

HOUSE OF REPRESENTATIVES—Thursday, September 26, 1991

The House met at 10:00 a.m. The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We celebrate all Your gifts, O God, and pray that we will gain insight into Your will for us. Give us a new understanding of the meaning of justice between people and a desire to do the works of justice. Give us the strength, gracious God, to stand on the side of right, to speak for truth and fairness, and with all our heart to turn away from any intolerance. As You have created us to be one people living together in peace and respect, so may we express that unity in our words and deeds. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Colorado [Mr. SKAGGS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. SKAGGS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 332. Joint resolution making continuing appropriations for the fiscal year 1992, and for other purposes.

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

S. 862. An act to provide for a demonstration program for voir dire examination in certain criminal cases, and for other purposes;

S. 865. An act to provide for a demonstration program for voir dire examination in certain civil cases, and for other purposes;

S. 1699. An act to prevent false and misleading statements in connection with offerings of government securities; and

S. 1754. An act to amend the U.S. Commission on Civil Rights Act of 1983 to reauthorize the Commission, and for other purposes.

ONE MAN'S REPORT ON UNEMPLOYMENT

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

Mr. WISE. Mr. Speaker, apparently the President has referred to the unemployment bill as 'garbage.' That is what the newspapers report.

I wish he had met Roy on Friday. Roy stopped me in the parking lot of a fast food restaurant, a Burger King. He was driving by in his truck, and he stopped and got out. He was neatly dressed. Do you know what he was doing? He was out looking for work.

He lost his manufacturing job in March, along with 300 others, but he has not stopped. He is not asking for benefits; he is not asking for a hand-out. He wants to work.

Mr. Speaker, he said, "What's wrong with the President? Why won't he sign this bill?"

Roy recognizes that we can talk about growth and economic development, but economic development starts at home. It starts by helping working families like the one Roy heads up to be able to keep the mortgage payments going, to keep the children in school, and to make the payments they have to make so he can go back and get into the work force. They invested in this country, and they ask for some return. Incidentally, Roy said:

You know, I am having trouble. I am making the mortgage payments, we are making the car payments, but writing that tuition check to keep our child in college is really causing some problems.

He is doing it, Mr. Speaker, but he is not garbage, and this bill is not garbage. This House and this President need to pass unemployment compensation.

WHAT THE PRESIDENT REALLY SAID

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

Mr. WALKER. Mr. Speaker, in the last couple of days we have had several Members come to the House floor, including members of the Democratic House leadership, saying that the President of the United States called the unemployment benefits bill garbage.

I know that the House rules prevent me from saying that those Members are lying, so I will not say that, but I will say, as Winston Churchill once said, that they are guilty of terminological inexactitude.

I have here a copy of the President's remarks that he made in New Jersey. I am going to read to the House what the President really said, and I quote:

And I'm a little tired of hearing Democrats say we have no domestic agenda. The problem is their domestic agenda is to crush our domestic agenda. They're doing nothing but griping—refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I'll continue to veto the bad stuff until we get good bills.

There is no mention of unemployment in the paragraph before, and there is no mention in the paragraph after. In fact, the only mention of unemployment is in some paragraphs down where he mentions the fact that some unemployment bills should also be paid for.

Mr. Speaker, this is an absolutely irresponsible approach, to come to this floor and make accusations against the President of the United States for words he did not say. I expect Members who have done so to come to the floor and apologize to the President for what they have said, but I do not think they are responsible enough to do so.

UNITED STATES RECOGNITION SOUGHT FOR THE NEW REPUBLIC OF ARMENIA

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

Mr. McNULTY. Mr. Speaker, last Saturday I was in Armenia, and I witnessed history. In the first referendum in the Soviet Union since the failed coup attempt, the people of Armenia went to the polls in record numbers and voted for independence. More than 90 percent of the people of Armenia over the age of 18 participated in that election, and more than 90 percent of those who participated voted for independence.

Since the United States of America has set itself up as the beacon of freedom and democracy for all the world, we should be the first, Mr. Speaker, to step forward and recognize the independence of Armenia. After we do that, I hope the United States will also proudly step forward and sponsor membership in the United Nations for the new State of Armenia.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I hope the United States and all the freedom-loving people of the world will gather together and, like the Armenian people, proclaim: "Getseh azad angakh haiastan"—long live free and independent Armenia.

WHILE CONGRESS DEBATES, SMALL BUSINESS IS SOLVING THE CHILD CARE PROBLEM

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

Mr. IRELAND. Mr. Speaker, small businesses will generate nearly 75 percent of the new jobs in this country over the next 25 years.

Because many of these jobs will be filled by working parents, child care will become one of the most pressing issues facing our country.

A recent report issued by the non-profit Child Care Action campaign suggests that while we, in Congress, have been debating the merits of mandating child care benefits, small businesses have been finding innovative ways to meet the child care needs of their employees. What a familiar theme. While Congress looks to bureaucrats to solve a problem, small business gets the job done.

My colleagues, the answer to our child care and other social-economic problems is not Government mandates. Mandates will only destroy small business jobs.

Incentives are what small businesses need to meet the evolving interests of their employees—incentives that will create the jobs we so desperately need.

My colleagues, it is easy to say that you are all for small businesses and the jobs they create. But it's how you vote that really counts.

□ 1010

REPUBLICANS LEADING NATION IN DIRECTION OF IRRESPONSIBLE POLICY

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

Mr. MILLER of California. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] just came into the well in some kind of a tirade about the depiction of the President's remarks calling the legislation on unemployment put forth by the Democrats as garbage.

Clearly we see a story under the Associated Press where "Bush defended his domestic policy, calling Democratic legislation on unemployment benefits garbage."

This has been reported in the media rather extensively and has not been de-

nied by the White House. For the gentleman from Pennsylvania [Mr. WALKER] to suggest that it is irresponsible to quote the President of the United States after it has been widely reported and not retracted by the White House, is in fact outrageous.

I will tell the gentleman from Pennsylvania [Mr. WALKER] what in fact is irresponsible: It is his vote against the unemployment legislation and the inability of this President to come to grips with the trauma that millions of American families are feeling as a result of falling off of the unemployment system after they have lost their job through no fault of their own.

That is what is irresponsible, and your party and your President are leading this Nation in the direction of that irresponsible policy.

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

Mr. MILLER of California. No, I do not yield.

REPUBLICAN APPROACH TO UNEMPLOYMENT BENEFITS IS FINANCIALLY RESPONSIBLE

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

Mr. HUNTER. Mr. Speaker, let me answer the gentleman from California [Mr. MILLER] who just made a statement on the floor concerning the President's speech. Let me answer not by making a denigration of the President, but rather by quoting his real remarks. He said the Democrats are, "refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I'll continue to veto the bad stuff until we get good bills."

He did not say that he was against an unemployment bill. He said regarding an unemployment bill:

Right now in Congress there's some debate on how to help the unemployed whose benefits have run out. The Democrats want us to pass a bill and simply not pay for it, push it over onto future generations. And our approach, the Dole substitute it's called, helps the unemployed—they get the extended benefit—but pays for the program. And this approach—their approach adds to an already humongous deficit, and ours does not. Ours pays as you go and takes care of those who are in need. And that is the fundamental difference between the Republicans and the Democrats.

Mr. Speaker, once again, the President supports a responsible unemployment bill.

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

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

Mr. WALKER. Mr. Speaker, I think it is well to point out if we could that the gentleman from California [Mr. MILLER] quotes from the AP story, not from the transcript of the President's speech. I quoted from the transcript of the President's speech. The gentleman

seems to want to quote from news stories that may or may not be accurate.

Mr. HUNTER. Mr. Speaker, reclaiming my time, let me just say one thing. Members on the Democrat side and the gentleman from California [Mr. MILLER], who just spoke, I think we owe it to the President to accord him the same dignity and the same comity that we accord each other in this House. When one Member gets up and makes a statement on the RECORD, and the quote is mistaken by somebody and the exact words are later brought about by the other side, then there is an apology, whether it is a Democrat who does it or a Republican who does it.

Let us show the same respect to the President of the United States that the Democrats and Republicans in the House of Representatives show each other.

SUPPORT BILL OF RIGHTS FOR CAMPUS SEXUAL ASSAULT VICTIMS

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

Mr. RAMSTAD. Mr. Speaker, last Friday I conducted a field hearing at the Minnesota State capital on H.R. 2263, the Campus Sexual Assault Victims' Bill of Rights Act. I want to extend my deepest thanks to the gentleman from Minnesota [Mr. PENNY] and the gentlewoman from New York [Ms. MOLINARI] for their active participation at the hearing.

Mr. Speaker, we heard 5½ hours of compelling testimony from campus sexual assault survivors, parents of victims, representatives of national and local victims' rights organizations, experts on acquaintance rape and campus security, student leaders, college administrators, and law enforcement.

After hearing the testimony at this field hearing, I am even more convinced of the need for this legislation. So that Members and others can benefit from this important hearing, I am submitting the statements of the witnesses from that hearing into the CONGRESSIONAL RECORD.

H.R. 2363 now has strong bipartisan support, 123 cosponsors, almost an equal number of Democrats and Republicans.

Congress needs to take strong action to protect the victims, survivors of campus sexual assaults. I urge Members to review the statements I am submitting into the RECORD today.

On behalf of 6,000 victims of campus sexual assault this year alone, I urge support of H.R. 2363, the bill of rights for campus sexual assault victims.

PRESIDENT SHOULD DISAVOW INACCURATE NEWS STORIES

(Mr. HEFNER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HEFNER. Mr. Speaker, I am a bit confused. The gentleman on this side of the aisle says that the President did not make certain remarks, and it has been reported by the news services all across the country. Did he not mention the unemployment bill? He said all we are sending is a bunch of garbage.

Is the President of the United States omnipotent, and the only things he will sign are what he is in favor of, if he wanted to discriminate between the unemployment bill and the other bills?

But he did not do that. He made a blanket indictment that everything we are sending is a bunch of garbage. If he wanted to exclude the unemployment bill, he should have done so.

The White House has not disavowed the reports that have been made to the news services. We certainly do not want to jump on the President, but if the President wants to disavow these remarks, he should call and do so.

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

Mr. HEFNER. I do not yield.

Mr. WALKER. Of course not. The gentleman does not want the truth.

Mr. HEFNER. Mr. Speaker, I yield 5 seconds to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. HEFNER. Mr. Speaker, I reclaim my time.

Mr. WALKER. Mr. Speaker, I have the transcript, and it does not say what the gentleman says it does.

FULL DISCLOSURE REGARDING HOUSE BANKING PRACTICES SHOULD BE MADE

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

Mr. NUSSLE. Mr. Speaker, I rise today not as a rebellious freshman Member of Congress but as a confused and very concerned citizen and Member of this body. I am concerned and confused about the message that was sent from this body yesterday, and which has been sent from this body over the course of the last week.

Mr. Speaker, my confusion and concern surrounds the study released by GAO about the 8,331 checks from the official bank that have been bounced between July 1989 and July 1990.

My constituents want to know if I have bounced any checks, and they want to know why we do not have full disclosure in this House. They want to know why we do nothing.

Mr. Speaker, in this very Chamber in January I had the privilege of addressing high school students that came here to learn about our process. In talking to them about the budget proc-

ess, I told them it is very simple. It is like balancing your checkbook. If you have \$35 in your checkbook, you do not spend \$40.

Little did I know in January that back here in September we would have to talk about our own bank accounts and whether or not we have been bouncing those checks.

Mr. Speaker, I ask for that full disclosure. It is fair to those of us who have not been bouncing checks, to those of us who have been fair to this process, to make full disclosure to the people back home who are sick and tired of what they hear when it comes to this body and the kind of things that occur in this body.

Mr. Speaker, I ask for that full disclosure today.

DR. SEUSS—A GIANT IN CHILDREN'S LITERATURE

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

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to inform the Members of the passing on of one of America's best loved authors and a native of my hometown of Springfield, MA. The person I am talking of is Theodore Seuss Geisel, known to millions of children the world over as Dr. Seuss. Dr. Seuss died yesterday in California, but my home city of Springfield, MA, has always been proud to call him one of ours. He was born in Springfield in 1904. He studied animals at the Forest Park Zoo, which was supervised by his father, and his first book was based on his childhood memories of Mulberry Street. That book, "And To Think That I Saw It on Mulberry Street," was an immediate hit with children and parents. Forty-seven books followed, and today we know such characters as "Yertle the Turtle," "The Grinch Who Stole Christmas," "Horton the Elephant," and, of course, "The Cat in the Hat."

As I remember Dr. Seuss, I think of the millions of children who first learned to read with a big Dr. Seuss book in hand. He made reading fun. "One Fish, Two Fish, Red Fish, Blue Fish." He disdained interviews with adults, but was always available to be interviewed by kids. They loved his books and they loved him.

Dr. Seuss returned to Springfield a few years ago when I was mayor. We honored him officially, but the only part of the day that he really appeared to enjoy was a read-aloud session with a group of elementary school children. That is how we will remember this creative and interesting man: As a genius at sparking the imaginations of children everywhere.

□ 1020

PARTIAL SOLUTION TO BOUNCED CHECKS NOT ENOUGH

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

Mr. SANTORUM. Mr. Speaker, on Saturday I was at an outreach meeting in Churchill in my district and a woman raised her hand and handed me a newspaper article that talked about 134 Members of Congress bouncing 581 checks of over \$1,000 or more for the past 6-month period this year. That article also said that 24 Members of Congress each bounced at least 1 check per month worth at least \$1,000.

The article continues.

The Congress is again, circumventing rules and regulations that everybody else in this country must obey.

She asked me did I do that. I said, no, I did not. And then she said, I did not. And then she said, "What are you going to do about it?"

I came here to Congress this week and the Speaker took the floor yesterday and said that this practice must stop, and I agree with him that this practice must stop. And I commend him for his action. But that is not enough. This is only a partial solution to the problem.

If there has been a systematic abuse of this system, as is suggested by the GAO report, it must be disclosed to the American public and the names and the abuses must be made public.

I request that that information be produced today.

A COW BELCHING STUDY BY THE EPA

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

Mr. TRAFICANT. Mr. Speaker, talking about garbage, the EPA is spending \$210,000 to study cow belching and its effects on global warming. Here is how it works.

Cows will wear backpacks and have hoses connected to their mouths.

