in 1986. That makes him, despite 3 years of Coast Guard service in World War II, the longest tenured conductor in the entire country.

You can not keep doing the same thing for 50 years without being of value to your employers. In the case of Mr. Corsale, his experience, knowledge, and conscientious performance make him the kind of employee his supervisors love to present to the public.

My own father-in-law was cut from the same cloth, working for Pennsylvania Railroad for 50 years himself. And, like others, I have spent more happy hours than I can count traveling on trains. There is no better way to discover America. People like Denny Corsale make it all possible.

Mr. Speaker, a few days ago, Mr. Corsale stepped off the train to find coworkers and company officials waiting for him to celebrate his 50 years of rail service.

Let us pay our own tribute today to Denny Corsale, a railroad institution, and a great American.

THE AMERICAN JEWISH CONGRESS: LEADERSHIP ON THE PEACE PROCESS IN THE MIDDLE EAST

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. WOLPE. Mr. Speaker, Henry Siegman, the executive director of the American Jewish Congress, recently wrote a letter, published in the New York Times, that effectively addresses the real issues in the efforts to bring about a genuine peace between Israel and her Arab neighbors.

The administration is making a grave mistake in placing primary blame on Israel, and its policy regarding settlements in the occupied territories, for the lack of progress in the diplomatic efforts underway following the war with Iraq.

The real issue is, and always has been, whether the Arab nations aligned with us against Iraq would put aside their state of war against Israel, end the boycott of Israel and recognize Israel's right to exist.

The lack of an affirmative answer to that question is the obstacle preventing a breakthrough in the Middle East.

That is the issue to which the administration's diplomacy should be primarily and overwhelmingly directed.

As I stated in floor debate on the foreign assistance authorization bill, H.R. 2508:

In all honesty it is disappointing that the Administration has not expressed the same degree of concern on the threshold question that the Arab countries must face, and face immediately: whether they are willing to recognize the right of Israel to exist. I do not have any doubt that, should the leaders of Saudi Arabia, Syria and Jordan join Egypt in declaring their recognition of Israel, all the other issues that divide them from Israel could be bridged.

I oppose Israel's settlements policy in the occupied territories. They are in impediment to the peace process. And the United States should continue to urge the Shamir government to reassess its policy of settling the occupied territories.

But the greater and more compelling burden on whether peace can be achieved rests with Israel's Arab neighbors.

Henry Siegman has forcefully articulated the full dimensions of this overriding issue. I commend his letter to my colleagues:

[From the New York Times, June 20, 1991]

ISRAEL AND ARAB NEIGHBORS MUST BEND A LITTLE

TO THE EDITOR: Secretary of State James A. Baker 3d's statement to the House Foreign Affairs Committee (news article, May 23) that he does not believe "there is any bigger obstacle to peace than the settlement activity," referring to Israeli settlements in the territories, was most unfortunate. Far from focusing attention on the real problems, he seemed to single out Israel as a party most responsible for obstructing peace.

Considering that nearly half a century after the establishment of Israel, its Arab neighbors (with the exception of Egypt) have yet to recognize Israel's right to exist—with or without the territories—such an accusation is a gross distortion.

This is not to say that the continued proliferation of settlements is not damaging to the peace process. Ariel Sharon, the Israeli Housing Minister, has made it clear that the purpose of settlements is to preclude the possibility of territorial compromise. There is a critical point, which the Israeli Government's policy is fast approaching, beyond which there will be nothing to negotiate about.

No Arab country is likely to engage Israel in negotiations that do not offer a possibility of territorial compromise, even if the creation of a Palestinian state is precluded.

That may not trouble right-wing members of the Israeli coalition Government, who believe—for religious and nationalistic reasons—that territories are more important than peace. But for those who believe that peace is critical for Israel's economy, security and capacity to absorb Soviet and Ethiopian immigrants, to destroy the possibility of peaceful relations is nothing short of a calamity.

But Arab failure to recognize Israel's legitimacy is a prior obstacle to peace. It is time for the United States to tell Saudi Arabia, Syria and the Palestinians that their delay in coming to terms with Israel's legitimacy and permanence in the region is not cost-free, and that if they continue, the United States will do nothing to prevent further Israeli settlements.

But if the United States is to take this position with Arab governments, it must also insist that Israel's Government put on hold further settlement activity.

BENEVOLENT AND PROTECTIVE ORDER OF ELKS, EDGEWOOD LODGE NO. 2354 CELEBRATES 25TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mrs. BENTLEY. Mr. Speaker, on July 27, 1991 I will have the pleasure of attending the 25th anniversary gala celebration of the Benevolent and Protective Order of Elks, Edgewood Lodge No. 2354.

I look forward to this event, for among the various community and civic organizations, I hold the Elks very close to my heart. The Elks' work in awarding scholarships to deserving students is unrivaled by any other service organization, and second only to the U.S. Government. In fact, in 1941, I was the recipient of a national scholarship from the Elks as the Elks' national outstanding female student, which I used to attend the University of Missouri School of Journalism. I can thank the Elks for giving me the help I needed to attend Missouri and start a succcessful career in journalism and subsequently, in public service.

Our Nation is indeed blessed with the work of organizations such as the Elks which possess a strong civic-minded commitment to their fellow man and community. It is clearly evident that the Elks have a great interest in the welfare of our great Nation. By providing college scholarships, the Elks have invested in both the future of our youth and the future of our Nation. For this I am truly grateful.

As in my case, the Elks gave me the opportunity to pursue higher education, to which I can attribute much of my current position. We only can imagine the countless success stories that began, or will begin, thanks to an Elks scholarship.

However, the Elks investment in the future of this country goes beyond offering scholarships. In addition, the Elks actively support and promote patriotism, charity, justice, brotherly love, and fidelity. All are important qualities that often become obscured in a modern, fast paced world. Thanks to their hard work and dedication, the Elks have had a profound affect upon every community in which they work. To volunteer one's time and energy to such a worthwhile endeavor is truly commendable.

Mr. Speaker, my fellow colleagues, it is with great respect and admiration that I congratulate Elks Edgewood Lodge No. 2354 upon its 25th anniversary. I extend my personal thanks

and gratitude for the work of Elks Lodge 2354 and the numerous other lodges throughout the country. The Elks personify the American ideal of charity, good will, and patriotism. May Elks Lodge 2354 and all others continue to prosper in the years to come.

RESOLUTION RECOGNIZING AN ARTISTIC DISCOVERY, THE CONGRESSIONAL HIGH SCHOOL ART COMPETITION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. WEISS. Mr. Speaker, it is my privilege today to introduce, along with 130 of my colleagues, a resolution recognizing a truly unique activity of Congress on behalf of the arts—"An Artistic Discovery," the congressional art competition for high school students.

For what has now been 10 years, Members of Congress have held local art competitions for high school students in their districts and have brought these winning works back to Washington to be displayed in the Cannon corridor leading to the Capitol. This year, nearly 250 Members participated. Since the competition's start in 1982, more than 375,000 high schools students have participated in over 2,500 local art competitions.

While the competition, helps to ensure that Members, staff, and thousands of visitors will enjoy viewing the extraordinary works created each year by young artists, congressional support for this activity has meant a great deal more. By sponsoring these local art competitions, Congress as an institution has shown its support for the arts throughout the Nation and has fostered a greater understanding of education in the arts. Individual Members have learned a great deal about arts activities within their districts—especially for young people—and have joined with local educators, businesses, school administrators, local artists and families in executing successful competitions.

But most importantly, through "An Artistic Discovery," Congress has played a direct role in fostering the vitality of our national cultural heritage and in nurturing a new generation of artists. The opportunity for young artists to publicly display their work—particularly within the U.S. Capitol—can help to give the support and recognition needed for futher development of their talents.

While the students gain much from participating in "An Artistic Discovery," I cannot help but feel that we who view the works gain the most. We gain an insight into the hearts and minds of high school students in every corner of the country. But, moreover, we learn more about our own culture and about our own humanity by experiencing the vision, passion and emotion expressed by these young artists.

I am proud to introduce this resolution recognizing such admirable congressional activity and ask permission for the text of the resolution to be inserted in the RECORD:

H. RES. —

Whereas the arts embody the soul of our national heritage and successfully blend the vast array of our Nation's diverse cultures and experiences into a living representation of our national identity;

Whereas since 1982 the Congressional High School Art Competition has successfully displayed the art work of talented high school students in the Capitol corridor, symbolizing our Nation's youthful artistic energy and passion;

Whereas this annual event focuses the House of Representative's attention on the great reservoir of artistically-talented young people throughout the United States, and brings together Members of Congress and their younger constituents to share a deeper appreciation of the importance of artistic expression;

Whereas this event captures the imagination and creativity of young Americans and provides Members of Congress and the public the opportunity to witness the contemporary concerns of these young artists;

Whereas this event symbolizes the combined efforts of art educators, Congressional offices, local business, and most importantly students and their families, in running a successful art contest;

Whereas this competition demonstrates the importance of the arts in family life by encouraging students and their families to work together, and enabling family members to participate in the opening ceremonies in Washington, D.C.;

Whereas since 1982 more than 375,000 high school students have participated in over 2,500 locally-run art competitions, and for many students this is their 1st opportunity to publicly exhibit their work;

Whereas businesses work with Congressional staff to enhance and promote the success of local competitions, and in many cases such businesses help to bring the winning students with their parents to the Washington D.C. unveiling;

Whereas the winning art entries create a colorful panorama in the Capitol corridor for Members of Congress, staff and thousands of visitors, illustrating our Nation's diversity in a building which is symbolic of our unity;

Whereas the support which students gain through Congressional recognition and final approval by the Architect of the Capitol and renowned curators may encourage them to develop their talents and to pursue further arts-related endeavors; and

Whereas the Congressional Arts Caucus highlights the many positive and educational aspects of the arts through the Congressional High School Art Competition: Now, therefore, be it

Resolved, That is is the sense of the House of Representatives that the people of the United States should recognize—

(1) the 10th anniversary of "An Artistic Discovery", the Congressional High School Art Competition, and

(2) the success of such Competition in—

(A) encouraging the creative endeavors of our Nation's young artists, and

(B) forging strong working relationships among the Congress, businesses, and the arts community towards the ultimate goal of providing opportunities for high school students to express their artistic talents.

NATIVE AMERICAN HERITAGE MONTH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SCHEUER. Long Island was formed by the Wisconsin Glacier some 15,000 years ago. Archeological evidence found in Flushing, Bayside, and other parts of Queens, confirms the presence of early native Americans and their occupation of these sites in Queens, some 12,000 years ago.

Queens and the rest of Long Island, were major hunting, occupational, and cultural sites that supported 13 tribes: Canarsie, Rockaway, Merrick, Massapequa, Matinecock, Nesaquake, Secatoque, Setauket, Corchaug, Patchouge, Manhassett, Montauk, and Shinnecock which were known as the Montauk confederacy.

One of the 13 tribes, the Matiencock, lived in Flushing area and were instrumental in helping the early settlers to the area survive the winters, by teaching them to plant corn, squash, and beans, known by the native Americans as the three sisters, and also maintain a peaceful and harmonious coexistence with these early pioneers.

The native Americans have helped us by sharing their knowledge of planting, agricultural methods, food preservation, wildlife management, and their knowldege of medical herbs, they now deserve recognition for all of the contributions they have made to the growth of the country, from its earliest beginning to the present time.

Now therefore, I, JAMES H. SCHEUER, do hereby proclaim the month of November to be known as Native American Heritage Month in the United States of America and do hereby commend Carl Iruchel, "Strong Sun" a resident of Flushing, Queens, and ceremonial chief of the Comanche Indian Nation for his work in Queens in helping to preserve valuable archaeological sites, and for his work in teaching the Indian way to students, conservationists, and most important of all to the children of our country, the future caretakers of Mother Earth.

COALBED METHANE INTRODUCTORY STATEMENT

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SHARP. Mr. Speaker, today I am very pleased to introduce legislation that will serve the twin goals of energy security and environmental protection. It will encourage the development of one of our Nation's most significant energy resources: coal seam methane. When vented to the atmosphere for purposes of mine safety, methane is a major contributor to the greenhouse effect. When methane—also known as natural gas—is recovered and burned, it can make a major contribution to our energy security.

The major barrier to coalbed methane recovery is the issue of who owns the methane. The bill provides a forced pooling mechanism, modeled after a statute recently passed in the State of Virginia, for encouraging the development and resolving ownership simultaneously. It also protects the rights of coal owners or operators to ensure that coalbed methane development is consistent with mine safety and protection of the value of the coal resource.

I look forward to working with Congressman RAHALL, chairman of the Interior Subcommit-

tee on Mining and Natural Resources, who has led the way in identifying and addressing this important ownership problem. I greatly appreciate his efforts, as well as the efforts of the many outside experts in these matters who have suggested helpful changes that have been incorporated into the bill since I testified on it before Mr. RAHALL's subcommittee.

I would like to put this legislation in the context of our concern about greenhouse warming. A few months ago, I introduced, along with many of my colleagues, "the Greenhouse Warming Response Resolution of 1991." It calls for prompt implementation of the recommendations the National Academy of Sciences issued recently. The Academy rejected the most aggressive and costly mitigation options. But they concluded that at least some insurance is cheap. There are many measures that we can implement at low cost, or an actual net gain to the economy.

The legislation I am offering today, like the energy efficiency legislation that just last week was unanimously approved in the Energy and Power Subcommittee, is part of an effort to implement the Academy's recommendations. I look forward to working with my colleagues in Congress in this important effort.

The bill and a more detailed explanation of the bill follows:

EXPLANATION OF BILL

THE SITUATION

In some parts of the country, mineral leases are "severed," which means that they are owned by different parties. Under a typical scenario, there might be one oil/gas owner, one coal owner, and several surface owners. Severed rights are common in the East, particularly in Appalachia. They are less common in the West. The alternative to severed rights is to own the mineral rights "in fee," which means that the same owner controls everything.

THE PROBLEM

Where rights are severed, it is not clear who owns the coalbed methane because it is not explicitly mentioned in the leases (because it was not a recognized resource at the time the leases were written). Ownership is not a problem where (1) the tract is owned in fee or (2) the lease is new and coalbed methane is included.

Where ownership is contested, there are arguments by all owners regarding who owns the coalbed methane:

Coal owners argue that they own the coalbed methane because it is physically in the coal. Further, they note that for years they have been allowed to vent the gas in order to produce their coal without claims by the oil/gas owners.

Oil/gas owners argue that they own all the gas/oil rights and since coalbed methane is gas, they own it as well. While they accept the right of the coal owner to vent the gas, they note that this is consistent with the rights of any mineral owner to infringe in a reasonable manner on another's resource to produce their own, and does not indicate that the coal owner owns the gas.

Surface owners argue that since they didn't know about the resource when they sold off the mineral rights, they never intended to lease it and thus retain the rights themselves.

THE SOLUTION

There are three approaches to the ownership problem. Of these, "forced pooling" is the most attractive, under this approach, which has been developed in Virginia, project development is encouraged and ownership resolved simultaneously. This system allows a developer to proceed with project development but requires that they set aside (escrow) a percentage of the earnings (typically a ⅛th royalty) as a payment for the owner of the resource. (In the event that a claimant is asserting the right to develop the methane, a larger share would have to be set aside.) This approach creates a system that closely resembles what would likely result from protracted negotiations over ownership, namely that the developer will receive ⅞th of the profit and the resource owner will receive the ⅛th royalty that is typically paid. While the project is developed, the various ownership claimants can argue about who should be paid the ⅛th royalty. In fact, the development of the resource and creation of the fund provides an incentive for claimants to step forward and negotiate. (In states without such provisions, development does not proceed, no money is directly at stake, and there is little incentive for possible owners to negotiate.) Moreover, by setting up this fund, developers cannot be accused of "willful trespass" if it is determined that they do not own the resource. Further, this approach does not legislate ownership and thus provides the case-by-case determination of property rights required under the Constitution.

Because of the relationship between coalbed methane development and coal mining, and the fact that the method of methane recovery can in certain instances affect the mineability of the coal, it is necessary to combine the forced pooling provisions with some protection for the coal owners. In Virginia, this means that coal owners are given the right to object to proposed coalbed methane projects that would affect their coal reserves. Projects cannot be developed if it is shown that the development would affect mine safety or coal mineability.

LESS EFFECTIVE SOLUTIONS

Two other types of solutions to the contested ownership problem are used in various states or at the Federal level. Neither of these is effective in encouraging development of the resources.

(1) Legal Resolution Prior to Development: Where there are no mechanisms for addressing coalbed methane, ownership must be determined prior to project development. The project developer must secure the consent of any possible owners before beginning the project. If the developer assumes that he has the right to the resource and proceeds without obtaining consent from the actual owner, he can be charged with willful trespass of anothers property which carries stiff penalties. It is complicated, time consuming and expensive for developers to ensure that they have the right to develop the project, because they must find all other possible owners and either ensure that these owners do not have a valid claim or negotiate with them. Because of the willful trespass issue, the downside risk of failing to find or negotiate with an owner is very high. The result of this system is that the resource is not developed. Pennsylvania and West Virginia have this type of system.

(2) Legislation: The second problematic approach is to attempt to legislate the ownership issue. This approach was tried in Virginia, and federal legislation has recently been proposed.

Virginia: In 1978, Virginia passed a law that attempted to address the ownership question by placing the rights to the coalbed methane with the surface owners unless specifically transferred in the mineral leases. This act was not a workable solution because:

(1) It is unconstitutional to legislate ownership and deprive people of their property rights; and

(2) There are too many surface owners and it is difficult for developers to get full consent to proceed with projects.

The coal and oil/gas industries organized opposition to the law, which was repealed in 1990 and replaced with a forced pooling law as described above.

Other proposed legislation would distribute the rights to the coalbed methane between the surface, coal and oil/gas owners. While this concept has merit, like the earlier Virginia attempt, (1) it would likely be contested in court and found unconstitutional; (2) it would still require that the developer get consent from all possible owners prior to project development. Further, that legislation states that it will apply in all states where the title issue is unresolved, which means that it could apply in those states (like Virginia) that have developed forced pooling policies to encourage coalbed methane development without legislating ownership.

SUGGESTED LEGISLATIVE PRINCIPLES

1. It should not legislate ownership. It should provide for resource development by requiring the implementation of forced pooling provisions in states without such provisions.

2. It should only apply in states where there are cases of conflicting ownership of coalbed methane. It should not apply in states that have developed other approaches for encouraging resource development (e.g., Virginia, Alabama).

3. It should contain protection for coal owners and operators, by giving them the right to object to development in mining areas.

H.R. —

Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled,

SECTION 1. OWNERSHIP OF COALBED METHANE.

Section 7 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(i) OWNERSHIP OF COALBED METHANE.—

"(1) FINDINGS.—The Congress finds that—

"(A) coalbed methane gas is an important and economical domestic energy resource, the utilization of which could increasingly contribute to the energy security of the nation;

"(B) coalbed methane gas must be removed in a manner such as will ensure that coal operators can continue to remove coalbed methane from underground coal mines and otherwise ensure the safety of underground coal mining operations;

"(C) when coalbed methane is removed from mineable coal seams, care must be taken so that the mineability of the coal is preserved;

"(D) the development of coalbed methane gas has been impeded or made impossible in some States by uncertainty and litigation over the ownership of the rights to the gas in situations where the rights to subsurface coal or to oil and gas, or both, have been severed from the surface estate; and

"(E) in order to facilitate the development of coalbed methane gas in those States and its subsequent sale in interstate commerce, it is necessary to provide for legislation to

permit the development of coalbed methane in a manner which will protect the rights of all persons claiming an interest in coalbed methane gas while protecting the integrity of the Nation's coal reserves.

"(2) AFFECTED STATES.—Not later than 180 days after the enactment of this subsection, the Secretary shall publish a list of States—

"(A) in which the Secretary determines that disputes, uncertainty, or litigation exist or potentially exists, regarding the ownership of coalbed methane gas;

"(B) in which the Secretary determines that development of significant deposits of coalbed methane gas may be or is being impeded by said existing or potentially existing disputes, uncertainty, or litigation regarding ownership of said coalbed methane.

"(C) which do not have in effect a statutory or regulatory procedure permitting and encouraging the development of coalbed methane gas within that State prior to final resolution of disputes, uncertainty, or litigation relating to ownership of the gas; and

"(D) which do not have extensive development of coalbed methane gas.

The Secretary shall revise such list of affected States from time to time. Based on legislation enacted in the State after the enactment of this subsection, any affected State may petition the Secretary for a revision to remove the State from the list. Until the Secretary publishes a different list, the States of West Virginia, Pennsylvania, Kentucky, Ohio, Tennessee, Indiana, and Illinois shall be the affected States, effective on the date of the enactment of this subsection. States which have current development of coalbed methane gas and should not be included on the Secretary's list of affected States are: Colorado, Montana, New Mexico, Wyoming, Utah, Virginia, and Alabama.

"(3) STATE AGENCIES FOR AFFECTED STATES.—(A) In order to provide for the expeditious and economical development of deposits of coalbed methane gas in affected States, within 360 days after a State becomes an affected State, each such affected State shall establish or designate one of more State agencies or instrumentalities to administer the provisions of this subsection. Such agencies or instrumentalities shall hereinafter in this subsection be referred to as the 'State Board' for the affected State. The State shall authorize the State Board to have such power and duties and to promulgate such regulations as may be necessary to carry out this subsection in that State. A person knowledgeable in underground coal mining methods concerned with preserving the integrity of workable coal seams shall be appointed to the Board.

"(B) If an affected State has not established or designated a State Board as provided in this paragraph within the 360-day period specified in subparagraph (A), the Secretary shall be treated as the State Board for such State for purposes of this subsection. In any such case, the Secretary shall have such powers and duties and shall promulgate such regulations as may be necessary to carry out this subsection in that State.

"(4) SPACING.—Except where State law in an affected State contains existing spacing requirements regarding the minimum distance between coalbed methane wells and the minimum distance of a coalbed methane well from a property line, the State Board for each affected State shall establish such requirements within 90 days after the date on which the State Board is established or designated.

"(5) DRILLING UNITS.—Any claimant to coalbed methane may drill and operate a coalbed methane gas well without complying with the spacing requirements of paragraph (4), and notwithstanding an objection filed under paragraph (12), only if the State Board issues—

"(A) an order establishing a drilling unit for development of coalbed methance gas, and

"(B) in any case where an objection has been filed under paragraph (11), a pooling order under paragraph (6) for such drilling unit.

Any person proposing to drill and operate a coalbed methane gas well may apply for such orders. Upon receipt of such an application, the State Board shall issue an order establishing the boundaries of the coalbed methane drilling units established. Such units (i) shall accommodate existing and future coal mining plans; (ii) shall generally be uniform acreage and (iii) shall provide for the efficient and economical development of coalbed methane gas in a manner which will protect the rights of all persons owning an interest in such coalbed methane gas.

"(6) DEVELOPMENT UNDER POOLING ARRANGEMENT.—Following issuance of any order establishing drilling units under paragraph (5), pursuant to an application of any person claiming an ownership interest in any such drilling unit in which a person proposes to drill a coalbed methane gas well, the State Board shall issue a pooling order this paragraph for such unit if there exists in such unit separately owned tracts, undivided interests in a tract, or conflicting claims to ownership of the coalbed methane. The pooling order shall not be issued before notice has been provided to each person who may claim an interest in the coalbed methane gas within such unit and each such person has been offered an opportunity to make one of the following elections—

"(A) An election to sell or lease his coalbed methane ownership interest to a participating operator.

"(B) An election to become a participating operator by bearing a share of the risks and costs of drilling, completing, equipping, operating, plugging and abandoning the well, and receiving a share of production from the well.

"(C) An election to share in the operation of the well as a nonparticipating operator by relinquished his working interest to the participating operators until the proceeds allocable to his share equal the following: (i) in the case of a leased tract, 300 percent of the share of such costs allocable to his interest, or (ii) in the case of an unleased tract, 200 percent of the share of such costs allocable to his interest. Thereafter the nonparticipating operator shall become a participating operator.

The pooling order shall designate a unit coalbed methane operator who shall be authorized to drill and operate in the unit. Such an order shall establish a mechanism for the reasonable sharing of costs among participating and nonparticipating operators. The pooling order shall provide that any person claiming an interest in the coalbed methane within such unit who does not make an election under the pooling order shall be deemed, to have leased his coalbed methane interest to the unit coalbed methane operator under such terms and conditions as the pooling order may provide. No pooling order shall be issued under this paragraph for any unit if all persons claiming an ownership interest in the coalbed methane in such unit have entered into a voluntary agreement providing for the drilling and operation of the coalbed methane gas well for that unit.