Tell me, Mr. Speaker, what happens if the backpack is to tight and instead of an oral emission, Elsie goes 7.0 on the Richter scale? Will the President declare a garbage emergency of the House? Or how about maybe will appoint a Congressional Bovine Burp task Force, Or maybe the EPA will require, think about it, scrubbers on udders, bag hoses on nostrils. I think we ought to take a cattle prod to the EPA and when the people talk about garbage, about the only jobs being created are not in Government waste, it is raw Government sewage.

THE COUNTRY NEEDS TO KNOW

Mr. LIVINGSTON. Mr. Speaker, the country needs to know. A distinguished Democrat in the other body said something memorable last June. That distinguished gentleman was calling for a congressional investigation of the charges that Ronald Reagan's 1980 campaign staff had dealings with Iranians during the hostage crisis.

Despite the flimsy evidence, this is what he said. He said, according to the Los Angeles Times of June 25, 1991, "If the allegations are not true, the country needs to know they are not true."

Mr. Speaker, those words take a new relevance today. There are recent charges made about some of our colleagues that they have helped the Communist Government of Nicaragua and/or that they disclosed classified information.

I do not know if those charges are true, but the distinguished Member of the other body had it right. The country should have the right to know.

Mr. Speaker, if there is any good reason not to have such an investigation, will you please tell us, and the American people, what on Earth that reason could be.

QUOTING FROM THE PRESIDENT'S REMARKS ON UNEMPLOYMENT BILL

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

Mr. COLEMAN of Texas. Mr. Speaker, I think it is interesting to note here in the House that only the gentleman from Pennsylvania [Mr. WALKER] appears to be the one trying to clarify the remarks made by the President of the United States. The White House itself has not attempted to change the remarks that the President made attending a fundraising event for Republicans, at which he said, and I want to quote this from the text itself of the speech that he gave where he said, "They are doing nothing but griping," referring to the Democrats. And there was applause. "Refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I will continue to veto the bad stuff until we get good bills." [Applause.]

I think it is time that all of us decided which it is. Is the unemployment compensation bill a good bill that the President will sign or is it garbage?

I do not think that the Republicans in this House can have it both ways. I think that they should admit that the President of the United States himself has said that it is one or the other. He will either sign it or he will veto it. It is either a good bill or it is garbage.

I hope, Mr. President, you will recognize as this House did yesterday that it is a good bill and Americans deserve to have the kind of compensation it anticipates.

THE PRESIDENT WAS REFERRING TO MORE THAN UNEMPLOYMENT

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

Mr. DORNAN of California. Mr. Speaker, I just met with Kimberly Bergalis, this beautiful, courageous young lady from Florida, dying of AIDS, over in the office of the gentleman from California [Mr. DANNEMEYER]. It was truly like meeting Mother Teresa. This is obviously a saint.

I hope that her appearance on the Hill has some impact. I will devote a whole 1 hour special order to this health problem of AIDS tonight, which enables me to use the rest of my time to talk about this White House issue.

I just spoke to the White House. They are taking your calls. I would warn the majority Members, do not make this torpedo bomber pilot angry. The best thing my colleagues have going for them is his innate gentlemanliness, so he looks at these bills.

He did say to a Republican fundraiser, and I have got the transcripts, that you guys are sending up a bunch of garbage. He is speaking generically about a lot of this stuff going up. Taking my language against abortion out of the D.C. bill made it a garbage bill. So he vetoed it, and we passed it because we put my language back in. That is taking garbage and making it good.

What he talked about on unemployment, one, two, three, four paragraphs later is that he will sign an unemployment bill, but it happens to be the Dole bill, the kind of bill my colleagues are griping about that is a good bill. And then they take it and turn it into some form of garbage.

He will stop using that rough kind of language if we start sending him better material.

I repeat, do not get this Connecticut yankee, who has adopted Houston, angry. When we get him angry, we end up like Pierre.

AMERICA NEEDS THE PRESIDENT'S ATTENTION

(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, recent figures have demonstrated that my district is No. 1 in the Nation in unemployment with over 13½ percent of my constituents unemployed. My constituents have been bludgeoned by the recession and also by one of the most devastating crop freezes in California's history. They have stood by patiently while this President and this country has marched tall into meeting the needs of people of foreign lands, from the Kurds in Iraq, the cyclone victims

in Bangladesh, and the victims of the volcanoes. But they can be patient no longer.

My constituents, American families, need the President to sign the Congress-passed Unemployment Extension Act. My constituents and American families need the President to support an agricultural disaster appropriation bill. We cannot turn our backs and walk away from the needs of American families.

INFORMATION ON BOUNCED CHECKS SHOULD BE MADE PUBLIC

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

Mr. KLUG. Mr. Speaker, right above my head, behind where the Speaker's desk is, is where my former colleagues in the press corps watch what goes on in this room.

Yesterday both reporters and a number of my colleagues in the House were shocked when the House very quietly tried to end the question about Members' bounced checks at the House bank.

Today a reporter and Washington can find out and get a copy of John Sununu's travel records; he or she can get a copy of Lamar Alexander's expense reports or even Jack Kemp's daily calendar.

Because this institution is exempt from the Freedom of Information Act, we cannot find out anything about the bounced checks here in the House.

I think the records of the bounced checks should be made available immediately to the press corps and to the public. If it is \$11 bounced checks for Domino's Pizza nobody is going to care. But if the General Accounting Office is correct, that several dozen Members bounced checks for thousands of dollars over a period of years, that is a scandal.

I think reporters and the public should be able to know who did it, how much, for how long, and why it took so long to be stopped. We cannot end questions about this institution by trying to hide them. We can only protect this institution by letting the chips fall where they may.

□ 1040

MICRONESIA AND THE MARSHALL ISLANDS JOIN THE UNITED NATIONS

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

Mr. DE LUGO. Mr. Speaker, last week, two insular areas associated with the United States—Micronesia and the Marshall Islands—were admitted as members of the United Nations.

This international recognition is a milestone in their political development which should be a source of pride to us as well as to them.

After taking them during World War II, the United States became fully responsible for these Pacific islands under a trusteeship agreement with the U.N. Security Council. The goal was to develop the islands into a self-governing status.

Micronesia and the Marshall Islands became self-governing in all matters that do not affect international security under a law enacted in 1986. It approved and modified a compact of free association and sought to fulfill lingering trusteeship obligations. The Security Council acted on the termination of the trusteeship for them last December.

The new relationship is unique for our Nation. It secures important military rights for the United States and it requires us to provide substantial assistance, including some domestic programs, and special access.

I intend for the Insular and International Affairs Subcommittee, which I am privileged to chair, to continue to work to make the relationship mutually beneficial and live up to the promises of the Compact Act and related laws.

I also congratulate the peoples of Micronesia and the Marshall Islands—especially, Presidents Bailey Olter and Amata Kabua and Ambassadors Jesse Marehalau and Wilfred Kendall, respectively—on their islands' achievements as sovereign states.

PRESIDENTIAL CANDIDATES

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

Mr. HEFLEY. Mr. Speaker, it was fun over the weekend to watch the 1992 political race for President catch steam among the Democratic Party. My, how the rhetoric became hot as one want to be after another lashed out at the President of the United States.

It is perfectly appropriate to point out the differences between these candidates and the President of the United States. But it is not appropriate to deceive the American public in the process.

So far the bulk of the bashing has been over our deficit problems. Fair enough. These are real, except they are pointing the finger at the wrong party. They are pointing the finger at President Bush when they should be blaming Congress.

President Bush is simply not responsible for something that is out of his hands. Congress makes the budget, Congress passes the appropriation bills, Congress is responsible for putting the country on a fiscal path toward economic disaster, and Congress has the power to solve these problems.

The American people know this. They are not dumb. They are going to see right through the senseless rhetoric of these candidates.

Simply, the American people are sick and tired of Congress and its blatant waste of their tax dollars. It is time the Presidential candidates get their facts straight and tell the American public what the real story is. It is Congress that is to blame for these spending habits and the Nation's deficit problems, not the President.

It is time we owned up to our responsibility and begin to solve these problems.

PEACE AGREEMENT IN EL SALVADOR

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

Mr. KENNEDY. Mr. Speaker, today the Government of El Salvador and rebel groups reached an accord that may eventually lead to lasting peace. This agreement was facilitated by an U.N. effort that took 18 long months.

The agreement will allow the rebels to join the new civilian controlled police without risk of official discrimination. It will require the Government to protect the lives of their families until a broader peace agreement is reached.

We should commend the Salvadoran Government, the FMLN and the U.N. Secretary General for this historic agreement, we should urge all parties to remain committed to creating a new society for the people of El Salvador. But while the framework has been established, the shooting continues and the deaths continue.

It is incumbent upon the United States to ensure that this framework achievement is transformed into a real solution. It is no time to undermine this process by sticking to partisan beliefs that one group is better than the other. It is no time to push for increased military aid or military advisers. It is time, however, to bury those cold war motives and look to the future of a new El Salvador.

Mr. Speaker, I hope my colleagues will join me in calling on President Bush to show leadership at a time when a leader is needed here in the Western Hemisphere. I hope my colleagues will themselves recognize this great achievement and resist military solutions in a place where humanitarian solutions are needed. The opportunity for peace is at hand; let us not squander it.

PROMPT DISCLOSURE OF GAO STUDY ON HOUSE BANK

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

Mr. RIGGS. Mr. Speaker, in recent days this House has been rocked by revelations in the national media, first brought to light by the GAO study, that literally hundreds of the Members of the House of Representatives have systematically abused the House banking privilege by bouncing checks, and in some extreme cases using the checking system as a way of getting a signature loan. Once again the integrity and credibility of this proud institution is called into question.

Mr. Speaker, I applaud the prudent, fiscally common sense steps that you have taken to put an immediate end to this abuse. However, that is but one step in a two-part process by which this self-policing body can demonstrate that we are indeed sensitive and concerned about our standing with the American people. Mr. Speaker, we need prompt, complete disclosure of the GAO study as well as the names of the Members who have been involved in this abusive practice to the other Members of this institution as well as the American media. Only by that complete disclosure, only by letting the sunshine in in this House will we demonstrate that we are accountable to the American people for our every word and deed, and indeed concerned about our loss, our continuing loss of public faith and confidence in government.

BAD CHECKS INVOLVE THE INTEGRITY OF THE HOUSE

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

Mr. MAZZOLI. Mr. Speaker, it pains me, it grieves me, truly disappoints me to have to speak of something today in the well which is trivial in comparison to the peace and war and life and death issues which we deal with here. But I must, because this trivial matter does affect the honor, the respect, the integrity of this body.

I speak, of course, of the GAO report which suggested that some several thousand checks have been bounced by Members of the House. I applaud the statement, the very resolute statement, made by the Speaker of the House and the minority leader, Mr. MICHEL, yesterday, saying that this will never happen again.

I have always felt awkward and embarrassed to make public statements that I am a good person, or that I do what I am supposed to do. But on Tuesday I requested and received from the Sergeant at Arms of the House a letter saying that all of my checks cleared during the period during which the GAO report was conducted.

I hate to have to do this, Mr. Speaker, but it is the entire character of the House which is at trial under the circumstances.

Once again, I applaud you, Mr. Speaker, for taking the strong steps you have taken to make sure this bad chapter is never repeated.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1991.

Hon. RON L. MAZZOLI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MAZZOLI: After an extensive search of the Sergeant At Arms Daily Settlement Statements, I am pleased to confirm your understanding that you have never placed this office in a position that would require us to obtain additional funding to your account.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

JACK RUSS,
Sergeant at Arms.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the gentleman from Kentucky has just made a statement about letters being issued by an officer of this House with regard to the Members' financial records. The Members on our side of the aisle have asked for similar letters and have been told that they are not available.

Is this something which is going to be done in just a partisan fashion in the House of Representatives?

The SPEAKER pro tempore. The Chair assumes that any Member of the House is free to ask for a letter if he wishes. The decision to make information available will rest with the Sergeant at Arms.

Mr. WALKER. So the Sergeant at Arms makes the decision to give those letters to Democrats and not give them to Republicans; is that what the Speaker is saying, that is up to the Sergeant at Arms?

The SPEAKER pro tempore. The Chair is only saying to the gentleman that the gentleman from Kentucky said that he was making a request.

Mr. WALKER. No; he said he had gotten such a letter, I think. He had gotten such a letter. Members on our side of the aisle have made those requests and have been told that those kinds of letters are not available. All I am asking is, is that in the discretion of the Sergeant at Arms to do?

□ 1040

The SPEAKER pro tempore (Mr. McNULTY). The Chair is advised by the Sergeant at Arms that any Member can get a letter from the Sergeant at Arms.

Mr. WALKER. I thank the Chair.

NO MORE CONTINUING RESOLUTIONS

(Mr. STEARNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I have listened to many of my colleagues on the other side of the aisle condemn the President for his alleged lack of attention to domestic affairs.

Well, I have always believed in the old saying that those who live in glass houses should not throw stones.

Since the 102d Congress commenced, we have only completed action on 3 of the 13 appropriation bills needed to be passed, by law, by October 1. As a result, this body passed a continuing resolution yesterday by voice vote.

Because Congress has not had the time to do its job on appropriations, we have had to pass this CR to provide funding for many critical programs. The question is: Why have we only completed action on 3 of 13 appropriation bills? It certainly is not because we were overworked. Apparently the majority leadership in Congress believes that 1½-months' vacation and mountains of self-serving legislation are more important to America than passing appropriation bills on time.

LET US HEAR A PLAN FROM THE PRESIDENT

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

Mr. DEFAZIO. Mr. Speaker, controversy over unemployment benefits is not the first controversy where it is in question what the President said or meant to say.

It was reported in the Post a few weeks ago that Mr. Darman said in the controversy over wetlands, "Well, the President did not say it. He did not say, 'No net loss of wetlands.' He just read it in a speech."

Now we hear, well, the President said that unemployment extension is garbage; it is reported widely in the press, not corrected or denied by the White House, but we hear the apologists on the other side of the aisle reading to us from the written record.

So now we can see that he might have said it, but he did not say it, or he did say it, but he might have read it, and if he read it he would have said it the way that they wanted to say it.

Confused? I think everybody is a bit confused. The bottom line is that no single American, whose unemployment benefits have expired this month or last month or the month before or the month before that, has received an additional penny of assistance from the Federal Government. That is the bottom line, because the President has refused to release the funds.

He will sign the bill, but he will not release the funds. That is the bottom line. The proof is in the pudding.

If he has got a plan to give those people benefits, let us hear it. If he does

not, we have got one and he can sign it or not.