"(7) ESCROW ACCOUNT.—(A) Each pooling order issued under paragraph (6) shall provide for the establishment of an escrow account into which the payment of costs and proceeds attributable to the conflicting interests shall be deposited and held for the interest of the claimants as follows:

"(i) Each participating operator shall deposit in the escrow account a proportionate share of the costs allocable to the ownership interest claimed by each such participating operator.

"(ii) The unit coalbed methane gas operator shall deposit in the escrow account one-eighth of all proceeds attributable to the conflicting interests of lessees, plus all proceeds in excess of ongoing operational expenses attributable to conflicting working interests.

"(B) The State Board shall order payment of principal and accrued interest from the escrow account to all persons legally entitled thereto within 30 days of receipt by the Board of notification of the final legal determination of entitlement thereto or upon agreement of all persons claiming an interest in the coalbed methane gas in a unit. Upon such final determination—

"(i) each participating operator shall receive a proportional share of the proceeds attributable to the conflicting interest,

"(ii) each nonparticipating operator shall receive a proportional share of the proceeds attributable to the conflicting interest, less the cost of being carried as a nonparticipating operator (as determined by the State Board); and

"(iii) each person leasing (or deemed to have leased) his coalbed methane ownership interest to the operator shall receive a share of the one-eighth share of all proceeds attributable to the conflicting interests of lessees.

"(8) APPROVAL OF STATE BOARD.—No person may drill any well for the production of coalbed methane gas from a coalbed in an affected State unless the drilling of such well has been approved by the State Board for that State.

"(9) CONSENT OF AFFECTED COAL OPERATOR.—No operator of a coalbed methane well may stimulate a coal seam or known coal bearing geologic strata without the written consent of each person who is operating, or who at the time of application for a drilling permit, has by virtue of ownership or a coal lease, the right to operate, a coal mine in a coal seam situated within 1500 feet horizontal distance of the well and 200 feet vertical distance of any known coal bearing geologic strata to be stimulted. The consent required herein shall in no way be deemed to impair, abridge, or affect any contractual rights or objections arising out of a coalbed methane gas contract or coalbed methane gas lease in existence as of the effective date of this subsection between the coalbed methane operator and the coal operator and the existence of such lease or contractual agreement and any extensions or renewals thereto shall be deemed to fully meet the requirements of this subsection.

"(10) NOTICE AND OBJECTION.—The State Board shall not approve the drilling of any coalbed methane well unless the operator has notified each person who is operating, or has the right to operate, a coal mine in any portion of such coalbed within the distances referred to in paragraph (9). Any such person may object within 45 days after receipt of such notice to the drilling of such well. Upon receipt of a timely objection to the drilling of any coalbed methane gas well submitted by any such person, the State Board may refuse to approve the drilling of any such well based on any of the following:

"(A) Proximity to any coal mine opening, shaft, underground workings, or to any proposed extension thereof, in any operated or abandoned or operating coal mine, or in any coal mine already surveyed and platted but not yet being operated.

"(B) Nonconformance with a coal operator's mine development plan.

"(C) Well spacing not in correspondence with mine operations (including the drilling of multiple coalbed methane gas wells on each drilling unit).

"(D) Evidence indicating the drilling activities would be unsafe, taking into consideration the dangers from creeps, squeezes or other disturbances due to the extraction of coal.

"(E) Evidence that the proposed activity can be reasonably done through an existing or planned pillar of coal, or in close proximity to an existing well or such pillar of coal, taking into consideration surface topography.

"(F) Unreasonable interference with the safe recovery of coal, oil and gas.

"(G) That the drilling is an arbitrary exercise of the well operator's right to explore for, market and produce oil or gas.

"(H) Unreasonable interference with present or future coal mining operations.

"(I) Feasibility of moving the proposed activity to a mined-out area, below the coal outcrop or to some other area.

"(J) Feasibility of a drilling moratorium for not more than two years in order to permit completion of coal mining operations.

"(K) The methods proposed for recovery of coal and gas.

"(L) The practicality of locating the proposed unit or well on a uniform pattern with other units or wells.

"(M) Surface topography and use.

"(11) PLUGGING.—All coalbed methane wells drilled after enactment of this subsection that penetrate coal seams with remaining reserves shall provide for subsequent safe mining through the well in accordance with standards prescribed by the State Board for the State in which the well is located, in consultation with any Federal and State agencies having authority over coal mine safety.

"(12) NOTICE AND OBJECTION BY OTHER PARTIES.—The State Board shall not approve the drilling of any coalbed methane well unless—

"(A) such well complies with the spacing requirements established by the State Board and the operator of such well has notified all persons claiming ownership of coalbed methane to be drained by such well and provided an opportunity to object in accordance with requirements established by the State Board; or

"(B) the well is subject to an order under paragraph (5) establishing a drilling unit for such well and, where conflicting interests exist, an order under paragraph (6) establishing pooling requirements for the drilling unit in which such well is located.

The notification requirements of this paragraph shall be additional to the notification referred to in paragraph (10). The State Board shall establish the conditions under which persons claiming ownership of coalbed methane may object to the drilling of a coalbed methane well.

"(13) FEDERAL LANDS AND MINERAL RIGHTS.—In the case of any deposit of coalbed methane where the United States is the owner of the surface estate or where the United States has transferred the surface estate but reserved the subsurface mineral estate, the Secretary shall act in lieu of the Board under this subsection and shall have all powers and authorities necessary to take such action.

"(14) VENTING FOR SAFETY.—Nothing in this subsection shall be construed to prevent or inhibit the person who has the right to develop and mine coal in any mine from venting coalbed methane gas to ensure safe mine operations.

"(15) DEFINITIONS.—As used in this subsection—

"(A) The term 'affected State' means a State listed by the Secretary under paragraph (2).

"(B) The term 'coalbed methane gas' means occluded natural gas produced (or which may be produced) from coalbeds and rock strata associated therewith.

"(C) The term 'coal seam' means any seam of coal 20 inches or more in thickness or any coal seam which is being worked, or in the judgment of the State Board for the State concerned can foreseeably be worked.

"(D) The term 'Secretary' means the Secretary of Energy.".

"(E) The term 'unit operator' means the person designated in a pooling order to develop a drilling unit by the drilling of one or more wells on the unit.

"(F) The term 'nonparticipating operator' means a gas or oil owner of a tract included in a drilling unit who elects to share in the operation of the well on a carried basis by agreeing to have his proportionate share of the costs allocable to his interest charged against his share of production of the well in accordance with paragraph (6)(C).

"(G) The term 'participating operator' means a gas or oil owner who elects to bear a share of the risks and costs of drilling, completing, equipping, operating plugging, and abandoning a well on a drilling unit and to receive a share of production from the well equal to the proportion which the acreage in the drilling unit he owns or holds under lease bears to the total acreage of the drilling unit.

THE VANGUARD OF FREEDOM

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. BRUCE. Mr. Speaker, I rise today to share one of my constituent's thoughts on democracy. John Frederick Schomberg from Urbana, IL, wrote a winning essay for the Veterans of Foreign Wars of the United States and its Ladies Auxiliary's Voice of Democracy Contest.

The recent war in the Middle East has reminded all Americans of their precious right to a democratic society. John's essay reinforces the thought that democracy is a treasure we must work to keep. I ask that his essay be included in the RECORD:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By John Schomberg)

My father and I walked among the pale white tombstones that stood at attention in their respective rows. The markers looked cold to the touch and seemed to stretch on forever along the freshly mown lawn. At the time, I only came up to my father's hip and had to crane my neck in an effort to make eye contact. "Why did they all die, Dad?" My father took a deep breath, searching for simple words to answer this complicated question. He began by using words like liberty, freedom, and democracy. After he had finished his reply, he looked down at my blank stare and was forced to look for an answer that would hit closer to home.

Stroking his beard, he continued. "They died so your grandfather could farm his own land. They died so when you grow older you'll have a part in choosing the next President. They died so you and I can say what we believe in without any punishment." "Why is that so important? We've always been able to do those things." "I know, son, but they died to guarantee that you always will." As a child, I didn't quite understand how I could be better off than anyone else in the world. I was only allowed to have one dessert, had restricted television privileges, and had to be in bed by 8 o'clock. I thought I had it pretty rough.

I still think as that child until I remember the images from history books and television: the East Berliner hurling herself through a barbed wire fence in the midst of gunfire; the television cameras zooming in on the latest defector from the Eastern Bloc; and the student protestors in Beijing running from the gunfire of their own armies. In these three cases, people chanced imprisonment, separation from their families, and the loss of their lives so they might enjoy the freedoms that I'd taken for granted all my life.

In attempting to gain an appreciation for the value of freedom, I looked at not only the history and governments of other countries, but also the past of our own United States. In the American Revolution, in addition to desiring separation and freedom from Great Britain, we wanted a government "by the people, for the people." We created a democracy.

Democracy is a freedom and a right outlined in the Constitution and first acted upon through the drafting of the Bill of Rights. The Bill of Rights created freedom of speech, religion, and due process: rights that are still a vital part of American society today.

So how is democracy a vanguard of freedom? Flipping through my dad's old and well-worn Random House Dictionary, I read the second definition of vanguard: the forefront of any movement or activity. Translating this into my own words, I found vanguard to mean a leader by example.

The United States has been a leader by example in its establishment and preservation of freedoms. In the past few years, the United States' example has played a big part in bringing down the Berlin Wall. Democracies around the world have provided an example for the Eastern Bloc countries to emulate as they begin to realize what Winston Churchill said years ago, "Democracy is the worst form of government, except all the others that have been tried." As other countries realize the benefits of giving power to the people, those images from history of the East Berliner, the defector, and the Beijing students can become images of the past instead of the present.

It's incredible that a single example of democracy can bring change to the rest of the world, but it has. Democracy helped change the lives of our forefathers and its helping change the lives of the oppressed around the world, but what does it do for us today? In a word: everything. Let's not fail to realize that every action we take is in some way a product of our freedoms that have been created by democracy, whether it be going to the church of our choice, voting for the county clerk, or expressing what we believe through a VFW essay.

Franklin Delano Roosevelt once said, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." I guess that's what my Dad meant in the cemetery. I never realized that someone could stop my grandfather from farming, I'd always taken it for granted that I would get to vote when I got older, and it seemed absurd that I could ever be persecuted for what I believe in. Our forefathers remembered those privileges * * * the oppressed pray for them * * * soldiers fight for them. Thinking back to those long rows of pale white tombstones, I now see a different face and story behind each one of them. If those soldiers could die for those privileges, at least we could learn to appreciate them.

VOICE OF DEMOCRACY CONTEST

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. GUNDERSON. Mr. Speaker, I wanted to take this opportunity to recognize a young citizen who took the time and effort to think, write, and speak on the challenges of what American citizenship, freedom, and democracy means to him in the Veterans of Foreign Wars annual Voice of Democracy Scriptwriting Contest.

For this reason, I wish to share with my colleagues a copy of a speech by William David Richmond of LaCrosse, WI. Mr. Richmond was the winner of the Voice of Democracy Contest for the State of Wisconsin.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By William David Richmond)

Since the beginnings of civilization, the human race has struggled to find the best way to govern itself. The need for rules and authority is a simple one which arises from the need for everyone to get along peacefully with each other, and to provide for the common good of all. Systems of government are directly tied to civilization itself, exactly what makes us human.

But the relationship between the citizens of a country and the government which rules them has often been difficult. Looking at history, there have been few governments which have been ideal. The earliest form of ruling under ancient kings, pharaohs, and emperors eventually fell as they became incompatible with people's needs. Slowly governmental systems evolved.

At a truly great moment in history, the original thirteen colonies of America chose a democratic government for their country newly formed out of a struggle over the rights of people, based on the principles laid out in its Declaration of Independence. This was a nation created out of freedom. The founders of this new country had seen the effects of past governments and knew that most systems would not fit their new country. They knew well what role government would have to play in their society.