COMING TO GRIPS WITH FACTS

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

Mr. GINGRICH. Mr. Speaker, you know, there must be something pathetically difficult about being a Democrat in this period. You vote against going to war over Kuwait and then rush off and say it is not an issue. You vote for quotas and then rush off and say they are not quotas.

Now some of you totally, explicitly, unequivocally, distort what the President of the United States says. Here is the text. You take one word which referred to your legislative agenda, and then four paragraphs later where the President agrees to sign a fiscally responsible unemployment bill, and he talks about the unemployed, and as an act, I assume, of desperation, you refuse to accept the simple truth.

I do not mind debating over facts. It is a fact that the President used the term "garbage" to refer to the Democratic domestic initiatives. He promised explicitly, four paragraphs later, to sign a fiscally responsible unemployment bill. Now, that is a fact. That is not a question. That is not a news report. That is a fact.

In sort of pathetic desperation, some Democrats seem to find it extraordinarily difficult to come to grips with facts.

THE CURRENT CONFLICT IN YUGOSLAVIA

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

Mr. KANJORSKI. Mr. Speaker, I am rising today to bring to the attention of my colleagues and the American people the horrible devastation that is currently ravaging the nation of Yugoslavia.

Despite numerous efforts by the European Community to broker a ceasefire and to initiate long-term negotiations, the fighting continues; in many parts of Yugoslavia it has intensified over the past few weeks.

As anyone who has been monitoring the news reports can see, Yugoslavia is quickly deteriorating into a state of anarchy, where those dead, wounded, or displaced will soon be the majority.

I, for one, can no longer bear idle witness to the bloodshed. Thus, in cooperation with my colleague from Wisconsin, Mr. KLECZKA, I am today introducing a resolution that calls on the President to take strong actions, using whatever means are available to this country, to motivate the warring factions in Yugoslavia to stop the fighting and begin negotiating.

The resolution we are introducing today calls on the President to state unequivocally that the United States will not associate itself with any group that continues to perpetuate the fighting.

Furthermore, our resolution indicates a number of avenues through which the United States can put pressure on the different groups to stop the fighting. These avenues include asserting multilateral economic sanctions and reevaluating United States support for Yugoslavia in international financial institutions.

This resolution also calls on all sides to return any and all land that has been gained through violent means; it calls on the President not to recognize any internal or external border changes that have occurred through means contrary to principles of international law. This provision alerts the world to the fact that in Yugoslavia, as well as elsewhere, the United States does not recognize territorial seizure through violence.

Lastly, our resolution calls on the President to request that the United States use its resources to aid in negotiating, monitoring, and enforcing of a temporary cease-fire and long-term resolution of the conflict.

Our resolution does not take sides in the conflict; our goal is to apply pressure to everyone involved to stop the fighting.

Mr. Speaker, it is clearly in the interest of the United States, as well as our friends and allies in Europe, to try to help the people of Yugoslavia resolve their differences. Europe, much like the United States, is a conglomeration of ethnic groups all living side by side. Fighting between these groups is not only counterproductive, it is also morally, socially, economically, and physically dangerous.

I urge my colleagues to join the gentleman from Wisconsin [Mr. KLECZKA] and myself in calling on the President to do all he can to stop the bloodshed and help the people of Yugoslavia.

YUGOSLAVIA AT BOILING POINT

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

Mr. KLECZKA. Mr. Speaker, Yugoslavia is at the boiling point. At this critical time, Congress and the administration must speak with one voice in decrying the bloodshed and calling for a lasting cease-fire.

Unless we send a strong message to the people of Yugoslavia, the current cease-fire will be shattered like those before it. If we sit back and say nothing, we risk further violence and the unleashing of nationalistic forces throughout Eastern Europe.

Today, Mr. KANJORSKI and I are introducing a resolution which sends

that strong message. We condemn the bloodshed and broken promises, and we fully support efforts to stop the spiraling violence.

Our resolution urges action in three areas to bring about a lasting cease-fire.

First, Presidential involvement. The resolution calls for the President to include Yugoslavia in his new world order by personally calling for an end to the bloodshed.

Second, pressure. The resolution submits to the President several options to take action against any combatant refusing to honor an existing cease-fire including assessment of multilateral economic sanctions.

Third, a U.N. role. The resolution calls for U.N. involvement in negotiating and enforcing a cease-fire.

Mr. Speaker, we must send a firm message to the peoples of Yugoslavia before one more life is lost to the senseless violence. I urge my colleagues to join us in cosponsoring this resolution.

PRESIDENT DESERVES RESPECT

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

Mr. KYL. Mr. Speaker, I hope that the Democrats have not decided that the only way that they can argue a domestic agenda for this country is to distort President Bush's legislative proposals and his remarks.

And yet, earlier, I heard remarks from this floor intimating that the President has no respect for the unemployed in this country. Now, can anyone legitimately believe that George Bush does not have compassion for all of the people in this country who need assistance?

I refer my colleagues to the actual text of his speech, which they might want to read, of September 24 in New Jersey, and if my colleagues will read this speech, they will see the continuation of this kind of remarks is garbage, because the President in no way indicated any kind of disrespect for the unemployment in this country but, instead, talked about the need to have a good bill which he could sign to assist the unemployment in our country.

Let us debate the facts on the House floor. Politics is one thing, but distortion is quite another, and I think the President of the United States deserves respect.

□ 1050

HELPING THE UNEMPLOYED

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

Mr. GEJDENSON. Well, Mr. Speaker, we have come some distance. Origin-

nally we did not need an unemployment bill because the economic recovery was going to lift all the boats out of the water. I think most people have boats that are doing pretty well still.

Now the President sees the tidal wave is coming, and so he does want some help for very few, and for God's sake, as little as possible, to make sure that those unemployed workers do not end up with too much of our money. It never has been a consideration when we were bailing out the banks or bailing out the President's oil companies or anything else, but when it comes to unemployed workers, for God's sake, we do not want to give them 20 weeks. Who knows what they will do if they are able to pay their mortgages and the tuition for their kids for a few weeks longer?

I know a place that has got a great program, though. If you go to Germany, they have a great unemployment program. They have got national health care for all their citizens. They have got universal college education.

Do you know why? Because the United States is spending \$140 billion of our taxpayers' money to defend them from Lithuania, Latvia, and Estonia.

Mr. President, the Latvians, the Lithuanians, and the Estonians are on our side. Let us bring our troops and our dollars home. Let us spend it to put Americans to work and let us make sure that those who cannot find jobs do not have to give up their homes or their children's education or their health care to survive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their remarks to the Chair and not to the President.

PUTTING AMERICAN INDUSTRY ON A FAST-TRACK DECLINE

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

Mr. TAYLOR of Mississippi. Mr. Speaker, today the administration's Trade Representative, Ms. Hills, will meet with Congress detailing plans for free trade with Mexico. The plan for free trade with Mexico should best be known as the fast track of American industry decline.

You see, it talks about giving tax breaks for people to take their companies and go down to Mexico. It calls for eliminating tariffs on products being brought from Mexico to the United States.

Now, under the provisions of last year's budget agreement, you have to show where you are going to cut spending or put a tax on someone else. If you look at the record of the United States

during the eighties when the wealthiest 1 percent of Americans had substantial tax breaks of about 68 percent on income tax down to 28 percent, while the citizens of America had their Social Security taxes raised, while they had their gasoline taxes raised, and taxes on alcohol and taxes on tobacco.

Mr. President, I call on Ms. Hills during her presentation today to say which programs she intends to cut, the Medicaid or veterans' rights, or which taxes she intends to put on working Americans to pay for this program that will fast track the decline of American industry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are again reminded to direct their remarks to the Chair and not to the President.

PEACE IN EL SALVADOR

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

Mr. MCHUGH. Mr. Speaker, today we have word that a broad agreement has been reached between the Government of El Salvador and the FMLN, two forces that have been locked in a brutal civil war for over 12 years. Many details still need to be worked out, and the implementation period for this agreement will undoubtedly be a delicate one, but we have reason to hope today that the long nightmare of the people of El Salvador will soon be over.

Many of us in Congress have recognized for some time that this war could not be settled in Washington by the passage of a bill, but could be ended only through direct negotiations between the parties. For that reason, we have tried to shape our legislation to give real incentives for both sides to negotiate seriously and we are gratified today this is finally taking place.

Our task now is to assure that our Government does nothing to make it more difficult for either side to sell this agreement back home in El Salvador. The administration and Congress should work together to fashion legislation that is appropriate for the sensitive transition period. We should encourage both sides to bring their preliminary understanding to a final conclusion and then we can all move with confidence from military confrontation to reconciliation and reconstruction.

WHAT THE PRESIDENT REALLY SAID

(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, earlier on the floor today the question was raised about remarks made by the President of the United States, specifically his use of the term "garbage."

I think it is instructive to look at the President's actual remarks and see in what context he spoke. Here is what the President said:

"I'm a little tired of hearing Democrats say we have no domestic agenda. The problem is their domestic agenda is to crush our domestic agenda; they're doing nothing but griping—refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I'll continue to veto the bad stuff until we get good bills."

Later on the President spoke specifically of the unemployment compensation debate. Here is what he said:

The Democrats want us to pass a bill and simply not pay for it, push it over on future generations. And our approach, the Dole substitute—

Referring to Senate DOLE in the other body—

helps the unemployed—they get the extended benefit—but pays for the program. Ours pays as you go and takes care of those who are in need. And that is the fundamental difference between the Republicans and the Democrats.

I think in this context the President's use of the word "garbage" was absolutely fitting. Another President, Harry Truman, often spoke plainly, spoke the facts. President Bush has done just that. He deserves our continued respect.

TELLING LIES ON THE PRESIDENT

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

Mr. CUNNINGHAM. Mr. Speaker, I listened yesterday as several Members of this House, starting with the majority leader, lambasted the President for some remarks. That was upsetting enough until I actually read the transcript of what the President said.

My distinguished colleague, the gentleman from Connecticut, a minute ago stated that, well, let us quit spending money overseas and bring the money here.

I have the RECORD vote that he supported and voted for the foreign aid bill himself; so you cannot have it both ways.

Let us stick to the truth and if you make a mistake, let us admit it.

We demand an apology to the President from those Members that misstated the facts.

CONTINUING APPROPRIATIONS, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 332) making continuing appropriations for fiscal year 1992, and for

other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate Amendment: Page 7, line 11, strike out "October 17, 1991" and insert "October 29, 1991."

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

Mr. MCDADE. Reserving the right to object, Mr. Speaker, and I shall not object, I would like simply to inquire of the chairman, is it his understanding, as the Clerk just reported, that the only change in this bill that the House passed is to move the date from the 17th to the 29th? Is that the only change the Senate has made in the bill?

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. MCDADE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I urge approval of the Senate amendment, and I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 27, 1991, TO FILE CONFERENCE REPORT ON H.R. 2519, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Friday, September 27, 1991, to file a conference report on the bill (H.R. 2519) 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.

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

There was no objection.

LUMBEE RECOGNITION ACT

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 225

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant 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. 1426) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill 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 and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and 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.

□ 1100

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 225 is an open rule providing for the consideration of H.R. 1426, the Lumbee Recognition Act. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. The rule also waives all points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI, requiring a 3-day layover.

Under the rule, the bill shall be considered for amendment under the 5-minute rule and each section shall be considered as having been read. Finally, the rule provides one motion to recommit.

Mr. Speaker, H.R. 1426, is an important and long overdue bill which extends Federal recognition to the Lumbee Tribe of Cheraw Indians of North Carolina. Because the Lumbee Tribe has never received Federal recognition, the tribe and its members are not eligible for services provided by the Bureau of Indian Affairs and the Indian Health Service. This bill simply provides that Federal laws and regulations generally applicable to Indian tribes will also apply to the Lumbee Tribe and its members. In addition, the Lumbee Tribe and its members will be eligible for the services and benefits provided to federally recognized tribes when funds are specifically appropriated for this purpose.

Mr. Speaker, H.R. 1426 is the result of hearings and many careful consultations. I am pleased that we have an open rule which unanimously passed in

the Rules Committee by a voice vote. I urge my colleagues to adopt it.

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

Mr. Speaker, the gentleman from Ohio [Mr. HALL] has ably explained the provisions of this fair open rule which affords all Members of this House the opportunity to amend the bill if they so choose.

Mr. Speaker, it is high time that we fully recognize the Lumbee Tribe of North Carolina. The tribe was first recognized by the State of North Carolina in 1885, and they have been seeking Federal recognition since 1888. However, roadblock after roadblock has prevented them from being recognized as native Americans.

Congress first passed legislation concerning the Lumbee Tribe back in the 1950's. We recognized the Lumbee as Indian in the 1956 Lumbee Act. However, language in that legislation denied them Federal services or benefits such as medical and dental care, housing, and education grants. Mr. Speaker, we did not extend the full relationship. By addressing this issue only partially, Congress created a stigma for the Lumbee which prevents them from being acknowledged as true native Americans.

The legislation, introduced by my good friend and colleague, Mr. ROSE of North Carolina, would correct this injustice by extending Federal recognition to the Lumbee Tribe. Mr. ROSE represents the area where most of the Lumbees live and he knows first hand of their plight.

I personally came to know of the Lumbee Tribe back in the 1960's when I recommended to President Nixon that one of my constituents, Brantley Blue, be nominated as a member of the Indian Claims Commission. Mr. Blue was an attorney practicing law in my hometown of Kingsport, TN. He was also a Lumbee Indian, born in Mr. ROSE's district in North Carolina, and the first of the group to become an attorney.

Mr. Speaker, I know of no controversy with regard to this rule. It allows Members the opportunity to amend the bill, but I urge my colleagues to oppose any attempt to weaken it and further delay Lumbee recognition. Voting yes for this rule gives the full House the chance to right its record with the Lumbee people. They have waited almost a century to be recognized as native Americans and today is the day Congress must act.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER], chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I just take this time to urge

the House to support this rule and later to support the legislation, and I wish to thank the Committee on Rules for their expeditious treatment of this rule and thank the gentleman from Ohio [Mr. HALL] and the gentleman from Tennessee [Mr. QUILLEN], for their remarks with respect to this legislation.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 225 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1426.

□ 1106

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. 1426) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, with Mr. KLECZKA in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1426 sponsored by Mr. ROSE of North Carolina extends Federal recognition to the Lumbee Band of Cheraw Indians. This recognition is a formal acknowledgment of a government-to-government relationship between the United States and an Indian tribal government.

In the history of this country, Congress has never enacted a law on how to recognize an Indian tribe. Instead, as we moved west, we entered into treaties with tribes and exchanged promises for land cessions.

However, as the 20th century draws to a close, we are looking at Eastern tribes that existed before westward expansion. For survival reasons, these tribes took on the ways of non-Indians, but they maintained distinct Indian communities. Although the communities surrounding these tribes knew they were Indians, and generally the State governments recognized these groups as Indians, the Federal Govern-

ment neglected to acknowledge these groups as Indian tribes.

Usually, the United States waits until these groups have some threat to hold over the Federal Government's head. For example, in the late 1970's, tribes in Maine who had not enjoyed a relationship with the Federal Government for over 100 years sued for two-thirds of Maine and won. Only then were these tribes granted a large monetary settlement and Federal recognition.

It is ironic that we only recognize Indian tribes when we need something from the tribe or we owe them something under a court order. The irony is these people have always been Indian, have suffered discrimination because their skin is dark, but they are not legally Indian until the Federal Government says they are.

The Lumbee Indians do not have a land claim, nor is there a court ordered settlement, nor do we need or want their land. So why are we seeking to extend Federal recognition today? For a reason that is unusual in this country but it is the best reason—because they are Indians.

The Lumbee have always had a distinct Indian community. The State of North Carolina acknowledged them as a tribe in 1885. In 1912, 1914, and 1933, the Interior Department concluded that the Lumbee were Indians, existing as a separate and independent community.

The Lumbee have tried to get recognized by Congress in the past. Unfortunately, at the end of the 19th century and the beginning of the 20th, congressional policy was to assimilate Indians into society and recognitions were difficult if not impossible. In the 1950's, when Congress was terminating Indian tribes, the Lumbee again sought Federal recognition. In 1956, the Lumbee recognition bill was passed by Congress but it was amended at the request of the Interior Department to prohibit Federal services to the Lumbee people. In a sense, the 1956 act recognized and terminated the Lumbee in the same legislation.

H.R. 1426 corrects this historical wrong. It amends the 1956 act and grants full tribal status to the Lumbee Indians. However, under the bill, the Lumbee must obtain appropriations separate from the outlays for other federally recognized tribes.

Congressional action is needed to recognize the Lumbee. The Interior Department's solicitor concluded in 1989 that the tribe is not eligible to go through the Bureau of Indian Affairs Federal Acknowledgment Process because of the prohibitions in the 1956 act.

However, even if the Lumbee could go through the BIA's process, it would choose not to. The hearings on the Lumbee have demonstrated that the administrative recognition process is

flawed. Over 120 requests for recognition sit at the BIA, and only 8 tribes have ever made it through the process. It has become so difficult to get through this system that it is doubtful that existing tribes could survive the BIA's recognition process.

It is clear that we need to reform this process. But today we have the opportunity to undo one injustice inflicted by the United States.

We can recognize these people for what they are and what they always have been—an Indian tribe. It is the duty of the Congress and the President to recognize this group and restore the government-to-government relationship.

I urge my colleagues to support this bill which I am proud to cosponsor.

□ 1110

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

Mr. Chairman, I am rising today in opposition to H.R. 1426 as it currently exists.

I have stated the reasons for my opposition to this legislation before in the 101st Congress and in committee this year in the 102d Congress, and I find it necessary to reiterate my opposition today here on the floor. I want to make it clear that I oppose this legislation not because I have concluded that the Lumbees are not a recognizable tribe. The House is fortunate today to have appearing before it most, if not all, of its membership that has some degree of expertise in Indian affairs and Indian law. The House is probably also fortunate in that they are not here today listening to us.

But none of us, I believe, is an expert on the demographic and anthropological characteristics of what constitutes an Indian tribe, and certainly if the handful of us who do have some expertise on Indian matters cannot say that we have an expertise on the elements of what constitutes an Indian tribe, how will the balance of our Members exercise those judgments as they will have to do in voting on this legislation?

This legislation represents a substantial change in public policy, and the membership should understand that. The proponents of the bill in the majority committee report focus extensively on their individual and collective judgments about the tribal status of the Lumbee Indians. These judgments are highly subjective and emotional and can very easily lure one into a debate on the historical and anthropological significance of records and documents contained in several file boxes and cabinets.

I am not going to engage in debate based upon the merits of the Lumbees' application, because as I said, I do not feel qualified to judge that application, and I do not believe that other Members of this body are qualified either.

My opposition is based upon the fact that this body has not established any efficient or discernible standards against which a request for Federal recognition can be measured. Proponents of the bill argue that there is precedent for congressional recognition of the Lumbees because most existing federally recognized tribes have been recognized by Congress through treaties or other statutes. However, the Lumbee situation and circumstances are very different from the precedents which are cited.

Second, the committee hearing record contains testimony both supporting and challenging the claim that the Lumbee Indians are a tribe for purposes of the standards for Federal recognition used in the administrative process. Whether the Lumbee Indians meet these standards is in fact very much an open question. Proponents of the bill state that "no one disputes whether the Lumbee Indians are a tribe, only whether they should be recognized as a tribe by the Federal Government." This is not an accurate statement, as is evident from the hearing record.

It is more accurate to characterize the issue before us as: "Which forum is the more appropriate forum for determining Federal recognition?" Is it with Congress or is it with the Secretary of the Interior? I firmly believe that the recognition process established within the Department of the Interior is the more appropriate forum for determinations of Federal recognition. I believe this for several reasons.

First, the administrative process was established nearly 13 years ago, and the standards and criteria governing the process have been relied upon by many groups. Is it fair to require some groups to be judged under the administrative standards and others to be judged by Congress, which has no standards?

Do we really want to approve this bill and thereby encourage all other petitioning groups to circumvent the process?

Second, the administrative process was developed based on the recommendation of the American Indian Policy Review Commission, a commission established by Congress in the 1970's, with the support of and in consultation with the Congress, federally recognized tribes, and nonrecognized Indian groups. Many tribes, as well as the National Congress of American Indians, have expressed their continued support of the administrative process.

Third, the administrative process is thorough and deliberative. This factor is very important, given that one of the primary consequences of Federal recognition is the establishment of a perpetual government-to-government relationship between the United States and a tribe. In order to protect the integrity of this relationship, it is imper-

ative that Federal recognition not be extended capriciously or impulsively.

Proponents of the bill argue that the administrative process takes too long to complete. However, the hearing record reveals that delays in the process have been attributed to either failure of the petitioning group to submit a fully documented application for consideration, or our failure, Congress' failure, to appropriate sufficient funds to operate the program. This latter problem has been remedied by Congress through increased appropriations the past 2 years, and the former problem, the problem of not completing petitions in a timely fashion, is something that is not in the control of either the agency or the Congress.

Throughout the hearing record on this bill there have been allegations about the systemic defects of the administrative process. The hearing record also contains testimony disputing those allegations. If the process is in need of improvement, Congress clearly should step forward and deal with the matter through legislative and oversight hearings. Today I took steps to address these allegations by introducing a bill designed to improve the administrative process, and I hope and trust that the chairman of the Committee on Interior and Insular Affairs will schedule hearings so we can determine what if any changes in that process need to be made.

The debate on this bill has only become more confused due to the 1956 act of Congress and the conflicting interpretations of it. Proponents argue that the 1956 act recognized the Lumbee Indians but did not extend the full Federal relationship, and that Congress needs now to finish what it started in 1956. In fact, both the Solicitor's Office in the Department of the Interior and the Congressional Research Service have analyzed the meaning of the act and have raised substantial doubts about the assertion that the 1956 act is a recognition act.

It is important to understand that the concept of Federal recognition is a term of art and denotes acknowledgement of a group of Indians as a political entity entitled to services, benefits, and protections because of the political relationship. The 1956 act does not mention any political organization of the Lumbee Indians or any governing body; it does not convey any land or take any land in trust; it does not make reference to whether State laws are to apply; and it does not render the Lumbees eligible for Federal services.

In short, the 1956 act fails to include any of the normal indicators that would enable one to conclude that it is a recognition statute. Interestingly, the legislative history of the 1956 act indicates that the bill's sponsor only intended the bill to provide for a change of name for the Lumbees, not to extend Federal recognition.

The hearing record is replete with debate about the meaning of the 1956 act. The bottom line is that the 1956 act does little to provide the Congress with definitive guidance on the question of Federal recognition for the Lumbees.

A further thesis is offered by the proponents of H.R. 1426: "Approval of the bill is simply consistent with recent actions of Congress to enact recognition legislation." However, almost every example cited by the proponents is very distinguishable from the Lumbee situation.

Since 1978, the year the administrative recognition process was established, Congress has approved 16 acts pertaining to recognition of tribal groups. These distinctions apply: Nine of these acts were restoration acts—tribes whose Federal relationships had been terminated by statute thereby necessitating congressional action to restore the relationship; four of the acts were related to the settlement of eastern land claims. Interestingly, in two of these settlement acts Congress deferred to the administrative recognition process for determination of tribal status and both groups were later determined by the Secretary to be tribes for purposes of Federal recognition; one act pertained to a tribe that was already federally recognized as part of another tribal entity; one act involved a tribal group that is aboriginal to Mexico and specifically excluded from the administrative regulations; and one act is arguably a recognition act.

I maintain that the amendment I intend to offer today is consistent with these recent acts of Congress. I will at the appropriate time describe the amendment which I propose to offer.

Finally, the proponents argue that the only reason the Lumbee Indians have never been recognized before is because they number 40,000 in population and it would be too costly to provide Federal benefits and services to them.

I reject that argument. I want to emphasize that. The size of the Lumbee Indians and the costs to provide services to them is immaterial to the question of whether or not they should be recognized.

I can only say that I, personally, reject any consideration of size and cost. I am not aware of any Indian tribe or organization that has raised this as a concern.

The criteria for Federal recognition contained in the process have an historical and a legal basis, and the size and cost associated with Federal recognition of groups which can satisfy these criteria are irrelevant in the context of Federal Indian policy.

It is clear that Federal recognition, whether done administratively or legislatively, presents Federal budget implications. However, Congress has consistently managed to absorb these costs into the annual budget and ap-

propriations process, and I see no reason why this should change.

I will be offering an amendment in the nature of a substitute, and, at the appropriate time, I will explain my reasoning for this amendment.

I have only one other point to mention. The future of this bill in this House is probably fairly clear. The future of this bill in the other House is not so clear. The future of this bill at the White House is likewise very clear. There is a very clear statement of administration policy that indicates if this bill reaches the White House, if it passes both of these Houses and is presented to the President, that he will veto it.

Therefore, I urge those who wish to see appropriate justice done to the Lumbee Indians to consider that passage of this bill will not accomplish what it is that you seek to have done.

Passage of the substitute which I will offer offers the best hope to the Lumbees of achieving their status, the status that they desire as a federally recognized tribe.

As the gentleman from California [Mr. MILLER] said, the Lumbees have worked and struggled to gain Federal recognition for many, many years. It certainly is true that virtually at the very last hour the Solicitor of the Department of Interior raised the issue of the 1956 act. I consider that to be unfair and unjust, but it has happened, and the issue of the 1956 act has to be dealt with. The amendment which I propose to offer will do that.

I can only say at this point I urge all Members to give careful consideration to the concerns I have raised about the wisdom of proceeding legislatively to do what we can and should do administratively. I hope for support of the amendment which I will offer, which the President will sign, if passed, into law, and which will give the Lumbees a clear path to having an appropriate determination made as to their status as a federally recognizable Indian tribe.

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

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. ROSE], the author of this legislation, who has worked very diligently to move this legislation so that the House could have proper consideration of it.

Mr. ROSE. Mr. Chairman, I would like to begin by sincerely thanking the leadership of the House Committee on Interior for moving this legislation forward. I would also like to thank the Lumbee Indians of North Carolina for their patience through the years in waiting for this bill to come to the floor once again, in hopes that it might become law.

Mr. Chairman, I want to thank Members from North Carolina who have helped me in cosponsoring and promoting this very necessary piece of legislation.

There are basically two points that I would like to make. The gentleman from California [Mr. MILLER] has very eloquently given the reasons that this bill is fair and necessary.

There is one thing I would like to emphasize that the gentleman said. This bill will not take away from any of the existing Indian tribes in this country that are currently receiving services from the BIA, because this bill requires that there be at some future point a separate appropriation that stands on its own that would fund the services, if any, that were to be given to the Lumbees.

Second, I would just like to observe that it has been suggested and will be suggested in the substitute that will be offered in a few minutes that the Lumbees should go through the administrative process. In the same breath that my friend, the gentleman from Arizona [Mr. RHODES] suggested that the Lumbees should go through the administrative process, he suggested that it was a flawed process and needed to be amended, and he has introduced a bill to do just that.

Mr. Chairman, think about that.

Mr. Chairman, I have a very interesting letter that I would like to share briefly with Members. If you had a copy of the 1978 Federal Register that announced the final rulemaking for Indian tribe recognition, listed as the author of those regulations would be the name Bud Shapard. Bud Shapard is now retired and living in West Virginia. He has shared with me a copy of a letter that he sent to the Indian Affairs Committee in the Senate.

The process that the substitute will seek to ask the Lumbees to follow, according to the author of that process, has proven to be financially burdensome on both the Government and the petitioners, infuriatingly slow, and too complicated. Worst of all, the decisions are by nature subjective despite the fact that they are shrouded in a swirl of academic calisthenics.

That is from the author of the regulations.

Congress has time and time again followed the procedure that the gentleman from California [Mr. MILLER] has brought from his committee to the floor of the House today.

Mr. Chairman, I thank Members for their consideration. I hope we will, without amendment, pass the legislation that is before us now.

Mr. RHODES. Mr. Chairman, could I inquire of the Chair how much time I have consumed?

The CHAIRMAN. The gentleman from Arizona [Mr. RHODES] has 17 minutes remaining, and the gentleman from California [Mr. MILLER] has 22 minutes remaining.

□ 1130

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the

gentleman from North Carolina [Mr. TAYLOR.]

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to first commend my colleague from North Carolina for his effort on behalf of the Indians in Robeson County and in all of North Carolina. I think it is commendable any time we rise to speak on behalf of the Indians in America.

I represent a district which comprises the area of the Eastern band of the Cherokee. In the early history of our Nation, Congress and the administration often abused American Indians in this Nation. In my home district, President Andrew Jackson tried to move the entire Indian nation, the Cherokees, to Oklahoma. Many died in the effort. The Trail of Tears that many of the people know about in this country, and it is displayed by drama from western North Carolina, depicts that movement, from those who stayed, that is, evaded capture by the soldiers, and from those who returned back to western North Carolina comes the Eastern Band of the Cherokees.