With America's birth out of democratic values, the evolution of government's role had finally succeeded in what it was intended to do. Governments should reflect the will of those governed. Democracy is government, for what is government if it is not the exercise of the rights of people who have allowed themselves to be governed? Government which does not recognize the rights of the people it governs is inevitably doomed to failure. Witness the recent changes in Poland, Romania, Czechoslovakia, other former communist countries, and the changes currently going on within the Soviet Union. The ancient Greeks had known that a democracy was the most logical and effective means of government. Yet it has taken hundreds of years for the idea to become widespread. Autocracies, theocracies, dictatorships; all have failed to establish themselves as viable forms of government. That the idea of democracy is still with us today, contests to its effectiveness.

Rule by the people. What a simple and beautiful idea. However, ideas do not always transform so well into realities. Democracy's effectiveness can be argued, and must have some refinement to be feasible. In a large country representation of areas of the population by others must be used to make democracy workable. For the same reason, power must be placed within governmental areas to make actual carrying out of governmental tasks effective.

Democracy can remain true through changes if its most important principle—protecting the rights and freedoms of the individual—is assured. Disregard for the individual deteriorates government. If even one person's rights are denied, government will surely fall. Democracy only works if people believe in it. We must participate in our government to ensure its continued existence. The struggle to keep democracy alive is not easy. People have given their lives for it, and others will undoubtedly need to make similar sacrifices in the future.

I often think of the words in democracy to be one in the same, but they are not. One follows the other. Freedom follows democracy when democracy works at its dedicated purpose of defending freedom. It does this by guaranteeing each individual's chance to express himself; by leaving its hands off each person's own thoughts and beliefs. Democracy fights for freedom, by upholding individual rights and the well-being of society. It creates an equilibrium between the two, protecting both. Democracy is at the foremost part of freedom on two levels: individually and nationally. It is the essential part of safeguarding truth and justice. Democracy is the vanguard of freedom.

TRIBUTE TO LILIAN MARLENE RECKSIEK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. HANSEN. Mr. Speaker, it is with great pleasure that I rise to congratulate Ms. Lilian Marlene Recksiek on her being named the 11th place national winner of the 1991 "Voice of Democracy Scholarship Program," which is sponsored by the Veterans of Foreign Wars. Lilian is the daughter of Mr. and Mrs. Walter Recksiek of Layton, UT, and she recently graduated from Layton High School with honors. Lilian received the prestigious $1,000 Robert A. Stock Memorial Scholarship Award for her authorship of an essay. It is outstanding and I wish to share it with my colleagues here today:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Lilian M. Recksiek)

From his headquarters deep in the desert, the dictator contemplated his world wide conquests. The corridors and chambers of his great palace were filled with "yes men" eager to do his bidding and knowing that certain death would reward the slightest deviance from his will. He had personally given the command and his armies and devoured his weaker neighbors. He was the great leader: who now could question his right to rule. But then word came. Across the distant desert, an army had appeared to defy him: not the cringing conscripts of a king but free men, who at home governed themselves; free men, who had chosen to make their stand in this far off land for the freedom of a people they barely knew and for freedom everywhere.

The year was 499 BC; the dictator: Darius, King of Persia; and the determined and free-willed democrats: the people of Athens!

In the front line of battle, on the leading edge of any great enterprize we find the vanguard like a hatchet which cuts the way for all to pass. Democracy is the vanguard of freedom!

Herodotus records the clash between the Persian monarachy and the people of Athens. "A tyrant disturbs ancient laws," he writes, "violates women, kills men without trial. But the people ruling—first, the very name of it is so beautiful; and secondly, the people ruling does none of these things." The "beautiful" word for "a people ruling" is democracy: throughout history the vanguard of freedom!

History proves that where ever the rule of the people has appeared, freedom has followed. This summer, my family climbed the hill of the Acropolis in Athens. Next to the temples of the gods is the rocky hillside of the Areopagos, where the people of the city gathered to govern themselves. The freedom of the ancient world expressed itself in the writings of Plato, the plays of Sophocles, and the discoveries of Aristotle and Archimedes. All this vanished under the crush of Imperial Rome.

The history of freedom follows the return of democracy. When the people forced the signing of the Magna Carta, freedoms flames were fanned to life. We follow democracy to the 17th century Netherlands, where freedom expressed itself in the philosphy of Erasmus and the art of Rembrandt. The pilgrims found protection in democratic Holland while yet denied religious freedom by England's king. On the bloody fields of Bunker Hill and Valley Forge, the people took the government into their own hands and established the roots of freedom in the Constitution of the United States. For 200 years, a government of, by, and for the people has been cutting toward freedom.

The job is not finished. We follow the lead of those who have given us freedom. With great suffering, the people rid themselves of slavery. Abraham Lincoln called democracy to action: "We must disenthrall ourselves and then we shall save our country. . . . The fiery trail through which we pass will light us down in honor or dishonor . . . In giving freedom to the slave we assure freedom to the free. . . . We nobly save or meanly lose the last best hope of earth."

It was "a people ruling" that found the courage to stand on Flanders Field, and the Marne, at the Bulge, and Iow Jima.

It was a democratic nation that found the strength to strive for five decades to contain communism until "the walls came tumbling down" and the iron curtain parted to let in democracy, the vanguard of freedom!

It was "the people ruling" who, brought to their senses by courageous acts at Atlanta and Birmingham, demanded an end to seg-

regation and took up the burden of removing the ignorance and fear that divides a people, allowing them to dream with Martin Luther King of a nation where: "Freedom will ring from . . . every city . . . and all God's children will sing. . . . Thank God almighty, we're free at last."

Freedom does not yet ring pure, but "the people ruling," democracy, fights for it! We can stand shoulder to shoulder with the ancient Athenians, who, when the Persian general demanded to know why they fought on, answered: "You know perfectly what it is to be a slave. Freedom you have never tried to know how sweet it is. If you had, you would urge us to fight for it, not with our spears only, but even with hatchets." So we, a democracy, "a people ruling," must cut the way through to freedom.

A TRIBUTE TO THE ROCCOS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Cathy and Connie Rocco, the talented sister performing duo known simply as Rocco. Originally from Pittsburgh, PA, the Roccos have been performing since childhood when their mother got them their first break at the age of 8 and 10. Dedication to their career has always been on the forefront, forcing Connie to finish high school on the road through a correspondence course.

But it was not without a great deal of hard work and the help and guidance of family, friends, and their agent that the Roccos have made it to where they are today. Since 1976, Joe Donofrio of my 17th Congressional District of Ohio has been managing the Roccos and is proud of their many accomplishments. The Roccos began their career in Pittsburgh and Youngstown and continued to work in many local towns throughout the country. As Cathy and Connie began working their way up the ladder of success, they were continuously looking for new ways of promoting themselves. In 1987, they sought the help of Patrick Lucas, an image designer from New York. Lucas, whose make-overs have included Cyndi Lauper, the Bangles, the Hooters, and until Tuesday, designed an image to appeal to the young MTV generation. Soon after, the Roccos released their first single, "I Can't Blame You" followed by their first album a month later.

In the 24 years that the Roccos have been performing, they have sang and danced their way into the hearts of many admirers. From Las Vegas, to Palm Springs, to Caesar's Palace and the Taj Mahal, the Roccos appeal to all age groups with their versatile format and pop tunes from the 1930's through present day. And when they are not busy working on their act, Cathy and Connie are always finding time out to help others. Always working hard to be in top physical condition, the Roccos sought to share their highpoints and pitfalls by releasing an exercise video with karate expert, Judy Colasar. The Roccos have been involved in a great deal of charity work as well, often performing at benefits and telethons for the March of Dimes and the Cancer Society.

After working with celebrity greats such as Phyllis Diller, Frankie Avalon, Jefferson Starship, and the Kingston Trio, Cathy and Connie will be back in the studio this fall, working on their new adult contemporary album to be released by the first of the year.

Mr. Speaker, I would like to take this opportunity to recognize Cathy and Connie Rocco for their hard work, dedication, and outstanding accomplishments. I admire their talent and ability to help out those less fortunate then themselves, and wish them well in all of their future endeavors.

ADDITIONAL JUDGES NEEDED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mrs. SCHROEDER. Mr. Speaker, the economic distress in Colorado in recent years has put an inordinate strain on our bankruptcy courts. For this reason, I join my colleagues from Colorado to introduce the Colorado Emergency Bankruptcy Judgeship Act of 1991.

A 1989 survey conducted by the Administrative Office of the U.S. Courts indicated that Colorado bankruptcy judges averaged a caseload of 3,655 per judge—well over the national average of 2,000 cases per judge. The average in 1990 measured in at 3,300. Already this year the district has experienced a 5-percent increase in their caseload. Such an overload makes it impossible to provide Colorado with swift and thorough bankruptcy proceedings.

The Colorado Emergency Bankruptcy Judgeship Act will remedy this urgent situation by increasing the number of bankruptcy judges in Colorado from five to six. The additional judgeship is supported by the Administrative Office of the U.S. Courts and the Judicial Conference of the United States.

PROLIFERATION PROFITEERS: PART 23

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. STARK. Mr. Speaker, with assistance from Western companies, Saddam Hussein came close to building the bomb. Iraq used three different approaches of enriching uranium to weapons grade levels—the key step in manufacturing nuclear weapons.

We cannot afford to let terrorist nations like Iraq reach the threshold of possessing the ultimate weapon. In coming years, the United States will have to address the nuclear weapons programs in a number of developing countries, including Iran, Algeria, North Korea, India, and Pakistan.

Two important steps will help us stem the threat of nuclear proliferation. We must strengthen the mandate of the International Atomic Energy Agency [IAEA], the U.N. agency which is charged with safeguarding nuclear facilities all over the world. The IAEA must have the right to conduct frequent and unannounced inspections of any nuclear facility, whether or not it has been officially declared by its host country. Other steps are also necessary, such as an international registry of the sales of all nuclear and nuclear dual-use items. To allow the IAEA to fulfill these additional tasks, we must also increase our contribution to the Agency. A few extra million dollars would go a long way toward improving the reliability of the safeguards regime—a small but vital investment in our long-term national security.

The other critical area that must be addressed is the problem of foreign companies which have sold nuclear weapons technology without the proper safeguards. I have introduced the Nuclear Non-Proliferation Enforcement Act—H.R. 830—which would put import sanctions on these "proliferation profiteers." Today, I am entering into the CONGRESSIONAL RECORD the 23d in my series of case studies on these foreign firms which have supplied the means of building the bomb to countries like Iraq and Iran.

FIRM 10; PECHINEY SA (FRANCE)

Pechiney SA is one of France's major state-owned firms employing over 71,000 workers in the primary and fabricated metal products industries. Pechiney's annual revenues are in the $7 billion range. The firm has extensive trade and business relations with the United States, completing in 1989 the $1.26 billion acquisition of Triangle Industries Inc. Pechiney also maintains ownership, partial ownership, or joint-venture activity in several other U.S. enterprises such as American National Can Company, Howmet Corporation, Reynolds Metal Company, and the U.S. nuclear fuel service activities of Babcock & Wilcox, Inc.

Pechiney controls two subsidiaries, who, according to Politis-Le Citoyen, were allegedly engaged by Rudolph Ortmayer's Neue Technologien GmbH (NTG) to participate in the enterprise of evading German export controls on the sale of nuclear technology. The first of the two French subsidiaries, Compagnie Europeenne Du Zirconium Cezus (wholly owned by Pechiney), produces special metals and alloys, pipes and tubing, and zirconium. The second subsididary, Zircotube (51 percent-owned by Pechiney and 49 percent-owned by France's huge nuclear engineering firm, Framatome), manufactures zircalloy tubing, These materials are used in the construction of nuclear reactors that can produce plutonium for a nuclear bomb. NTG procured these sensitive items form Pechiney's subsidiaries following meetings between representatives of the two companies in Germany. NTG allegedly altered the labels and destination of the shipments in Frankfurt and is believed to have subsequently routed up to 30 tons of the material from France to Pakistan.

Sources: New York Times, 11/22/88, p. D1 by Steven Greenhouse; New York Times, 11/25/88, p. D3 by Deborah Wise; Nuclear News, 1/88, p. 54. Politis-Le Citoyen (Paris), 2/22-28/90, pp. 50-55 by Mycle Schneider; Der Spiegel, 11/6/89, pp. 125-131; Wall Street Journal, 4/29/87, p. 49, 4/27/99, p. B5, 1/27/89, P. A12; World Nuclear Industry Handbook, 1990, pp. 188, 193, 191.