The Cherokees and I have fought together for some 25 years in many areas, both small and large, to maintain justice toward the American Indians. As was stated by my chairman very eloquently, the bulk of the Indian tribes were established by treaty, many of them following wars, incidentally, in this country.

What does it mean to be a federally recognized tribe? It means one takes on sovereignty or at least quasi-sovereignty in the eyes of the world. It means one has the power of taxation. It means one has the power to establish a judiciary, a police force, the right to treatment as a sovereign nation.

This relation is very unique in all the world. Tribes view it as almost sacred. Many American Indians died for that right. It must be taken seriously and protected.

Congress has tried its hand at defining Indian tribes. Because the process was so bad, so political, both the National Congress of American Indians, the American Indian Policy Review Commission, many leaders from both parties of this House came together and insisted in 1977 on a better way.

Thus was established the Federal Acknowledgment Program, and that has been the process that we have used since 1978.

The criterion they used is to examine the historical background of those who asked to be recognized as tribes, the genealogical background, the cultural background, any legal documents, a process that takes some time, as it should, in order to federally recognize a tribe.

What we are doing is to replace that orderly process or are being asked to replace that orderly process and again return to a method where Congress will make the determination. This is being

done contrary to the wishes of the vast majority of the American Indians.

Let there be no mistake about this vote. This is a vote against the American Indians, not for them.

The Cherokee Nation, which the Eastern Band of the Cherokees are located in my area, strongly oppose this bill. The Hatteras Tuscarora, located among the Lumbees, testified to our committee and they opposed this bill. They will be subsumed by this bill, and they themselves want to apply through the process to be recognized as a tribe.

We have received resolutions that support the FAP process and a strict adherence to a systematic process from various tribes in Arizona, California, Nevada, North Carolina, Oklahoma, Michigan, Washington, Montana, Idaho, New Mexico, and South Dakota, as well as from regional intertribal Indian organizations, including the affiliated tribes of northwest Indians representing all of the tribes in Washington, Oregon, Idaho, western Montana, and northern California, the Montana and Wyoming Tribal Chairmen's Council, the United South and Eastern Tribes, representing all of the eastern tribes from Maine to Florida and west to Louisiana, and the Southern Pueblo Governors' Council representing the 10 southern Pueblos from New Mexico.

What I am saying to my colleagues today is that the American Indian is proud. The American Indian has established a process for tribal recognition. They want to keep an orderly process, not a political logrolling process.

Do the Lumbees deserve Federal recognition, and that is a specific question here? I cannot answer that question. The testimony we heard was presented eloquently by members of the Lumbee community. The testimony we heard was very emotional.

I certainly want to see them get a rapid recognition and that it be done justly and fairly.

My colleague from Arizona will be introducing an amendment that will guarantee that it will be a rapid process, that it will be a process that will not extend beyond an 18-month period.

What of the other 10 groups in North Carolina who have petitioned and hold petitions ready for the process? If we decide to recognize the Lumbees, should we not immediately put before this body 10 separate bills to consider other groups in North Carolina?

And what about the dozens across this Nation, in California and Alaska and Texas and other parts of the country, who want to be recognized? Should we not put those bills before this Congress?

And what of those who were turned down? Can we say that those who were turned down should not be allowed to come back now through the legislative process and, if they can find a legislator here with enough power, they themselves can become federally recognized as a tribe of American Indians?

I say to my colleagues again that what the American Indians and certainly the Cherokee have expressed quite eloquently to me is that they do not object and do not question this bill based on whether or not there will be a financial loss to one tribe versus another tribe. They are not considering this from a monetary standpoint. We appropriate precious little now to support the tribes of this country, and I am sure that the tribes that I have talked with have expressed to me their concern that we will dilute a very sacred recognition, one that they consider is most serious.

They feel that it will return to a political process that will depend more on political power rather than true Indian heritage.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for that recognition, and I rise today to join my colleague, the gentleman from North Carolina, in enthusiastic support for H.R. 1426, a bill to provide recognition of the Lumbee Tribe of Cheraw Indians of North Carolina.

Our colleague, the gentleman from North Carolina [Mr. ROSE] has worked long and hard on this legislation, and I am pleased to be one of the bill's cosponsors. I was pleased to vote to have this bill reported out of the Interior Committee.

We have heard some very eloquent arguments against this bill on the other side, but the fact is that the Lumbee Indians have been recognized by the State of North Carolina since 1885.

□ 1140

And they have been seeking Federal recognition not since last year or last month, but since 1888. They have been seeking this recognition longer than any of us in this body have been alive.

I would urge that my colleagues resist any amendment to this legislation and pass this legislation as it is presented to the House today.

I want to take a moment to commend the chairman of the Interior and Insular Affairs Committee for the strong leadership he has displayed on this issue, and for the manner in which he has handled this bill, making it possible for this matter to come before the entire body. I ask the Members to support the bill, H.R. 1426.

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

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. RHODES. Mr. Chairman, I yield 1 minute to the gentleman from American Samoa.

The CHAIRMAN. The gentleman from American Samoa [Mr.

FALEOMAVAEGA] is recognized for 7 minutes.

Mr. FALEOMAVAEGA. Mr. Chairman, it is no secret where I stand on the issue of Federal recognition of the Lumbee Tribe of Indians. I think the actions of the U.S. Government in the process of recognition of the Lumbee Tribe is deplorable. Between the executive and legislative branches of our Government, 103 years have gone by since the Lumbees first attempted Federal recognition. During that time the Lumbees have tried to acquire a land base, they have tried to document their history, and they have been subjected to such demeaning processes of having the size of their teeth measured and their blood tested to see how Indian they were. There was a witness present at last month's hearing that testified before Congress in 1933 on this same issue. Fifty-eight years later, he is still testifying, BIA still wants to study the tribe's records, and Congress has yet another Lumbee bill before it.

It is the position of the Department of the Interior that there is a process in existence and if we would amend the law to permit the Lumbees to go through the process of administrative recognition, the Lumbees would receive no special consideration. The Department has also stated that there are many other groups seeking Federal recognition as Indian tribes, including as many as 14 in North Carolina alone. There is also a concern expressed publicly by some, but not publicly by the Department, that making another 40,000 persons eligible for Federal programs would present administrative and budgetary constraints.

In response to suggestions that the Lumbees should have the opportunity to participate in additional administrative procedures before a decision on recognition can be made, I can only say I disagree. Ms. Locklear, the Lumbees' tribal attorney, was eloquent in her statement at last month's hearing, and she summed up the problem when she said the Lumbees have become "living experts on process."

Where I differ from the opponents of this bill is that for me there comes a time when process for process's sake loses its value. I know it is difficult as a senior administrator to admit the process he or she administers may have run amuck, but as an outsider, I am convinced that is exactly what has happened with the Lumbees.

While it may not be appropriate for an assistant secretary or other senior administration officials to seek exemptions for certain groups from the bureaucracies they administer, I believe this is one of the key roles we in Congress can play.

While it might be procedurally nice for the Department of the Interior to provide a tidy review of each group that seeks recognition, sometimes justice requires otherwise. And the cost of

completing the process in this case, for me at least, is too high. The time has come for this body to take action.

The Lumbees first petitioned Congress for Federal recognition in 1888. That was 103 years ago. Since that time they have approached the Interior Department and the Congress at least a half dozen times. The Lumbees have been studied up one side and down the other. Finally, after 103 years the experts agree that the Lumbees are Indians. But the Department of the Interior wants to study the Lumbees some more. I guess the bureaucrats on the other side of the Mall want to study the Lumbees's petition because 103 years is not long enough to determine whether or not the Lumbees are Indians.

It is public record that the Interior Department has completed its initial review of the Lumbee petition and found it deficient. Apparently the Lumbees didn't keep sufficient written records of their existence for the period encompassing roughly the years 1760 to 1850 to convince the Department of the Interior that they existed. I guess the Department thinks that any group of people who don't make a paper trail to prove their existence aren't worthy of Federal recognition. While I know it is true that the Bureau of Indian Affairs exists only to create a paper trail, I can't help but think that the Lumbee case is a perfect example of a bureaucratic process run amuck.

Mr. Chairman, over the past 103 years the Lumbees have given the Department of the Interior all the documentation they have to prove their existence, and this is apparently not enough. At last month's joint hearing of the House Interior and Insular Affairs Committee and the Senate Select Committee on Indian Affairs on this bill, the BIA witness stated in his prepared testimony, and I quote: "A brief review of the Lumbee petition suggests that there are substantial questions relating to the interpretation and completeness of documentation supporting the group's early history."

Given that position, if this case gets referred to the Department of the Interior again, denial seems certain and it will only further delay a decision that Congress will be asked to make later. There will be no new material facts. There will, however, be a loss of another year and a half. And as the Nobel laureate Thomas Mann said in his book "The Beloved Returns."

Hold fast the time! Guard it, watch over it, every hour, every minute! Unregarded it slips away, like a lizard, smooth, slippery, faithless, a pixy wife. Hold every moment sacred. Give each clarity and meaning, each the weight of thine awareness, each its true and due fulfillment.

Mr. Chairman, I cannot express my concern for the time the Lumbees have lost any better than Thomas Mann did. The time has come to give

the Lumbees Federal recognition. Let's not let any more slippery, slithery moments slip by.

Mr. Chairman, it is also important to note that the policy of the United States has been terribly inconsistent with regard to the original inhabitants of this land. Our first policy was to do battle with them. The prevailing opinion at the time was epitomized by Gen. Philip Henry Sheridan in 1869 when he said: "The only good Indians I ever saw were dead."

Our next policy was that of assimilation, during this period the United States tried to make Indians part of mainstream America. Then in the 1950's and early 1960's, this country's policy was termination. It was during this time that the Lumbee Act of 1956 passed. Then there was the policy of reinstatement, and now we are in the policy of administrative recognition. This policy is relatively new, originating in 1978.

Throughout this entire period the Lumbees were seeking Federal recognition. In 1888 the Lumbees first petitioned for recognition. Congress addressed the Lumbee issue in 1899, 1910, 1912, 1924, 1932, 1933, and 1956. It is ironic indeed that U.S. citizenship was not even given to the American Indians until 1924, and it is important to note that while Congress was considered the Lumbees, many times it indicated that they were not being recognized because of economic reasons.

With regard to the 1956 Act, Congress recognized the Lumbees as Indians but denied them the services and benefits to which other Indians are entitled. Since then, the Lumbees have felt like second-class Indians.

Finally, Mr. Chairman, one of my colleagues referred earlier to the Indians' trail of tears. Mr. Speaker, to correct that it was the trail of many tears. To add to that I can only say the Lumbees' saga should be known as the trail of many years.

I want to commend Chairman MILLER and Chairman ROSE for their outstanding work on moving this bill as quickly as they have. I submit the following documents to be included in the record.

OBJECTIONS AND RESPONSES—LUMBEE RECOGNITION ACT, H.R. 1426

There is already an administrative process at BIA, why aren't the Lumbee using it?

The associate solicitor at the Interior Department rules in October 1989, that the Lumbee Tribe was ineligible to proceed through the BIA process, due to a statutory bar in the 1956 Lumbee Act (copy of opinion is attached). The 1956 Lumbee Act recognized the Lumbees by name, but prohibited them from receiving any benefits or services from the Federal Government.

Aside from present ineligibility, the historic bias of the BIA against Lumbee will preclude any favorable administrative action. BIA officials testified in opposition to the bill at a recent joint hearing with the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs. During the hearing, present

Branch of Acknowledgment and Research personnel made it clear that they intend to deny the Lumbee petition under current regulations despite the recommendations of other academic scholars.

Why not repeal the 1956 legislation, then require the Lumbees to proceed through the BIA process?

Congress has never required any Indian group to obtain both legislation and administrative action to become recognized. Over the 12 years that the Department's acknowledgment process has been in place, Congress has considered the status of nine other tribes subject to statutes that barred them from the administrative process. In each case, Congress enacted comprehensive recognition legislation. One of the situations, that of the Ysleta del Sur of Texas, is very similar to the Lumbee situation in that the tribe had no relationship with the Federal Government before the enactment of termination-type legislation that precluded administrative acknowledgment. The Lumbee Tribe is simply asking Congress to follow through with its past practice in these situations.

Has the Lumbee's Native American identity been firmly established?

The Committee's hearing record contains testimony from leading anthropologists and historians, notably Dr. William Sturtevant of the Smithsonian Institution, who have concluded that the Lumbee Tribe meet all the criteria for Federal recognition. The Lumbees were recognized by the State of North Carolina in 1885, and began seeking Federal recognition in 1888. In response to Federal bills, Congress asked the Interior Department to investigate the tribe's history and condition. On three separate occasions, in 1912, 1915, and 1933, the Department concluded that the Lumbees were indeed Indians, existing as a separate and independent community. The most comprehensive study, done in 1914, traced their origin to Cheraw and other coastal tribes. This study far exceeds in length and detail those presently done by the BIA on petitions for recognition.

If the record is clear, why haven't they already been recognized?

Each time a bill was introduced to recognize the Lumbee Tribe, the Department of the Interior testified in opposition, generally because of the size and consequent cost of recognizing the tribe. Recent history also reflects this concern on the part of the BIA. The Bureau's objections about the size of the Lumbee have come up repeatedly in off-record discussions between members of the Lumbee Tribe and some BIA officials. BIA officials often privately acknowledge that, had it not been for the size of the tribe, the Lumbee Tribe would have been recognized long ago.

Is the tribe's enrollment process legitimate so that only Lumbee Indians are enrolled?

The Lumbee Tribe requires documentation to prove eligibility of any individual who applies. An applicant must be a descendant of an ancestor that appeared on the 1890 and 1900 census. Of the 40,000 enrolled members, approximately 90 percent reside in Robeson and adjoining counties. All of the members have proven Lumbee ancestry and maintain close ties to the tribe and community. In addition, H.R. 1426 authorizes the Secretary of the Interior to verify the validity of the Lumbee roll.

Wouldn't Lumbee recognition open the floodgates for other tribes seeking recognition?

There will always be tribes who seek recognition legislatively, but most of these

tribes are eligible for the BIA process. The 1956 Act is one of two remaining termination era statutes that bars administrative action on tribal status according to the Department of Interior. The other legislation is Catawba which Congress will soon deal with as a land claims settlement. Therefore, Lumbee is the only remaining tribe to be dealt with. The Committee would be following precedent by recognizing the Lumbee legislatively and would not establish a precedent for any other tribe to do the same.