Sources: New York Times, 11/22/88, p. D1 by Steven Greenhouse; New York Times, 11/25/88, p. D3 by Deborah Wise; Nuclear News, 1/88, p. 53. Politis-Le Citoyen (Paris), 2/22-28/90, pp. 50-55 by Mycle Schneider; Der Spiegel, 11/6/89, pp. 125-131; Wall Street Journal, 4/29/87, p. 49, 4/27/88, p. 22, 12/5/88, p. B5, 1/27/89, p. A12; World Nuclear Industry Handbook, 1990, pp. 188, 193, 191.

RELATING TO THE 1992 UNCED CONFERENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. FASCELL. Mr. Speaker, I would like to bring to the attention of my colleagues information relating to the upcoming U.N. Conference on Environment and Development [UNCED]. A recent letter to the Committee on Foreign Affairs from Mr. Maurice F. Strong, Secretary General of the UNCED, forwarded a proposal to establish a fund to promote developing country nongovernmental organizations [NGO's] participation in the UNCED process.

Under the funding mechanism, travel and accommodations for at least 50 developing country NGO representatives to attend the remaining two preparatory committee meetings and the UNCED conference itself will be provided. The proposal lays out the guidelines for the selection process, which appears to be a fair and equitable plan. Eligibility is to be determined by a group of NGO representatives from 10 developing nations—3 African, 3 Latin, and 4 Asian—each representing a subregion, along with five observers who will monitor the transparency of the selection process.

There are several important aspects to the fund. In addition to promoting broad participation at UNCED, the fund will enable an important interchange of ideas between the governmental and nongovernmental sectors, as well as enhancing networking opportunities. Further, developing country NGO's can lend an important perspective from their own experiences working at the local and grassroots levels. It is a very modest investment which can have a multiplier effect in laying the groundwork for self-reliant and sustainable approaches to environment and development problems in the future.

The entire budget for the developing country NGO fund, estimated at $844,200, is a very modest amount. The U.S. contribution would be only a portion of that amount.

The Committee on Foreign Affairs recognizes the importance of promoting participation by both developing countries, and their NGO's in the UNCED process. Both the Foreign Aid and State Department authorization bills contain language encouraging the administration to contribute funds for UNCED-related purposes, and at levels commensurate with U.S. responsibilities in the world.

COMMEMORATE CAPTIVE NATIONS WEEK

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. RAMSTAD. Mr. Speaker, I rise today to commemorate Captive Nations Week, which began the week of July 14, 1991. I am referring to the captive nations of the Baltic States in the Soviet Union, who are so bravely fighting for the independence against the central government of the Soviet Union.

As we all know, in January of this year the Soviet Government enforced a brutal crackdown on the Baltic nations in which many people were injured and killed.

Recently, the House considered the foreign assistance authorization bill and I was glad to see issue of aid to the Soviet Union debated and resolved.

I applaud the efforts of my colleague, Mr. KYL, for his amendment to the Foreign Assistance Authorization Act. His amendment recognizes that the long term national security of the United States and of the peoples of the Soviet Union would benefit greatly from the transformation of the Soviet Union to a fully democratic nation and that assistance provided by the United States to the Soviet Union should promote rather than retard this transformation.

This amendment also sets many conditions on the Soviet Union to comply with international human rights standards before United States assistance is provided to the Soviet Union.

As a cosponsor of the direct aid to democracies bill, I was pleased to see so much support for Mr. KYL's amendment.

Let us all recognize and remember the Baltic nation's struggle for independence and democracy during this week of the Captive Nations.

SKELTON INTRODUCES RURAL CRIME AND DRUG CONTROL ACT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SKELTON. Mr. Speaker, I rise today to introduce the Rural Crime and Drug Control Act of 1991.

A recent report indicates that drug abuse and crime are increasing at a faster rate in rural America than in many of our largest cities, including New York and Los Angeles. As a former prosecuting attorney in rural Lafayette County, MO, it distresses me that hard-core drug abuse and drug-related violence are becoming increasingly common in rural areas across the country. The capital city of my State, Jefferson City, has seen a recent trend toward violence committed by groups of young people.

This legislation, similar to a measure introduced by the chairman of the Senate Judiciary Committee, aims to fight the war on drugs on two fronts: Supply and demand.

It increases assistance to State and local law enforcement by $50 million, and provides $45 million to hire an additional 350 Drug Enforcement Administration [DEA] agents to combat rural drug trafficking. It provides for the establishment of rural drug task forces; creation of programs to hire, train and better-equip rural police officers on the front lines of drugs and crime; and increases in the availability of drug treatment and prevention centers in rural communities. It would also increase penalties for trafficking "ice."

The law enforcement and drug treatment needs of small-town America have been overlooked for too long. People in rural communities deserve the same resources to fight their "war on drugs and crime" as those who live in the cities. I encourage my colleagues to support this important legislation.

TRIBUTE TO BILL IRWIN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. COBLE. Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, I would like to congratulate Mr. Bill Irwin for his remarkable achievement, and I would like to share his incredible story with you.

Bill Irwin, a former chemist for Roche Biomedical Lab, lost his sight 22 years ago as the result of an eye disease. Mr. Irwin, of Burlington, NC is the first blind person to complete a hike of the Appalachian Trail. Irwin, at the age of 50, began the more than 2,100-mile hike at Springer Mountain, GA, on March 9, 1990. Accompanied by his guide dog Orient, Irwin finished his journey at the Katahdin Stream Campground in Baxter State Park, ME, on November 21, 1990.

Bill and Orient spent the majority of their journey hiking through snow, freezing rain, or rain. In addition to coping with foul weather and failed equipment, Bill also had to endure many falls, including one that broke a rib. Perhaps the most frightening situation occurred when Bill and Orient encountered a bear along the trail. Luckily the bear walked off without bothering them, and they continued their remarkable journey.

Bill claims his plan to actually begin the hike was a message from God. The hike served as an affirmation of his faith. Bill talked to the other hikers about God as well as his conversion to Christianity following his battle with alcoholism. His mission was to teach others about his new-found faith.

Sponsors, friends, and reporters helped to support and publicize the physical and psychological accomplishment of Bill Irwin. Bill has just finished writing a book outlining his experiences. Entitled "But Now I See," the book was cowritten by David McCasland of Colorado. It should be out by October. In the meantime, Bill has returned to the Appalachian Trail twice, and he plans another hike this month with some Boy Scouts.

Bill Irwin, an extremely courageous man, has accomplished a feat which many others without his handicap could not have achieved. His journey proved that there are no handicaps that cannot be overcome through hard work and determination. I would like to extend my congratulations to Bill Irwin—not a handicapped man, just an extremely brave man.

TRIBUTE TO THE LATE FREDERICK SCHWAEMMLE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. DARDEN. Mr. Speaker, today I rise to pay tribute to the late Mr. Frederick J. "Fritz"

Schwaemmle Sr. of Sandy Springs, GA. A noted aviation pioneer whose pilot's license was signed by father of flight Orville Wright, Mr. Schwaemmle was admired not only for his skills, but for his charming and personable manner with everyone—young and old. Mr. Schwaemmle, 88, died recently from leukemia.

The following information is taken from an interesting Atlanta-Journal Constitution article which describes the impressive accomplishments of Mr. Schwaemmle's career.

Mr. Schwaemmle was a retired public relations director of Delta Airlines, having moved from pilots' seats on its airliners to the marketing and public relations staff after suffering an eye ailment in 1949. He was a 33-year Delta employee, from 1935 to 1968.

As a Delta captain, Mr. Schwaemmle flew several significant inaugural flights, including DC-3 service in 1941 and DC-4 service in 1946. He rose to assistant chief pilot of the airline.

In the 1920s, when he began flying, his license was issued by an organization Mr. Wright headed.

In 1928, as an employee of Pitcairn Airlines, a forerunner of Eastern, Mr. Schwaemmle was the pilot of the inaugural flight on an air mail route from Miami to Atlanta, with a stop in Jacksonville—a route which helped pioneer air service to Atlanta.

As one of the first to land on the airfield here, a former raceway, he could recall the dangerous 1930s when the field still had a hump of earth in the center; it was later graded.

'You had to land short and slow down fast or you found yourself airborne again,' he told Betsy Braden and Paul Hagan in their 1989 history of the airport, "A Dream Takes Flight."

Frederick John Schwaemmle was born June 5, 1903, in Philadelphia, the son of a pharmacist.

The family moved to Hadden Heights, N.J., when he was a child. He developed an early interest in airplanes, making models, subscribing to aviation magazines and taking a correspondence course in aeronautical engineering.

After graduating from high school, he received an appointment as a flying cadet in the U.S. Air Service. He trained in San Antonio, completing his first solo flight in 1923 and graduating in 1924.

He entered commercial aviation with Pitcairn, but some time after the historic airmail flight to Atlanta, he was laid off. He drove to Delta's headquarter, then in Louisiana, and got a job as station manager in Jackson, Miss., for $150 a month. Later he was promoted to co-pilot, then pilot.

During World War II, he was an Army Air Forces pilot in Africa and Europe, rising to the rank of lieutenant colonel and receiving the Order of the British Empire.

He was a longtime College Park resident but lived in Sandy Springs the last four years of his life.

Mr. Schwaemmle belonged to the OX5 Club of pilots who had flown with a certain type of engine, and he was historian of the retired pilots group, the Delta Golden Wings. He also was a former trustee of South Fulton Hospital and a former member of the Housing Authority and Industrial Development Authority of College Park.

His wife of 63 years, Florence Smith Schwaemmle, died of a heart attack at 87 on June 22, preceding him in death by 13 days.

Surviving are two sons, Frederick J. Schwaemmle Jr. of Dunwoody and Richard Schwaemmle of Cumming; a brother, Albert R. Schwaemmle of Mesa, Ariz.; two sisters, Mildred Lamar of Hackettstown, N.J., and Dorothy Cunningham of Cherry Hill, N.Y.; five grandchildren; and five great-grandchildren.

Mr. Speaker, Mr. Schwaemmle's contributions to aviation and the airline industry will never be forgotten. His work was critical in establishing the foundation of flight as we know it today. And, those who had the opportunity to know Mr. Schwaemmle will miss his wonderful and entertaining stories of flying, and his warm character as a friend.

CORRECTION OF HOUSE REPORT 102-136 TO ACCOMPANY H.R. 2507—NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. FIELDS. Mr. Speaker, when House Report 102-136, the report to accompany H.R. 2507, the National Institutes of Health Revitalization Amendments of 1991, was printed by the Government Printing Office, my name was inadvertently omitted as the author of the Separate Views printed on page 205.

I filed these views because I have serious concerns about the crisis in trauma care facing this country. While I do not support passage of H.R. 2507 in its present form, I strongly support the provisions of the bill that create an Interagency Program for Trauma Research in the National Institutes of Health.

Therefore, in order to bring my concerns to the attention of my colleagues and to correct the printing error which occurred, I am inserting in the CONGRESSIONAL RECORD at this point the Separate Views I filed on H.R. 2507:

SEPARATE VIEWS ON H.R. 2507

Although I oppose the passage of H.R. 2507 for a number of reasons, I strong support the provisions of the bill that create an Interagency Program for Trauma Research at NIH. This language was added in Committee as an amendment sponsored by Congressman Markey and myself. This program would coordinate the various trauma research efforts at NIH. Last year's legislation, the Trauma Care Systems Planning and Development Act, was an important first step in improving trauma care in America. However, it was just that—a first step. Only through continued dedication and perseverance can we assure that all trauma victims receive the best care possible.

We are facing a crisis in trauma care just as we are increasing our reliance on it. According to a GAO study released last month, more than 140,000 Americans die from injury each year. And the American College of Surgeons has estimated that 25,000 of these are needless deaths. In my view, this is unacceptable.

In addition, injuries cause the loss of more working years of life than all forms of cancer and heart disease combined. One out of every eight hospital beds is occupied by a trauma patient.

While there are eight separate institutes at NIH that are doing research in trauma care, no mechanism exists to coordinate these activities. The establishment of an Interagency Program for Trauma Research will coordinate projects already in progress and provide a clearer picture of the direction our future research efforts should take. This will prevent duplication of research, and through the sharing by experts in various fields, will also provide research into more comprehensive trauma treatment. In addition, this provision will give us the knowledge to best meet the special needs of our children and elderly when treating them in our trauma centers.