What about other Indian groups in Robeson and adjoining counties who are also ineligible for administrative action under the 1956 Lumbee Act?

Because of the close community ties and proximity, many of these Indian groups are inter-married and thus, inter-related. H.R. 1426 requires the Lumbee Tribe to re-open its roll to individuals enrolled in the other groups if those individuals qualify for enrollment as Lumbee. However, if these groups choose to be recognized independently of the Lumbee, H.R. 1426 would make these groups eligible to proceed through the BIA administrative process. Other than the Waccamaw-Siouan, the other groups that are genealogically-related will be able to pursue the BIA process.

Why do other tribes oppose the Lumbee bill?

Some tribes mistakenly think the Lumbees would be receiving preferential treatment if they were recognized legislatively. Others believe they will receive fewer benefits if the Lumbees are brought into the picture. Also, there are many tribes, especially those in the Western United States, who are not as familiar with the Lumbee and their special Eastern Heritage. Most of the Indians who have been willing to meet with them support their efforts.

What about the budgetary impact of Lumbee recognition on the needs of other tribes?

Several provisions are included to give the Appropriations Committee flexibility to address the needs of the Lumbee people, without threatening the budgets of other Federally recognized tribes. This legislation requires that any BIA funding for the Lumbee must come through a separate appropriation, separate from outlays for other Federally recognized tribes. This funding mechanism has been endorsed by Ross Swimmer, the former Assistant Secretary for the Department of Interior during the Reagan administration.

If H.R. 1426 was passed, it would be 2 to 3 more years before the Interior Department completed its evaluation of the tribe's membership rolls and budgetary needs.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, DC.

Memorandum to: Deputy to the Assistant Secretary—Indian Affairs (Tribal Services).

From: Associate Solicitor, Indian Affairs.
Subject: Lumbee Recognition Legislation.

This responds to your request for assistance in interpreting the Act of July 7, 1956 (70 Stat. 254), the "Lumbee Act", in connection with developing a Departmental position on proposed legislation which would extend Federal recognition to the Lumbee Indians of North Carolina as a tribe.

The last sentence of section one of the Lumbee Act states: "Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians,

and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians."

Your acknowledgement regulations (25 CFR Part 83) do not apply "to groups which are, or the members of which are, subject to congressional legislation terminating or forbidding the Federal relationship." See 25 CFR §§83.3(e) and 83.7(g). Thus, the first issue is whether the language quoted above from the Lumbee Act is legislation "terminating or forbidding the Federal relationship" within the meaning of your regulations.

If the Lumbee Act is such legislation, your staff has no authority under your current regulations to act on the extensive petition submitted by the Lumbees. Moreover, even if your regulations were changed, absent Congressional action removing or clarifying the language quoted above from the Lumbee Act, the Federal government would be precluded from providing services or acknowledging a government-to-government relationship based solely on an administrative determination if the Lumbee Act is such legislation.

For the reasons briefly described below, we have concluded that, the Department would be exposed to substantial risks of litigation if it provided services or acknowledged a government-to-government relationship with the Lumbee Indians, together with the jurisdictional consequences of such a relationship, based solely on an administrative determination. I do not believe that you as a prudent trustee for those Indian tribes which have been acknowledged would be justified in committing the resources at your disposal to reviewing and making an administrative determination on the Lumbee petition knowing that there are unique circumstances surrounding the Lumbees as a result of the prior legislation which make a serious challenge to your determination inevitable.

You have recognized the uncertainty of your ability to proceed with the consideration of the Lumbee petition in the testimony the department gave before the House Interior Committee on September 26, 1989, on H.R. 2335. In that testimony, Patrick Hayes, Acting Deputy to the Assistant Secretary—Indian Affairs (Operations), requested that Congress clarify the situation in order for you to proceed with any certainty.

The meaning of the Lumbee Act is, unfortunately, simply not clear. This Department and counsel for the Lumbees have taken different positions on the meaning of the act over the last 15 or so years.

In 1977 and 1978, before your acknowledgement regulations were final,¹ this office informally took the preliminary position that the Lumbee Act was legislation which either terminated or forbade a Federal relationship within the meaning of the then proposed regulations.² Relying on the analysis submitted

by counsel for the Lumbees, the department changed this position when the House (95th Cong., 2d Sess.) held hearings on H.R. 11630, H.R. 12691, H.R. 12830 and H.R. 12996 in August of 1978. A copy of the analysis by counsel for the Lumbees is attached for your ready reference.

In arguing that the Lumbees were not precluded from petitioning for acknowledgement, counsel relied heavily on the opinion of the Court of Appeals in *Maynor v. Morton*, 510 F. 2d 1255 (D.C. Cir. 1975). *Maynor* involved a claim for benefits by individuals of Lumbee ancestry who had been certified as possessing one-half or more Indian blood under the Indian Reorganization Act of 1934 (IRA). The Court of Appeals considered the phrase "[n]othing in this Act" to be key and concluded: "Moreover, Congress was very careful not to confer by this legislation any special benefits on the people so designated as Lumbee Indians. But we do not see that Congress manifested any intention whatsoever to take away any rights conferred on individuals by any previous legislation [i.e., the IRA]." *Id.* at 1258, emphasis in the in the original.

Counsel for the Lumbees and our position since late 1978 may have read too much into the narrow holding of our Court of Appeals in *Maynor*. On further review, we believe a better interpretation is that that decision can properly be cited only for the proposition that the Lumbee Act did not take away rights which had previously vested in individuals under the IRA. To read the language more broadly and conclude that the section did not prohibit the provision of Federal services to persons who had not yet been certified under the IRA at the time of the Lumbee Act could be to render the section a nullity.

The interpretation of disclaimer provisions in legislation, such as those that commence with "nothing in this act", is admittedly extremely difficult. See for example, *South Carolina v. Catawaba Indian Tribe*, 476 U.S. 498 (1986). Thus, we are persuaded that, absent Congressional action clarifying or removing the language quoted above from the Lumbee Act, the Department would be exposed to serious risk of litigation if it provided services and recognized the special government-to-government relationship with these non-reservation based Indians solely on an administrative determination.

The risk of litigation is even greater in light of the substantial concentration of Lumbees in the townships around Pembroke. Absent clarifying legislation, an administrative determination that the Lumbees exist as a tribe will certainly result in substantial litigation over jurisdiction in those townships. In light of recent litigation in Vermont involving the Abenaki Indians, we would expect individual defendants to claim that these concentrations of Lumbees are "dependent Indian communities" and that the state, therefore, lacks jurisdiction. While the law in the area is unsettled, such claims are not frivolous. Legislation which ad-

ressed the jurisdictional issues, whether part of a bill acknowledging the Lumbees' tribal existence or as a separate bill, would be very helpful in maintaining law and order in the affected counties.

The position the Department took on the 1987 act to restore a Federal relationship with the Ysleta de Sur Pueblo (the Tiwas) is consistent with our present interpretation of the Lumbee Act. While the Department took the position that the legislation was necessary in the case of the Tiwas, there are significant differences between the Lumbee Act and the 1968 Tiwa which made it even clearer that the legislation was required for the Tiwas.³

Both acts do, however, contain "nothing-in-this-act" provisions which would invite litigation if the Department were to commence providing services and acknowledge a government-to-government relationship, with its accompanying jurisdictional implications, based solely on an administrative determination without clarifying Congressional action.

For all the above reasons, I am constrained to advise you that the Act of July 7, 1956 (70 Stat. 254), is legislation terminating or forbidding the Federal relationship within the meaning of 25 CFR §§83.3(e) and 83.7(g) and that, therefore, you are precluded from considering the application of the Lumbees for recognition. This clears the way for Congress to act on your recommendation to amend the 1956 Lumbee act so that you may proceed with the recognition process under 25 CFR Part 83 or to enact H.R. 2335 which would grant recognition to the Lumbee Tribe and settle any jurisdictional questions which might arise from such recognition by providing that criminal and civil jurisdiction resides in the State of North Carolina unless and until transferred as provided in the bill.

WILLIAM G. LAVELL.

BACKGROUND ON H.R. 1426

Nearly 40,000 Lumbee Indians are enrolled in the Lumbee Tribe with over 90 percent of these members residing in 18 communities throughout Robeson County and adjacent counties in rural southeastern North Carolina. Eligibility for tribal enrollment is limited to persons who were identified as Indian on source documents, including the 1900 and 1910 Federal census, dating from the early 1900's or who are determined by an Elders' Review Committee to be Indian, and the direct descendants of such persons. The Lumbee Indians have never had a reservation or received services from the Bureau of Indian Affairs (BIA) or the Indian Health Service (IHS) though they are eligible for and do receive funds from other Federal Indian programs because they are a state recognized tribe. The Lumbee Regional Development Association Inc. (LRDA) is presently the formal representative of the Lumbee Indians.

³ The Act of December 12, 1968, 82 Stat. 93 (the Tiwa Act), provided in Section 2, in pertinent part, that: "Responsibility, if any, for the Tiwa Indians of Ysleta del Sur is hereby transferred to the State of Texas. Nothing in this Act shall make such tribe or its members eligible for any services performed by the United States for Indians because of their status as Indians nor subject the United States to any responsibility, liability, claim, or demand of any nature to or by such tribe or its members arising out of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Tiwa Indians of Ysleta del Sur." The transfer of responsibility to the State of Texas and the reference to the Tiwas, as a "tribe" distinguished this act from the Lumbee Act.

¹ The acknowledgement regulations were first issued as proposed regulations on June 16, 1977 (42 Fed. Reg. 30647) and reissued again as proposed regulations on June 1, 1978 (43 Fed. Reg. 23743). They were issued as final rules on September 5, 1978 (43 Fed. Reg. 39361) and became effective October 2, 1978.

² Our informal position with regard to the Lumbee Act was similar to the position taken with regard to the 1964 Pascua Yaqui Act. S. Rep. No. 95-719, 95th Cong., 2d Sess. 3, reprinted in 1978 U.S. Code Cong. & Ad. News 1761, 1762. In March 1978, the Assistant Secretary commented on a bill to extend Federal recognition to the Pascua Yaqui. He stated in part: "In view of the foregoing [pending revised proposed acknowledgement regulations and S. 2375, a bill to establish procedures and guidelines for extending federal services], the Administration recommends that the questions of extension of services to the Pascua Yaqui not be decided until after this Department's final regulations have been issued or general legisla-

tion has been enacted governing such extensions." * * * "Instead of S. 1633 as introduced, the Administration would support a bill which would amend section 4 of the Act of October 8, 1964, (78 Stat. 1196) to remove a portion of that section which now precludes any possibility of extension of services to the Pascua Yaqui under administrative regulations. The language which we would support deleting from that section states that 'none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Yaqui Indians.'" S. Rep. No. 95-719, 95th Cong., 2d Sess. 7, reprinted in 1978 U.S. Code Cong. & Ad. News 1761, 1766.

LRDA is a non-profit corporation organized in 1968. In 1984, the association was designated as an Interim Tribal Council.

While the exact origin and tribal derivation of the Lumbee Indians has been the subject of considerable dispute and uncertainty, ethnologists have testified in previous hearings that the tribe descends primarily from the Cheraw Tribe, a Siouan speaking tribe first encountered by Europeans in 1524. In 1914, Special Indian Agent O.M. McPherson, sent to investigate the history and condition of the tribe, concluded that the tribe was descended from the Cheraw Tribe. In 1934, John Swanton of the Bureau of Ethnology, agreed that the Lumbees were descended from the Cheraw Tribe. At a Select Committee hearing in 1988, Dr. Jack Campisi, the tribe's ethnohistorian, and Dr. William Sturtevant, general editor of the Smithsonian Institution's "Handbook of North American Indians," confirmed the Cheraw origins of the Lumbee Tribe. Dr. Sturtevant, acknowledged as the leading anthropologist specializing in American Indians, also observed that anthropologists are of the unanimous view that the Lumbees constitute an Indian tribe.

Throughout the 1700's, many references are found in newspapers and other accounts to an Indian community, sometimes designated a Cheraw community, along "Drowning Creek," now called the Lumber River from which the tribe draws its present name. Many of the surnames of current tribal members are traced to ancestors of this period. Because of the precarious position of Indians in the early 1800's with the removal of many tribes to Oklahoma, the Indians of Robeson County became quiet about their Indian identity. However, incidents during and after the Civil War showed much activity in the Indian community, including recognition by local governmental authorities of this community as an Indian community. The major Lumbee folk hero, Henry Berry Lowrie, led a rebellious band at the close of the War until his disappearance in 1872. His memory is honored each summer when the Lumbees put on their outdoor drama titled "Strike at the Wind."

Lumbee history since the Civil War shows the continuous existence of a distinct Indian community with its own leaders who aggressively defend Lumbee interests. In 1885, the State of North Carolina recognized the tribe and established a separate school system for Lumbee children. Enrollment in the school was restricted to Lumbee children who could demonstrate Lumbee descent four generations back, or into the 1770's, with Lumbee leaders authorized to determine eligibility to enroll. These enrollment records, along with federal census records, form the base roll from which all present day tribal members must demonstrate descent. On March 26, 1913, the State's Attorney General Bikett issued an opinion that the county board of education could overrule decisions of the Lumbee leaders as to eligibility for enrollment in the Lumbee schools. The Lumbees objected to this infringement on their independence and under pressure from the Lumbee leadership, the State of North Carolina enacted legislation in 1919 that set aside the Attorney General's opinion. The Indian Normal School established under authority of the 1885 state statute is today Pembroke State University.

The contemporary Lumbee community is closely bound together by extensive and overlapping kinship ties in the strong sense of Robeson County and environs as "home." Other Indian institutions, including all Indian churches, a newspaper, an annual home-

coming, and predominantly Indian schools, serve to further bind the Lumbees together in a distinct community. In summary, the historical record is persuasive and compelling that for the last two hundred years the Lumbees have functioned as an Indian tribe and have been recognized as such by state and local authorities.