Although I cannot support the legislation that currently contains this important trauma research language, I will be working with Congressman Markey to attach it to a more acceptable bill in the future. Hopefully we will all realize the importance of a coordinated research program at NIH and will make sure that this language becomes law in the near future.

SALUTE TO MRS. ANGIE FALCONE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, this past July 4 marked more than another year of independence for the United States of America. In Batavia, NY, friends and relatives gathered to celebrate an additional milestone—the 80th birthday of Mrs. Angela Falcone. Angie, as she is known to all, was the first child born to Nicholas and Victoria Tessitore, who immigrated to the United States from Italy at the turn of the century. It was fitting that she was born on July 4, once they had come here for the opportunities and freedom our great country had to offer.

Angie worked until age 73, as a superviser at the Melton Shirt Factory and at Genesee Memorial Hospital. She survived her husband, Ralph, and has two sons. She has been a lifelong member of St. Anthony's Church. Angie remains active, and her friends and family rely on her advice and wisdom.

Mr. Speaker, I urge my colleagues to join me in wishing Mrs. Angie Falcone a very happy belated 80th birthday.

COMMEMORATING 100TH ANNIVERSARY OF THE BAUMGARDNER FAMILY FARM

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SARPALIUS. Mr. Speaker, I rise today in order to recognize a very special anniversary. This year, 1991, is the 100th anniversary of the purchase of the Baumgardner family farm by Joseph Fisher Baumgardner. The Baumgardner farm is located south of Wellington in the Texas Panhandle, just one of the fine rural communities I have the privilege to represent. What makes this anniversary special is that if you visit the Baumgardner farm today you will find David M. Baumgardner, Sr. still farming the land his father Joe Bailey Baumgardner farmed for 43 years, from 1911

to 1954. Mr. Speaker, to the average city slicker this may not seem to be any particularly great feat, but to those of us who represent agricultural districts and know the difficulties that plague the family farm today, it is an accomplishment more than worthy of recognition.

Mr. Speaker, you might believe those accomplishments would be enough for one family, but the Baumgardner family's commitment to agriculture goes much further. Besides David Baumgardner, his brother Robert farmed for 26 years in Terry County, TX, and his brother Haynes has farmed in Motley County, TX for the past 20 years. Another brother John Henry farmed in Lubbock and Hale Counties of Texas for 35 years, taught Agriculture at Texas Tech for 31 years, and served as a consultant for the U.S. Feed Grains Council from 1972 to 1977. Another brother Marion has taught Agronomy at Purdue University for over 30 years and served as director for the Laboratory of Remote Sensing. A sixth brother Forrest worked in dairy manufacturing for several years in the 1940's. Their sister Priscilla Jacobson has been a farming wife in Adrian, TX for 34 years.

Mr. Speaker, on August 2 to 4 over 80 members of the Baumgardner family will be holding a reunion on the family farm that Joseph Fisher Baumgardner purchased 100 years ago. Mr. Speaker, I think Joseph Baumgardner would be very proud of his family today.

Mr. Speaker, I hope you and all of my distinguished colleagues will join me in honoring the Baumgardner family on this special occasion and wish them another 100 years of peace and prosperity.

A TRIBUTE TO MARIA VALERIAY AND TERESA FIERRO'S RECYCLING PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to pay tribute to the achievements of two workers of the south Florida based Cordis Corp. In a company with over 1,000 workers, two employees, Ms. Maria J. Valeriay and Ms. Teresa Fierro, were determined to improve their environment. Thus, these workers began a tremendously successful recycling program within their company.

The recycling program itself is divided into two sections: paper and aluminum. Paper bins are placed on each employee's desk and collect computer printouts, memos, and other papers for recycling. Recycle receptacles for aluminum metal are placed near all soda machines. With the efforts of Ms. Valeriay and Ms. Fierro, the program accumulated more than $1,000 in the first year alone. This money was donated to the Camillus House for the Homeless in Miami, FL. This donation is yet another example of Ms. Valeriay and Ms. Fierro's dedication to their community.

The recycling program, initiated in April 1990, had full support from the management and immense approval from their coworkers. Since it began, the program has received numerous awards and acknowledgments, such as the Eco Hero and the Performance Award, demonstrating the viability of a recycling program. The program has also been nominated for the Community Service of the Year Award.

I would like to reemphasize the achievements of Ms. Maria Valeriay and Ms. Teresa Fierro. These two outstanding members of the south Florida community have displayed tremendous leadership qualities by initiating a recycling program within their company. They should be noted for their sacrifices and admired for the desire to improve their society. May they both have continued success and happiness in the years ahead.

THE LANGUAGE OF GOVERNMENT ACT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. BATEMAN. Mr. Speaker, I rise as an original cosponsor and strong supporter of H.R. 123, the Language of Government Act. The time has come for the United States to formulate a clear language policy. We are a diverse nation, composed of many races, relgions and cultures. We take pride in our heritage and recognize that our country has been greatly strengthened by its unique cultural diversity. Amid this diversity, the role of the English language as a unifying element is widely acknowledged

America has always been viewed as the land of opportunity. However, to reap the benefits of living in the United State, it is essential to know English. This message is crucial for the future of our country.

Our Nation has become increasingly aware of the problem of illiteracy, young people are at great risk if they are functionally illiterate and unable to communicate in English. Without a thorough knowledge of English, langauge-minority students will not be able to fully participate in our English-speaking business and social world.

By designating English as the official language of the Federal Government, we will assure a channel of communication common to all diverse people of this great Nation. When English is established as our Nation's official language, the Government will be obligated to provide programs that will teach English to those who do not already know it. Contrary to the opinion of those who oppose the official language movement, such a step would not prohibit or discourage the use of foreign languages in homes, churches, community groups, private organizations, tourism or commerce. The Language of Government Act will not affect the teaching and learning of other languages, it will only emphasize English as the first language. By assuring that English is learned at a young age we are only seeing that the doors of opportunity remain open for all citizens.

As the most pluralistic Nation in the world, the United States is more dependent than any other on the unifying bond of language to facilitate communication, cooperation, and the exchange of knowledge. By making English our official language of our Government, we reaffirm our belief that a common language promotes unity and serves as a bridge for understanding.

Adopting English as the official language of the U.S. Government would have a tremendous impact on this nation by encouraging better assimilation of our myriad ethnic groups. A single language greatly enhances national unity, political stability, social equality and economic efficiency. We must ensure that our Nation's young people are prepared for the challenges before them in the English-speaking business and social world. I believe that H.R. 123 will help our country achieve these worthwhile goals. For these reasons, I am a strong supporter of the Language of Government Act and encourage my colleagues to support it.

THE NATIONAL ADVANCED MATERIALS PROCESSING AND RESEARCH AND DEVELOPMENT ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. TORRICELLI. Mr. Speaker, materials science, which involves the processing, design and use of advanced materials, is essential to most successful manufacturing today. Given the enormous challenges we face from our economic competitors in manufacturing technology, it is essential that we develop a national strategy for advanced materials processing, synthesis and research and development. Toward that end, today I am introducing the National Advanced Materials Processing and Research and Development Act.

My legislation would create a strategic plan for advanced materials that would bolster American competitiveness. The plan would be developed by the National Critical Materials Council in close collaboration with the Office of Science and Technology Policy, and would include specific focus on advanced ceramics, advanced composites, electronic and photonic materials, and advanced metallic and intermetallic alloy systems.

In addition, the legislation would direct the National Science Foundation, in close consultation with other relevant Federal agencies, to create up to 10 National Advanced Materials Processing Centers. Each of these centers would be consortia of industry, universities, research groups and Federal entities which would bid competitively to carry out research into the national advanced materials goals developed in the strategic plan.

Finally, this legislation would direct the Departments of Energy and Commerce, NASA and NSF to establish within their respective departments or agencies a new competitive grants program of Advanced Materials Principal Investigator Awards and a graduate fellowship program that would enable graduate students to conduct research on materials processing and synthesis in affiliation with the awarding department or agency. In this manner, students would be given incentive to do

their graduate work in the challenging field of advanced materials, and Government researchers would benefit from being able to work with our best and brightest college students on advanced materials research.

Mr. Speaker, materials were selected as 5 of the 22 technologies deemed essential to the United States' long-term security and economic prosperity by the National Critical Technologies Panel. Unfortunately, the administration has turned away from the future in its rush to avoid anything that might resemble a coherent, thoughtful and effective industrial policy. In the meantime, our foreign competitors are rapidly moving to push forward the boundaries of science and use their discoveries for commercial advantage.

The National Advanced Materials Processing Research and Development Act would strengthen our research efforts in materials technologies and lead to concrete action to advance new technologies that will be critical for maintaining America's manufacturing and industrial prowess. I urge my colleague to support this measure. I would also like to submit the following letter of support for this legislation from the New Jersey Institute of Technology, with whom I worked closely in preparing this legislation:

NEW JERSEY INSTITUTE OF TECHNOLOGY,
April 30, 1991.

Hon. ROBERT G. TORRICELLI,
U.S. House of Representatives,
317 Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN TORRICELLI: As the United States moves into the twenty-first century, it faces unprecedented economic challenges from around the world, especially in manufacturing technology. Competing industrialized countries are moving aggressively ahead in research and development programs to advance new technologies. Such technologies will ensure the ability to compete in the ever-shrinking global marketplace. As President of New Jersey Institute of Technology, I am deeply concerned about this trend and the need to develop a national strategy to confront it. At the same time, I am also encouraged by new initiatives emerging in this country to improve our manufacturing base and to enhance the capabilities necessary to address our present shortcomings. The legislation addressing materials research, which you are sponsoring, can play a critical role in this process.

In order to succeed, we must develop innovative research programs to enhance our manufacturing and industrial capabilities. These programs should include basic laboratory research in addition to applied efforts which are coordinated with partners in industry. An essential component of this overall effort is the implementation of programs in materials science and engineering research. We face a critical need for this type of research, as it will extend the applications and range of new manufacturing processes to more diverse industries, such as aerospace, computer, pharmaceutical, semiconductor and telecommunications.

I know that you have been a key supporter of materials research in recent years, and I want to commend you for such an important commitment. As the Chairman of the Transportation, Aviation and Materials Subcommittee on the Science, Space and Technology Committee, you are an important ally in sustaining support for this field of research. I believe that your leadership and that of your colleagues in the Congress will be paramount in ensuring the ultimate success of such research and development programs.

At NJIT, we share your commitment to materials research. Through our research programs, we seek to achieve several goals. First, we seek to maintain close ties to industry. We believe that a comprehensive program of collaborative research is the best approach for transferring basic research advances to industry and to the university. In this regard, we work very closely with scientists and engineers from industry to coordinate research programs. We seek input from industry, and in turn, industry seeks feedback from us. This mutual exchange is very beneficial.

Second, we seek to conduct basic and applied research in emerging areas of materials science and manufacturing processes to stimulate new applications of technologies. We will utilize an interdisciplinary approach in this effort. Finally, we hope to promote new curriculum development and educational programs as changes occur in the very fluid fields of materials sciences and engineering. All of these factors distinguish our approach to research as one fully committed to technology development and transfer.

Your legislative initiative to develop a National Strategic Plan for Advanced Materials Processing, Synthesis, Research and Development can support research efforts at our university and at other similar institutions around the country. I applaud your efforts and want to express my strong support for this measure. As I indicated at the outset, a very definite need exists for increased research in this area, which the bill supports. Additionally, the legislation will implement a strategic direction and a coordinated plan for the various research efforts in the federal government, universities and industry. I believe that it will also spur more collaborative efforts among these three groups.

At New Jersey Institute of Technology, we conduct specialized progams in materials science and engineering research. Much of our work relates most closely to microelectronics, optoelectronics, innovative techniques for materials processing, precision manufacturing, and surface processing. This research program, all conducted with industry partners, seeks to help industry increase its productivity and to identify ideas for new products.

With these innovative progams, New Jersey Institute of Technology is a leading research institution in the field of materials research. NJIT is located in a perfect setting to interact with industry representatives in collaborative research efforts. We have a first-rate faculty to coordinate these programs. Finally, we have a strong commitment to developing innovative applications for materials, with the goal of improving the manufacturing base of this country and our overall economic competitiveness.

The legislation which you have introduced is badly needed as it provides a focus for a research field with very important implications for industry in this country. We hope to work with you as you seek to improve such research programs and to develop new applications for materials sciences.