The Lumbees first petitioned the Congress for Federal recognition in 1888. Since then the tribe has made numerous attempts to achieve recognition of their status as Indians from the United States, including attempts that were made in 1899, 1910 and 1912. In 1914 an Indian Office investigation, carried out at the direction of the Senate, found that Lumbees were eligible to attend Federal Indian schools. Again in 1924, the tribe sought Congressional support, as well as in 1932 and 1933. The reports and studies done by the Department of the Interior on the tribe's history and condition in response to these bills fully document the Department's extensive knowledge about and experience with the Lumbee Indians. These bills generally tracked and followed upon state legislation which has been enacted recognizing the tribe under a particular name and in some cases extending certain services to the tribe. But in each instance, the Federal legislation failed. Always, the economic effects of recognition seemed to be the genesis for denial of Federal recognition.

In 1951, by a margin of 2,169 to 35, Robeson County Indians voted to adopt the name "Lumbee Indians of North Carolina" in preference to "Cherokee Indians of North Carolina" and, in 1953, the General Assembly of North Carolina passed a bill designating them as "Lumbee Indians of North Carolina."

In 1956, Congress enacted the Act of June 7, 1956 (70 Stat. 254) recognizing these Indians as "Lumbee Indians of North Carolina," but, at the request of the Department of the Interior, added a sentence providing that—

"Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians."

The 1953 state legislation was and is accepted by the State of North Carolina and the tribe as recognition legislation. The identical Federal bill was intended by the tribe to have the same legal effect. The tribe's historian testified before the Senate in 1988 that the tribe plainly intended and understood the 1986 Federal Act to be recognition legislation, evidenced by the hundred year history of the tribe's efforts to obtain federal recognition legislation upon the heels of and in the same terms as state recognition legislation.

Excerpts from the legislative history of the 1956 act support the view that the Federal bill had the same purpose as the earlier, identical state legislation, i.e., recognition of the tribe. Senator Scott, the sponsor of the 1956 bill, testified in support of the bill before a Senate subcommittee that, "The State of North Carolina has already by state law recognized the Lumbee Indians under that tribal name * * * Giving official [federal] recognition to the Lumbee Indians means a great deal to the 4,000 Indians involved * * *." During Congressional consideration of the bill, it was widely reported as a recognition bill in contemporaneous newspaper articles.

The amendment to the 1956 Act was apparently necessary in the view of the Depart-

ment of the Interior to insure that the bill did not obligate the United States to provide services to the tribe. (Comment of Assistant Secretary of the Interior, H. Rep. No. 1654, 84th Cong., 2d Sess.). However, the restriction on eligibility for services does not, by itself, affect the intent to recognize the tribe. The 1953 state act had not provided for services and yet it was and is accepted as recognition legislation.

The 1956 Lumbee Act served as the model for another act of Congress, namely the 1968 act relating to the Tiwa Indians of Texas (82 Stat. 93). The legislative history of the 1968 Tiwa Act states explicitly that the 1956 Lumbee Act is the model for the Tiwa legislation (H. Rep. No. 1070, 90th Cong., 2d Sess.). In 1987, the Congress extended full federal recognition to the Tiwas and in doing so, acknowledged that the 1968 Tiwa Act had recognized the Tiwas (S. Rep. 100-90, 100th Cong., 1st Sess.). If the 1968 Tiwa Act recognized the tribe, then its model—the 1956 Lumbee Act—must have recognized the Lumbee as well.

Concern has been expressed that passage by Congress of the bill to recognize the Lumbee Tribe of Cheraw Indians of North Carolina would be unfair to other tribes who are also seeking recognition through the Branch of Acknowledgment and Research (BAR). The Select Committee held an oversight hearing on BAR in May 1988 and it is clear from that hearing that the office charged with the responsibility in the Bureau of Indian Affairs for handling acknowledgment petitions is over-burdened and badly understaffed. It would also appear that the processes and criteria developed over the years may also be impeding the ability of the Bureau to handle these petitions with any degree of dispatch.

At that hearing, the BIA testified that there are some 83 petitioners, 57 of which have submitted no documentation and 26 with documented petitions that are awaiting consideration or are in the preliminary review process. They indicated that the entire process may take 3 or 4 years from the time the group begins its research. In fact, there is reason to believe the process may take twice this length of time.

Prior to 1978, there was no formal administrative process through which non-Federally recognized groups of Indians could seek recognition. In 1978, as a result of a recommendation made by the American Indian Policy Review Commission and the introduction of legislation, there was established by the Bureau of Indian Affairs in its Branch of Acknowledgment and Research (BAR) an administrative procedure, usually referred to as the Federal Acknowledgment Process (FAP), for such groups to petition for acknowledgment as a Federally-recognized Indian tribe.

The rules and regulations governing that process are set out in title 25 of the Code of Federal Regulations in Part 83, entitled "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe." Section 83.7 sets out seven mandatory criteria that a petition must contain to qualify the petitioning group for acknowledgment as an Indian tribe as follows:

1. A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian" or "aboriginal."

2. Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations

in the areas, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

3. A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

4. A copy of the group's present governing documents or, in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

5. A list of all known current members of the group and a copy of each available former list of members based on the group's own defined criteria.

6. A statement that the membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

7. A statement that the petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

On January 4, 1980, the Lumbee petitioners submitted an undocumented letter petition to the Bureau of Indian Affairs pursuant to the BAR process. On December 17, 1988, the LRDA submitted a documented petition for acknowledgement as an Indian tribe for the Lumbee Indians. Additional documents were submitted as recently as September 5, 1989. The LRDA petition consists of a two volume narrative report, one and a half file boxes of documentary evidence and a copy of the 16 volume membership roll. The LRDA petition is one of 12 petitions from North Carolina, including five groups in Robeson and adjoining counties where the Lumbee group is located.

The difficulty for the Lumbee Tribe in attempting to use the Administrative recognition process is further complicated by a finding of the Associate Solicitor for Indian Affairs of the Department of the Interior that the tribe is precluded from the Administrative recognition by virtue of the 1956 Act. The opinion, issued to the Assistant Secretary for Indian Affairs on October 23, 1989, states—

"... I am constrained to (hold) that the Act of July 7, 1956 (70 Stat. 254), is legislation terminating or forbidding the Federal relationship... and that, therefore, you are precluded from considering the application of the Lumbees for recognition. This clears the way for Congress to act on your recommendation to amend the 1956 Lumbee Act so that you may proceed with the recognition process... or to enact H. R. 2335 which grant recognition to the Lumbee Tribe..."

In recent years, in non-claim situations, the Congress has only been successful in moving recognition legislation in situations where an Indian group would clearly be denied access to the BAR petitioning process. Examples of this are the Pascua Yaqui Tribe which, having migrated from Mexico, was not indigenous to the United States and therefore ineligible to file a petition; and tribes such as those in Oregon which had been the subject of legislation terminating the Federal relationship, or tribes such as those in Texas which were the subject of legislation transferring jurisdiction to the State, and therefore deemed ineligible to file a petition for Federal recognition.

In the 100th Congress, legislation was enacted to provide for the separate recognition of the Lac Vieux Desert Band of Chippewa Indians in Michigan. This was a group al-

ready recognized by the Department of the Interior as a part of another tribal entity and already receiving some Federal services on the basis of their status as members of a Federally recognized Indian tribe. The Bureau of Indian Affairs testified that the group was not eligible to be considered under the BAR process and for this reason supported the legislative recognition. The tribe was also unanimously supported by the 29 other tribes in the local inter-tribal council, including the tribe from which it was separating.

It is clear that under some circumstances, recognition of a tribe is an issue that the Congress should address. Congress plainly has the Constitutional authority to recognize tribes. In fact, the overwhelming majority of the presently recognized Indian tribes were recognized by Congress either through treaty or statute. The present administrative acknowledgment process was established under general authority delegated by the Congress to the Department of the Interior, but there is no specific statutory authority for the process. Hence, the substantive criteria applied in the present administrative process and the procedures used by the Department in processing petitions are wholly administrative in origin. Obviously, Congress is not bound by those administrative criteria or procedures in determining whether to extend recognition to a particular tribe. Congress may take the administrative criteria into consideration along with a number of other factors, such as the general view of anthropologists and other experts, whether the tribe was ever recognized by Congress by treaty or statute, and the overall history and condition of the tribe.

The Lumbee Tribe argues that there are a number of reasons why legislation is needed to amend the 1956 Lumbee Act and extend full recognition to the Lumbee Tribe of North Carolina: (1) the Lumbee Indians were recognized by Congress through legislation in 1956, although services and the applicability of general Indian statutes were denied; (2) because of the final sentence of the Lumbee Act precluding the applicability of general Indian statutes, the Lumbee Tribe falls outside the scope of the BAR process which was established under authority of general Indian statutes; (3) the tribe has been officially and continuously recognized by the State of North Carolina since 1885 and unofficially since the 1830's and, as such, presently receives all Federal benefits available to Indian tribes except those administered by the Bureau of Indian Affairs and the Indian Health Service; (4) the tribe has been studied extensively by anthropologists and historians during the 20th century and is widely regarded as a tribe entitled to be federally recognized; (5) the tribe first petitioned Congress for recognition in 1888, long before there was an official BAR process imposed by the Administration, and the tribe has repeated its petitions a number of times over the past 100 years only to be turned down for economic reasons; and (6) because of the size of the Lumbee Tribe, the BAR is not adequately staffed or able to process the Lumbee petition within the time frame of the BAR regulations.

STATEMENT OF ADOLPH BLUE, CHAIRMAN OF THE BOARD OF DIRECTORS, LUMBEE REGIONAL DEVELOPMENT ASSOCIATION

The Lumbee Tribe has historically been governed by the heads of families who comprise the Lumbee Tribe. From time to time, this leadership has exercised its sovereignty by shaping the tribal form of government to

meet the challenges presented by local, state, and federal governments. During the Civil War, following decades of living at peace with its non-Indian neighbors, the tribal leadership responded to acts of deprivations by engaging in warfare against its non-Indian citizens. Following that war, and the larger Civil War, the leadership of the tribe pursued a political relationship with the State of North Carolina which led to the recognition of the tribe in 1885 by the State of North Carolina. Four years later, the tribal leadership petitioned the United States for federal Indian assistance, but were denied because of insufficient funds to meet the need of existing Indian "wards". Into this century, the tribal leadership has continued its effort to come under federal protection. On three separate occasions, since the turn of the century, the U.S. Department of the Interior has sent its Indian agents to Robeson County to investigate the tribe. In each of these instances, these Indian agents have consistently reported to the Interior of the tribal existence of the Lumbee. Yet, the Interior withheld assistance because of an inability to serve existing wards.

Finally, in 1956, the United States Congress enacted the Lumbee Act of 1956 which acknowledged the tribe to be American Indian while denying the tribe the federal relationship it had continuously sought since 1889. Twelve years after the enactment of the 1956 Lumbee Act, the leadership of the tribe organized Lumbee Regional Development Association to address its concerns before local, state, and national bodies. The Board of Directors for Lumbee Regional Development Association was subsequently authorized under a 1984 tribal referendum to represent the tribe's interest in obtaining full federal acknowledgment. My name is Adolph Blue, and I am the great-grandson of Preston Locklear, one of the fifty-four tribal leaders, who petitioned the Congress in 1889 for the federal acknowledgment of the Lumbee. I am also Chairman of the Board of Directors for Lumbee Regional Development Association, the interim governing body of the Lumbee Tribe.

The Board of Directors of Lumbee Regional Development Association (LRDA) has taken on many of the functions normally performed by tribal councils in other tribes. For example, in 1984 the Board of Directors held a referendum to get tribal permission to act as an interim tribal council for federal recognition. The referendum passed overwhelmingly. Yet, the more traditional forms of Lumbee organization have remained, and the community values regarding leadership have continued.

Politics within the Lumbee Tribe continues to be the product of the complex interplay of family, religion, and settlement. As in the past, each settlement has its individuals who are regarded as leaders, people who can be called upon for assistance and guidance, and who will seek help for others without request.

The changes in voter registration have enabled more tribal members to seek and win public office at a variety of levels—school boards, county commissioners, political party and town offices. The Lumbees have a large cadre of lawyers, including two judges (Superior Court and District Court), a representative in the North Carolina General Assembly, doctors, businessmen, and other professionals who take an active part in the tribe's political affairs. Because of the tribe's stress on individualism, there are always many approaches to the solution of any problem.

Historically, much of the visible Lumbee political organization has been problem-ori-

ented. Thus the nineteenth and early twentieth century efforts to improve educational opportunities for the tribe and to attain federal and state recognition have revolved around specific issues and charismatic leaders. This continues to the present day. In this century, tribal leaders such as Mr. Joseph Brooks and Mr. James "Jim" Chavis led the tribe's efforts in the 1930s for federal acknowledgment. In the 1950s, Rev. D.F. Lowry led a sustained effort that had widespread community support of the Lumbee bill. Later, in the same decade, the Lumbee responded to threats by the Klu Klux Klan by attacking their rally in Maxton.

In the 1960s the tribal members organized to fight the desegregation of their schools and to increase their political power in the country through voter registration. There were other issues that focused tribal energies. In 1972, the Board of Trustees announced plans to replace the main building on the campus of Pembroke State University. A group, led by Janie Maynor Locklear, Danford Dial, Luther M. Moore, and W.J. Strickland, successfully fought the proposal, and after the building was destroyed by fire, they were able to get the state to reconstruct it. While the "Old Main" issues was going on, many of the same leaders led the fight to have "double voting" ended. This was a system that permitted whites to vote in both one of the five separate school districts in the county that were largely white and also in the county-wide school system which was 60 percent Indian. This fight was successfully led by Janie Maynor Locklear, Dexter Brooks, Herbert Moore, and Robert Mangum. When they were unsuccessful in

getting legislative relief, they filed a legal action, which they won in 1975.

As in the past, there are leaders who have established strong contacts with the non-Indian politicians in both parties (although Lumbees tend to be Democrats). These individuals are capable of helping Lumbees with the law, securing state and county positions, and bringing to the public officials in Lumberton (county seat of Robeson), Raleigh, and Washington the view of the tribe on a variety of concerns. While LRDA has served to focus many of the tribal interests, and has acted as a voice for many tribal concerns, particularly those that have to do with other tribes and Indian associations, it is not the sole mechanism by which tribal members give expressions to their needs and opinion.

The Lumbee have elected leaders to represent their interests in the county government, school boards, and state government. The tribe also has members who serve on State and federal panels. In addition, there are tribal members who exert great influence in the county and state.

DESCRIPTION OF THE INTERIM GOVERNING BODY OF THE LUMBEE TRIBE

There are seventeen members of the Board of Directors for Lumbee Regional Development Association. Fourteen of these directors are elected by tribal members residing in Robeson County, North Carolina. The fourteen elected directors of the Board elect three additional directors to represent the Lumbee population residing outside Robeson County. Board members serve staggered terms of three years.