Sincerely,

SAUL K. FENSTER,
President.

TAXATION OF SOCIAL SECURITY BENEFITS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing legislation which if enacted would right a great wrong that is occurring in some States of this country: the unfair taxation of Social Security benefits.

Mr. Speaker, as you know, Social Security benefits provide base level income protection for nearly all workers and their families from loss of income due to death, disability, or retirement of the worker. In fact, the Supreme Court has said Social Security is "for the general welfare" of the country.

Our colleagues may be shocked to know, Mr. Speaker, that 13 States currently include Social Security benefits as taxable income.

I am sure that all Members of this body will agree that, as an earned right, Social Security benefits should be exempt from State and local taxes. In order to protect the monthly benefits which our Nation's seniors so rightly deserve, I am introducing this legislation which would prohibit State and local governments from taxing Social Security benefits.

WAYNE OTTS TO RECEIVE OLIN E. TEAGUE AWARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. MONTGOMERY. Mr. Speaker, in a ceremony tomorrow in the House Veterans' Affairs Committee hearing room, Mr. Lester (Wayne) Otts will be awarded the 12th annual Olin E. Teague Award for his efforts on behalf of America's disabled veterans.

The Olin E. Teague Award is presented annually to a VA employee, or employees working as a team, whose achievements have been of special benefit to veterans with service-connected disabilities.

Mr. Otts, who works as a vocational rehabilitation specialist at the VA regional office in Phoenix, AZ, is being cited for his role in job development and placement for all veterans involved in rehabilitation in the greater Phoenix area.

Mr. Otts is a disabled veteran. Because of this he has unique empathy for the problems the disabled have in breaking through the barriers to employment. Mr. Otts has met continuously with individuals responsible for hiring in every Federal agency in the Phoenix metropolitan area and throughout the State of Arizona. He continues to find employment for disabled veterans even though the State of Arizona is experiencing serious economic problems and a high unemployment rate.

In addition to his work with disabled veterans, Mr. Otts is actively involved with homeless and runaway teens. He has had 19 teenagers spend time in his home over the past 10 years and has had a significant impact on all of these young people's lives. They will all tes-

tify that Wayne and his wife, Dorothy, helped them survive and change their lives. He is a truly remarkable person that has devoted his life to giving to others.

Mr. Speaker, there is no greater record of service to the Nation's veterans than that of the late Olin E. "Tiger" Teague, for whom the award is named. Tiger Teague served on the House Veterans' Affairs Committee for 32 years, 18 as its distinguished chairman. No one before and no one since has had a greater understanding of veterans' concerns and needs, nor has done more to address them. He set the standards by which we can best serve all veterans.

I know my colleagues join me in offering our deep appreciation to Wayne Otts for his concern, dedication, and his innovation in meeting the special rehabilitation needs of our disabled veterans. We congratulate him for the excellence of his work and for the distinguished award he receives.

PEACETREES BRING TOGETHER YOUTHS OF MANY NATIONS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. OWENS of New York. Mr. Speaker, I rise to commend the Bedford-Stuyvesant Magnolia Tree Earth Center for hosting the Earthstewards Network's International PeaceTrees Program in my central Brooklyn Congressional District. Working together with the special support of the East Fulton Development Group, the New York City Department for Youth Services, the Council on the Environment in New York City, and with the cooperation of the New York City Department of Transportation and the New York City Housing Authority, the PeaceTrees Program brought together 48 youths. Sixteen of the youths are from Bedford-Stuyvesant. Twenty-four of the young people are from the Soviet Union, India, Belfast in Ireland, Costa Rica, Jordan, and Holland. Seven youths are from New Jersey and one is from California. They are participating in environmental improvement projects in central Brooklyn.

The purpose of the program, which began July 7 and ends July 25, is to promote intercultural harmony, to build awareness of environmental problems and solutions, and to empower young men and women with the skills and confidence to help create a better world. In its PeaceTrees projects in India and Costa Rica, the Magnolia Tree Earth Center found that the simple act of planting trees together provides a wonderful opportunity for people to get to know one another and dispel the false images and stereotypes that various ethnic groups and nationalities harbor about each other.

This month, the young people from Bedford-Stuyvesant, those from the participating countries, and those from other States in the United States learned about each other's cultures and customs by living together in a dormitory at Pratt Institute in Brooklyn. The activities of their first week together focused on creating the bonds of trust and understanding that helped make them a truly global team.

Training during that week included team building, cross-cultural learning and communications, leadership, conflict resolution, and urban forestry. During the first week they staged a groundbreaking ceremony at the Magnolia Tree Earth Center's Hattie Carthan Memorial Garden, which is named for Magnolia Tree's founder.

Their first project was to plant a grove of trees within the Carthan Memorial Garden. In an undeveloped section, they cleaned up the rubble and debris, and installed ground covers and flowers along with the trees to begin a children's garden. They were visited by 200 preschool and elementary school children who came to meet these committed youth, and thank them.

The group's second project is on Fulton Street between Sumpter and Ralph Avenue in Brooklyn. This area is undergoing long-term urban redevelopment under the direction of the East Fulton Development Group. There the PeaceTrees young people created a Peace Plaza and a Green Way on Fulton Street. The work included planting callery pear trees as a symbol of peace and making a meditation space in one of the triangles.

The Department of Transportation set curbs as part of its work repaving the streets. The Housing Authority plans urban landscaping at the adjacent Brevoort Housing Development which will complement the PeaceTrees Program work. Additionally, students from New York City Technical College participated in designs competitions to transform the neighborhood as part of their school curriculum.

The PeaceTrees teams' third project was to landscape the grounds of St. Mary's Episcopal Church, a Brooklyn landmark located near Pratt Institute. Aside from its projects, the group also donated a tree to a privately operated halfway house, located on the same block as the Magnolia Tree Earth Center, which cares for recovering substance abusers and former mental patients.

On Saturday, July 20, in one of its final activities of the summer, the young people held a dedication ceremony of the special peace triangle at Fulton Street and Patchen Avenue, which included the lowering of a time capsule commemorating the event for future generations. On Wednesday, July 24, there will be a farewell ceremony for the young people during which they will be awarded certificates for their outstanding performance.

Mr. Speaker, I applaud the work of these young volunteers as they link saving the planet with proving that it is possible for people, indeed, for nations, to become friends, to trust one another, and to work together for a better world. I congratulate the Magnolia Tree Earth Center for sponsoring PeachTrees this year in central Brooklyn, thus helping to set an example of international interaction and peaceful service. I sincerely hope that similar PeaceTrees programs are replicated and supported around the globe.

TRIBUTE TO TOM SMITH AND THE VIETNAM VETERANS MOTORCYCLE CLUB

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Tom Smith and the Vietnam Veterans Motorcycle Club for their efforts in sponsoring the Moving Wall's visit to Rhode Island. The Moving Wall is a half scale replica of the Vietnam Veterans Memorial in Washington, DC.

Tom Smith and the Vietnam Veteran's Motorcycle Club should be commended for their efforts in bringing the Moving Wall to Providence, RI. The Vietnam Veterans Motorcycle Club is a nationwide organization. Membership in the organization requires that you are a Vietnam-era veteran having served from 1962 to 1975, and that you own a motorcycle. The group was formed to provide camaraderie and social benefits to those who served during the Vietnam conflict. Their volunteer work centers around Rhode Island veterans homes and organizations.

Tom Smith is the chairman of the Moving Wall Committee. He served as a marine corporal in Vietnam from 1967 to 1968. He was a regimental scout sniper and his areas of service included Contien and Khe-Sahn. After his service in Vietnam he received his bachelor's degree from the University of Detroit under the G.I. bill. He went on to receive a graduate degree from MIT. Tom Smith is currently employed as an engineer.

The Moving Wall is currently under heavy demand and it is a great honor to have it in our State. It is with great pleasure that I congratulate Tom Smith and all the members of the Vietnam Veterans Motorcycle Club for helping to bring the Moving Wall to Rhode Island. I extend my best wishes to the Vietnam Veterans Motorcycle Club for a successful future.

TIME FOR PEACE ON CYPRUS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. LEVINE of California. Mr. Speaker, on this 17th year of occupation and division on the island of Cyprus, the United States should take advantage of the spirit of international cooperation that characterized our efforts in the gulf to resolve the Cyprus conflict. While a "window of opportunity" may exist to resolve the Cyprus dispute, immediate action must be taken to reach a settlement on Cyprus before this opportunity is lost.

As a close friend and benefactor of both Turkey and Greece, the United States can play a critical role in moving this peace process forward. While Turkey must be commended for its important role in the allied effort to liberate Kuwait, the administration must make it clear to President Ozal that it is not in his economic or political interest to continue

the occupation of 29,000 Turkish troops to secure 40 percent of an island on which 18 percent of the population lives.

The United Nations resolutions calling for the removal of Turkish troops from the island must be enforced. Greece, Turkey, and Cypriots on both sides of the "green line" must reach a solution to this conflict through peaceful negotiations, not through the use of a massive military presence.

A solution to the Cyprus problem would alleviate tensions between our two NATO allies and would open the door for greater cooperation between Turkey and the European community. All parties clearly have more to gain by reaching a solution to this conflict than by maintaining the status quo.

The time has come for a unified and peaceful Cyprus where the rights of all citizens, Greek and Turkish, are guaranteed. Family and friends have been divided long enough on this tiny island nation. It is my hope that in the wake of the gulf war, a new era of peace and cooperation can begin not only in the eastern Mediterranean, but in the entire region.

THE CONGRESSIONAL SUN BELT CAUCUS VISITS ANTIETAM NATIONAL BATTLEFIELD

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. SHAW. Mr. Speaker, on June 14 of this year, the congressional Sun Belt caucus, of which I am cochairman, sponsored a day trip for 5 Members of Congress and 33 congressional staffers to Antietam National Battlefield, located in Sharpsburg, MD. The congressional delegation spent the day learning about the bloodiest day in American military history, as well as development pressures facing what some consider the best-preserved Civil War battlefield.

Ed Bearss, who appeared in the acclaimed PBS series "The Civil War," and who is Chief Historian for the National Park Service, conducted the tour. Members who participated at the day long event included Representative TIM VALENTINE, BOB LIVINGSTON, WALLY HERGER, and FRED GRANDY. Representative BEVERLY BYRON, who represents the Antietam Battlefield area, welcomed the delegation to the battlefield and spoke to members and staff about the battlefield. Representative BYRON has a particular affection for the battlefield, because her husband, the late Representative Goodlow Byron, is buried at Antietam National Cemetery alongside Union soldiers who fell there.

All who participated in the day's activities had glowing praise for the knowledge and charisma Ed Bearss brought to the tour. Mr. Bearss gave a comprehensive overview of events leading up to the battle, which occured on September 17, 1862. Mr. Bearss also led the tour to the various key spots of the battle, including Burnside Bridge, a site where approximately 400 Georgians held off for 3½ hours an entire Union Army Corps.

Although the battle is considered a tactical draw, the battle of Antietam was a strategic victory for the North and a turning point in the Civil War. President Lincoln issued the Emancipation Proclamation in response to the battle, thereby effectively thwarting any Confederate hope of England and France recognizing or overtly aiding the Confederacy for the remainder of the war. Additionally, because the Confederate Army returned safely to Virginia, it confirmed in Lincoln's mind his resolve to find a general who would fight as aggressively as the Confederate commander Robert E. Lee. That commander eventually turned out to be Gen. Ulysses S. Grant.

Our Nation was forever changed that fateful day in 1862. Because of Antietam, there was no turning back after the battle. Lincoln's emancipation of the slaves effectively and permanently altered the goals and ideals of the Civil War. Although the average Southern soldier never owned slaves, and did not fight to preserve the institution of slavery, Lincoln's bold move after Antietam forever placed a moral stigma on the Confederate cause. Almost 3 years would pass after the battle before the guns would finally fall silent.

Today it is hard to imagine the wholesale slaughter and unbridled carnage that occurred at Antietam, when the site is now so peaceful and serene. However, we in Congress must be vigilant if places like Antietam are to remain peaceful. As my colleagues may be aware, many Civil War battlefields are under a different type of attack from that which occured over 125 years ago—namely the specter of encroaching development which threatens them. While I am certainly not against economic growth, I am against developing haphazardly or without taking into account the unforeseen costs of building near land which should be forever preserved for the present and for future generations of Americans.

Mr. Speaker, I am sure that if every Member of Congress could tour a Civil War battlefield with the incomparable Ed Bearss, protecting those battlefields would be a foregone conclusion. In lieu of that, however, I urge my colleagues to visit these national treasures—for these lands not only embody important events in our national history, but they are also beautiful.

HONORING THE CITY OF IRVINE FOR OUTSTANDING COMMUNITY SERVICE FOR THE DISABLED

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the city of Irvine, CA. This fine community has been selected by the National Organization on Disability as the Grand Prize winner of the 1990 "Calling on America" Leadership Award Campaign. The citizens of Irvine are being honored for their exceptional achievements in the area of disability issues during 1990.

This prestigious award is the result of hours of planning and hard work by the Irvine City Council—under the direction of Mayor Sally Anne Sheridan—and the Irvine Residents with Disabilities Advisory Board. Working as a team, these individuals shared their expertise to write a winning proposal for the National Organization on Disability. This accomplishment deserves recognition and praise.

Having examined this comprehensive plan, I want to highlight some of its most important points. It incorporates provisions for the disabled into all aspects of community living—including education and training, employment, civic government, recreation, public awareness, transportation, housing, and child care. These services will make life safer, more meaningful, and more enjoyable for all of the disabled citizens of Irvine.

Ronald Reagan's former press secretary James Brady, has commended the citizens of the city of Irvine for their sensitivity to the needs of their disabled neighbors. It is a privilege to join with Jim Brady—who now serves as the vice chair of the National Organization on Disability—in congratulating all of the people of Irvine for this outstanding achievement.

LEGISLATION TO ESTABLISH A NATIVE AMERICAN UNIVERSITY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, I am introducing a bill to establish a Native American University. I have spoken on this bill as early as this past April when I introduced H.R. 1690. Because the university created by this bill will be directly related to programs administered by the Bureau of Indian Affairs under the auspices of the Department of the Interior, I am introducing a second bill which I believe will receive a joint referral to the Committee on Education and Labor and the Committee on Interior and Insular Affairs. With this joint referral, I believe both concerned committees will have the opportunity to conduct the appropriate review.

This bill was submitted once before but for some reason was not listed in the CONGRESSIONAL RECORD.

A BILL ADDRESSING THE PARTNERSHIP ALLOCATION RULES OF CERTAIN NONRECOURSE FINANCING QUALIFYING UNDER THE AT-RISK RULES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. MATSUI. Mr. Speaker, today I am introducing legislation to correct an apparent inconsistency in the partnership rules of the Tax Code.

Under section 465 of the Internal Revenue Code, certain taxpayers are allowed to deduct losses from an activity only to the extent they are "at risk" with respect to such activity. Generally, taxpayers are at risk if they have contributed cash or property for use in the activity or have incurred recourse borrowings from unrelated persons with respect to such activity.

The Tax Reform Act of 1986 established an "at-risk" category of nonrecourse borrowings for certain activity involving the holding of real property. This "qualified nonrecourse financing" category includes "certain commercially reasonable financing" even though such financing is loaned by a related person.

This exception for commercially reasonable loans from related persons was enacted in recognition that many real estate development joint ventures consist of a developer partner and a financing partner. Properties developed under such joint ventures frequently consist of industrial and commercial real estate, including manufacturing, warehousing, hotel, and office properties. These arrangements are entered into by institutional lenders in order that the lenders may receive a portion of their return from the loan in the form of operating cash-flow and appreciation of the developed real estate. Developers frequently seek out these arrangements because they are most likely to involve lenders that are more committed to the financed project and to future projects of the developer.

Subsequent to the enactment of the above provisions, regulations were issued under Code section 704(b) generally requiring the allocation of nonrecourse deductions to the partner who is the lender—or an affiliate of such lender—of a nonrecourse loan. In addition, the recently issued liability sharing regulations under section 752 generally allocate nonrecourse liabilities to the basis of the lender, or affiliate, partner. Pursuant to a de minimis exception provided under these regulations, nonrecourse liabilities and the related deductions generally will not be required to be allocated to a partner who owns 10 percent or less of the partnership even though such partner is the lender of an affiliate of such lender.

Thus, in the case of a joint venture, the regulations will generally result in a greater-than-10-percent partner/lender being allocated all the tax deductions related to the loan, while the partner/developer is unable to share in the deductions.

Supplementing the "commercially reasonable financing" amendment contained in my legislation, this bill includes two additional safeguards against use of this proposed change in interest allocation.

First, the distributive share of each partnership item allocated to a partner, directly or through tiered entities, must be the same as his distributive share of all other partnership items, and must remain the same during the entire period such person is a partner—"straight-up allocations". Second, the direct or indirect interest in the partnership of the person providing the financing may not exceed 50 percent.

The relief afforded "commercially reasonable financing" from related persons under section 465 was intended to have some usefulness by those drafting the 1986 Tax Act. The regulations under sections 704(b) and 752 have negated that relief for partnerships comprised of a developer and institutional lender. Thus, this bill is necessary to reestablish the relief originally envisioned, and legislated, by Congress in 1986.

TRIBUTE TO BRENDA T. ACKEN

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. RAHALL. Mr. Speaker, I rise to recognize a constituent and long-time personal friend, Brenda T. Acken, who, today, has been elected president of Quota International, Inc.

Quota International, Inc. is a nonprofit, nonpartisan, nonsectarian, organization of executive business and professional people dedicated to a common cause—service to those who need help—and are especially committed to providing assistance to the hearing and speech impaired citizens around the world. With its international headquarters in Washington, DC. Quota has clubs organized in 12 countries and links members of all ages, occupations, and nationalities in a world-wide organization of service and friendship.

Brenda T. Acken of Bluefield, WV and a member of Quota Club of South Bluefield, was elected to the prestigious office of president of Quota International, Inc. at the International Convention in Ottawa, Ontario, Canada. Brenda has been involved in Quota since 1973 and has many local, district, area, and international offices. Brenda is the first West Virginian in the last 50 years to hold this office. A native West Virginian, Brenda is the daughter of Mr. and Mrs. Murl Thomas of Princeton, WV and is a graduate of Concord College in Athens, WV.

Brenda is an officer of MAPCO Coal Inc.'s Virginia region and a trustee of the Robert E. Perkinson Trust; a board member of the American Institute of CPA's; the vice-president of the West Virginia Board of Accountancy; and is a past president of the West Virginia Society of CPA's serving as the first woman president. She is currently chairman of the board of Bluefield Health Systems; vice chairman of the board of directors of Bluefield Regional Medical Center; and treasurer of the board of directors of Bluefield Regional Medical Center Foundation.

Under Brenda's leadership, I am confident that the Quota International Organization will continue to grow and accomplish their many on-going goals for the improvement of the welfare of mankind. I know that every Member of this body joins me in congratulating Brenda and wishing her great success in her tenure as president of Quota International, Inc.

U.S. POLICY ON BALTIC STATES FALLS SERIOUSLY SHORT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1991

Mr. HOYER. Mr. Speaker, on June 25, 1991, in compliance with Public Law 101-309, the administration submitted its report on U.S. Government actions in support of the peaceful restoration of independence for the Baltic States.

According to the document:

In wake of Soviet pressure against the Baltic States, our Government has undertaken a vigorous diplomatic effort designed to both help avert future violent confrontations in the Baltic States and to enable the Baltic people to realize their legitimate but long-denied aspirations.

Rather than calling the Bush administration's efforts on behalf of the Baltic States vigorous, I would call them restrained. While the administration has on occasion protested Soviet repression in the Baltics, and has expanded contacts with Baltic leaders, far too many of these actions have been inconsistent, incomplete, and hesitant. To this day, the administration has engaged in only half-hearted actions on behalf of Baltic independence, designed more to save president Gorbachev from embarrassment than to promote the Baltic cause.

With this in mind, I would like to address both the administration's report to Congress, and its recent actions in regard to Baltic independence.

The administration paper states that the United States currently supports granting the Baltic States observer status at CSCE meetings. True. The Bush administration has expressed support for observer status for Latvia, Lithuania, and Estonia. But will the United States raise the issue of observer status within the CSCE? The answer has consistently been "no," on the grounds that consensus would not be achieved. The Soviets or some other delegation might object, the administration reasons. But since when has the United States refused to raise an issue or make a proposal within the CSCE just because consensus was unlikely at the moment? If that were the case, many of the Helsinki principles which now provide strong moral guidelines for the participating states would never have been proposed, let alone adopted.

Our Government should not concede defeat before even entering the arena. Instead, we should raise an issue on principle and let the nations of the CSCE take a stand. The United States should formally propose CSCE observer status for the Baltic governments. Such a proposal will not only underscore our continued commitment to the democratization which has already taken place under President Gorbachev's leadership, it will also signal our impatience with Moscow's tired line that it is engaged in meaningful negotiations with Riga, Vilnius, and Tallin, when clearly it is not.

The report also states that since mid-January 1991, when at least 21 persons died from Soviet initiated violence in Lithuania and Latvia, the President and Secretary of State have repeatedly raised the issue of the Baltic States. Unfortunately, these statements have not been strong enough, and they have not put an end to the ongoing attacks on the Baltic peoples carried out by the infamous black berets. Throughout May and June and up to the present, these forces have been destroying customs posts on the Baltic borders, injuring and sometimes killing Baltic customs officials in the process. On June 26, they seized Lithuania's central telephone and telegraph exchange, completely isolating Lithuania from the outside world.

Conspicuous by its absence in the President's June 25 message to Congress was any mention of a particularly incredulous investigative report issued on June 3 of this year by the

Moscow-based Soviet Procuracy. Ordered to investigate the horrible events of January 12–13 in Vilnius, the Soviet Committee essentially blamed the Lithuanian people for the tragic deaths which took place. The State Department's response was to find the conclusions of the report "at odds with the facts." This response was entirely too mild. The administration should have called on Mr. Gorbachev to personally investigate this insult to the Lithuanian people. And Mr. Gorbachev should have gotten to the bottom of this travesty for the sake of his own credibility.

And finally, I want to address a recent U.S. action not listed in the report to Congress. A few days ago, the administration informed the Foreign Ministers of the Baltic States that it intended to extend most-favored-nation status to the Soviet Union based upon the adoption by the Soviet Government of a new emigration law "meeting international standards." Leaving aside the questionable assertion that the law meets international standards of freedom of movement, I would like to quote from the nonpaper delivered by our diplomatic representatives to the Baltic Foreign Ministers on the issue of MFN:

We want to use our influence to have Moscow negotiate seriously with you on independence. If you work either to exclude the Baltic States from inclusion in the trade agreement and MFN, or block passage of the agreement, that could make our task and yours more difficult.

In other words, don't rock the boat. We fully recognize your legal claim to independence, but in this instance, we are going to accept Moscow's claim that the Baltic States are indeed Soviet Republics.

Last February I led a congressional delegation to each of the Baltic States as chairman of the Helsinki Commission. We met there with the democratically elected leaders of Latvia, Lithuania, and Estonia. They told us of their peaceful struggle for independence, and of the campaign of terror which is being waged against them by the center. We came away from those meetings with not only a deeply ingrained determination to promote their cause, but also ideas for some specific steps which could be taken by our Government to expand and solidify its support for the Baltic States.

These include:

Establishing an American presence, such as information offices, in each of the Baltic States to serve as a form of polticial recognition and support;

Channeling U.S. Governement humanitarian aid and economic assistance, as well as private sector humanitarian aid, to the Baltic States directly;

Recognizing and establishing direct contracts with the parliaments of Lithuania, Latvia, and Estonia as the legitimate, freely elected and democratic representatives of the peoples of the Baltic States; and as I have already mentioned;

Proposing and seeking support for observer status for the Baltic States in the CSCE at the very next opportunity.

These ideas have since been incorporated into House Joint Resolution 179, and Senate Joint Resolution 89, which enjoy over 100 cosponsors in the House and Senate.

Mr. Speaker, I realize that in a rapidly changing Europe, with various political forces arising from the wreckage of Marxist economics, Leninist politics, and Stalinist psychology, the administration is faced with a daunting mosaic of challenges amid contending political forces. Policy options are not always easily ascertained. However, United States policy for over 50 years has been that "we do not recognize the forced occupation of the Baltics." Now we have a historic window of opportunity to aid the Baltic States in their request for independence, and we are falling seriously short of the mark.