Robeson County is divided into 41 precincts. In land size, Robeson County covers 844 square miles and is North Carolina's 2nd largest county. The LRDA electoral plan for electing the 14 Board members divides the 41 precincts into 9 LRDA electoral districts. The following tables list these electoral districts with the racial population of each district; the data is based upon the 1990 census. (The Board is now studying re-districting based upon this data.)

LRDA DISTRICT I

(Includes 6 Robeson County precincts; elects 1 member to the LRDA Board of Directors)

Precinct	Total population	White	Black	Indian	Other
1-2 Fairmont	6,120	2,001	2,863	1,241	15
Orrum	1,494	862	544	78	10
Marietta	1,170	564	542	56	8
Sterlings	1,277	921	297	48	11
Thompson	1,073	214	154	701	4
Total	11,134	4,562	4,400	2,124	48
Percentage	100	41	40	19

LRDA DISTRICT II

(Includes 3 Robeson County precincts; elects 1 member to the LRDA Board of Directors)

Precinct	Total population	White	Black	Indian	Other
Back Swamp	3,747	400	1,018	2,305	24
Smyrna	1,074	495	120	459	0
Britts	1,757	1,391	139	216	11
Total	6,578	2,286	1,277	2,980	35
Percentage	100%	35	19	45	1

LRDA DISTRICT III

(Includes 10 Robeson County precincts; elects 2 members to the LRDA Board of Directors)

Precinct	Total population	White	Black	Indian	Other
1-8 Lumberton	24,324	13,926	6,940	3,330	158
Wishart	3,687	2,429	202	1,030	26
E. Howell	1,564	1,228	182	149	5
Total	29,575	17,583	7,324	4,479	189
Percentage	100	59	25	15	1

LRDA DISTRICT IV

(Includes 5 Robeson County precincts; elects 2 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
Burnt Swamp	2,644	101	154	2,381	8
Philadelphus	1,554	264	187	1,101	2
1-2 Red Springs	5,453	1,823	2,609	996	25
Raft Swamp	2,618	488	317	1,806	7
Total	12,269	2,676	3,267	6,284	42
Percentage	100	22	27	51

LRDA DISTRICT V

(Includes 3 Robeson County precincts; elects 2 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
1-2 Smiths	4,463	216	204	4,034	9
Maxton	5,621	1,010	2,556	2,034	21
Total	10,084	1,226	2,760	6,068	30
Percentage	100	12	27	60	1

LRDA DISTRICT VI

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
Pembroke (1 & 2)	9,606	1,059	326	8,184	37

LRDA DISTRICT VI—Continued

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
Union	1,944	208	379	1,356	1
Total	11,550	1,267	705	9,540	38
Percentage	100	11	6	83

LRDA DISTRICT VII

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
Gaddys	971	191	250	528	2
Rowland	2,755	701	1,300	751	3
Alfordville	1,650	199	237	1,212	2
Total	5,376	1,091	1,787	2,491	7
Percentage	100	20	33	46	1

LRDA DISTRICT VIII

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
W. Howell	1,302	575	341	368	18
Saddletree	2,749	415	140	2,182	12

LRDA DISTRICT VIII—Continued

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
Total	4,051	990	481	2,550	30

LRDA DISTRICT IX

(Includes 3 Robeson County precincts; elects 3 members to the LRDA Board of Directors)

Precincts	Total population	White	Black	Indian	Other
St. Pauls (1 & 2)	6,285	3,738	1,982	534	31
Rennert	1,923	142	222	1,559	0
Parkton	2,189	1,340	707	133	9
Lumber Bridge	1,513	475	716	304	18
Shannon	647	94	189	360	4
Total	12,557	5,789	3,816	2,890	62
Percentage	100	46	30	23	1

Total population for Robeson County, 1990 Census: 103,174.

Number and percent white: 37,470 or 36.3 percent.

Number and percent black: 25,817 or 25.0 percent.

Number and percent Indian: 39,406 or 38.2 percent.

Number and percent other: 481 or 0.5 percent.

One-third of the total county population is located in 13 precincts. As illustrated below, two-thirds or more of the population in each of these 10 precincts is American Indian, representing the greatest concentration of tribal membership.

Precinct	Total population	Indian—		LRDA electoral district
		Number	Percent	
Pembroke	9,606	8,184	85	VI
Union	1,944	1,356	70	VI
Smiths	4,463	4,034	90	V
Saddletree	2,749	2,182	79	VII
Back Swamp	3,747	2,305	62	II
Burnt Swamp	2,644	2,381	90	IV
Raft Swamp	2,618	1,806	69	IV
Alfordville	1,650	1,212	73	VII
Philadelphus	1,554	1,101	71	IV
Rennett	1,923	1,559	81	IX
Thompson	1,073	701	65	I
Total	33,971	26,821	79	

In terms of community identification, the precincts listed previously cover the Lumbee communities of Pembroke, Prospect, Magnolia, and Fairgrove.

REPRESENTATION OF TRADITIONAL LUMBEE LEADERSHIP FAMILIES ON LRDA BOARD

As noted above, the tribe has been traditionally led by certain family heads. This same pattern continues today, as shown by the descent of LRDA board members from those families. Of the 17 members of the board, six are direct lineal descendants, for example, of the 54 tribal leaders who petitioned the Congress in 1889:

Board member	Tribal leader ancestor	Relation to ancestor
Adolph Blue	Preston Locklear	Maternal great-grandfather.
Grover Oxendine	Hugh Oxendine	Paternal great-grandfather.
James S. Sampson	Everette Sampson	Paternal great-grandfather.
	William Sampson	Paternal great-grandfather.
	Robert Carter	Paternal great-grandfather.
	Stephen Carter	Paternal great-grandfather.
Roderick Locklear	Crawley Locklear	Paternal grandfather.
	Malachi Locklear	Paternal great-grandfather.
Emma L. Locklear	Malachi Locklear	Paternal great-grandfather.
A. Bruce Jones	Silas Deese	Paternal great-grandfather.

While other Board members are not direct lineal descendants of the 54 tribal leaders who petitioned in 1889, all have a kinship relationship to the 54 tribal leaders who first petitioned the Congress in 1889. The below examples illustrate the kinship relationship for three of the LRDA Board members to one or more of the 54 tribal leaders who petitioned in 1889:

Rev. Grover Oxendine.—Rev. Oxendine's paternal grandfather, Hugh Oxendine, had 2 brothers and 4 nephews who were among the 54 Petitioners in 1889.

Sylvia (Clark) Locklear.—Mrs. Locklear's maternal grandfather and her paternal great grandfather were the brother and sister of Preston Locklear, one of the 54 Petitioners in 1889. In addition, another paternal grandmother was the sister of John Bullard, and the sister-in-law of Malachi Locklear. Both John Bullard and Malachi Locklear were among the 54 Petitioners in 1889.

Marilyn (Locklear) Dial.—Mrs. Dial's paternal great great grandfather and her maternal great grandfather were the brothers of Preston Locklear, one of the 54 Petitioners; they also had two nephews who were among the 54 Petitioners.

All of the 17 Board members are direct lineal descendants of tribal ancestors who are known to have occupied the present day

Lumbee communities in the late 1700s; 15 of the 17 Board members reside in communities that are viewed as Indian communities. 1 of the 17 Board members resides in the Raleigh, NC area; and another resides in the Baltimore, Md. area.

All of the 17 Board members attended public schools that were governed and controlled by the tribal leadership, up until 1971 when Indian schools were desegregated. One of the 17 Board members is also an elected member to the Robeson County Board of Commissioners; another is the Executive Director of the NC Commission of Indian Affairs and a former Vice President for the Southeastern District to the National Congress of American Indians; another is an elected member to the NC Commission of Indian Affairs' Board of Directors; as a whole, LRDA Board members serve on many local, state, and national political bodies.

TRIBAL GOVERNMENTAL FUNCTIONS PERFORMED BY THE LRDA BOARD OF DIRECTORS

The LRDA Board of Directors establishes policy and provides direction to the staff of LRDA in addressing the needs of the Lumbee Tribe. Currently, LRDA administers a total budget of \$3.5 million to address the needs of the tribe residing in Robeson and adjoining counties. Approx. 77% of these funds are federal funds received by LRDA because of the tribe's longstanding recognition by the State of North Carolina.

As stated previously, the LRDA Board of Directors has over the years gradually performed many of the functions normally performed by tribal councils among other tribes. In 1984, by tribal referendum, organized by the Board of Directors, the members of the tribe voted to designate the Board of Directors as the interim governing body of the tribe.

Examples of the governmental functions performed by the Board of Directors include:

1. The Board of Directors decides the membership criteria for the membership of the tribe. Decision of the Board with respect to eligibility for tribal membership is final.

2. The Board of Directors establishes election procedures and conducts tribal elections for the purpose of electing the tribal delegation to the NC Commission of Indian Affairs' Board of Directors.

3. The Board of Directors appoints tribal membership to area Boards, including: The NC Cultural Center, the NC Indian Housing Authority, the Lumbee River Legal Services, and the Four-County Community Action Agency.

4. The Board of Directors, through the Lumbee tribal membership criteria, decides who is 1/4 Lumbee blood for purpose of qualifying for the Michigan tuition waiver.

5. The Board of Directors sponsors an annual Homecoming of the tribe, the tribe's fall pow-wow, and determines those who receives the tribe's award for outstanding services in the Lumbee community, excellence in education and economic development, and the Henry Berry Lowry Award (the tribe's most prestigious award).

6. The Board of Directors establishes fees for the tribal owned and operated day care centers.

7. The Board of Directors negotiates contracts and other instruments which raise capital for tribal economic development projects.

8. The Board of Directors employs legal representation to represent the tribe's interest in federal acknowledgment.

9. The Board of Directors elects the tribe's delegate to the National Congress of American Indians and the Lumbee representative to the United Tribes.

10. The Board of Directors recommends tribal nominees to the National Advisory Council for Indian Education (all are Presidential appointees).

BRIEF HISTORY OF LUMBEE REGIONAL DEVELOPMENT ASSOCIATION

In 1968, tribal leaders met to discuss the way by which the members of the Lumbee Tribe could formally organize to benefit from the various poverty programs then available. The members of the group held the conviction that although the Lumbees represented a third or more of the population of the county, they were not receiving the fair share of the available services and resources. Out of these informal meetings and discussions, often held in the Lumbee Churches and well intended by the heads of the Lumbee families, came a plan for the Lumbee Regional Development Association, Inc.

The first task faced by the newly chartered corporation was to organize an infrastructure that reflected its goals of improving the conditions of the tribal members within Robeson and adjoining counties. The corporate charter provided for a Board of Directors of not less than four members. However, this stipulation offered little guidance for developing a community-based organization. To remedy this, the Board of Directors took two steps: it expanded its size to nine members, and it appointed a steering committee of fifteen representing every sector of the Lumbee community.

LRDA continued its efforts to expand its role in the Lumbee community and to involve larger segments of the community. It appointed individuals from the various settlement to serve on committees and hold general membership meetings on a regular basis. To broaden its leadership base and to meet the needs of an expanding organization, the Board of Directors increased its membership to nine in 1971.

In 1975, LRDA's charter was changed to permit the election of the Board of Directors by members of the Lumbee tribe. The charter was amended to expand the board membership to seventeen members; fourteen are elected by districts and three are elected by the Board to represent the Lumbee population in Hoke and Scotland Counties (both adjoin Robeson), Raleigh, NC, and Baltimore, MD. The terms of all board members are for three years and they are elected on a staggered schedule, 5-5-4. Each electoral district, based upon the 1980 Census, has a minimum population of 2,000 Lumbee Indians. Since its inception, LRDA has had four Executive Directors.

PROGRAM DEVELOPMENT AND FUNDING

LRDA received its first grant from the National Congress of American Indians to carry out a literacy project among tribal members. The grant, a modest \$4,300, was for a term of one year. Within a year, LRDA had established, through its directors and Steering Committee, adult classes in a number of Indian settlements. They were staffed by Lumbee teachers on a voluntary basis. A second project called the Lumbee Educational Talent Search Project was initiated to identify potential drop-outs in junior high levels and to assist in identifying exceptionally talented students in the senior high levels for assistance in scholarships and loan programs for Indian students. LRDA sought and received funding for a wide range of social and economic activities, including senior citizen health care, job training, nutrition, and elementary and secondary school programs.

One can get some idea of the success and impact of LRDA on the Lumbee community

by looking at the programs operated by the organization. In 1991, LRDA has a total budget of \$3,528,482 and directs 13 programs. Of this total, \$2.2 million is Indian set-aside funds, to operate the Employment and Training program and the Low-Income Energy Assistance program.

Carolina sunbelt media	\$1,160,000
Day care	400,000
CFNP	50,000
Lumbee Federal recognition	30,000
Head Start	342,154
JTPA	1,293,607
Energy	870,000
Talent search	99,268
Adm. for Native Americans	100,000
Lumbee homecoming	20,000
CSBG	130,000
CAA	8,436
Pool	25,000
Total	3,528,482

TRIBAL RECOGNITION

The third area of concern, and the one that set LRDA apart from other agencies concerned with rural poverty, had to do with the organization's efforts to act on behalf of the Lumbee Indians and to enhance the understanding of others concerning the tribe.

Since its inception, LRDA has responded to three principal concerns related to Lumbee tribal identity. They are: (1) activities that express the Lumbees' sense of identity, (2) the tribe's relationships with other tribes and Indian organizations, and (3) the tribe's relations with the state and federal governments.

1. **Activities:** While during the early years of the organization, the principal concerns addressed had to do with economic and social improvement of the Lumbee population, LRDA from its inception was involved in the organization of the Lumbee Homecoming initially a joint venture with the Pembroke Jaycees. After 1971, LRDA took over sole responsibility for the planning and execution of the event.

In addition, LRDA has sponsored a number of programs of a cultural nature. Until recently, when funding was withdrawn due to federal cut-backs, LRDA directed the Lumbee River Native American Center for the Arts, whose objective was to provide gifted students experience and training in the area of music, dance, visual arts, drama, speech and creative writing. The program enrolled 350 students with a curriculum based on an Indian course of study and the talents of the students were given exposure through performances at the local high schools, Pembroke State University and other public functions. There were recitals, performances of plays and dance, and art exhibits.

2. **Relations with other Tribes and Indian Organizations:** In 1972, LRDA sent a representative to the NCAI annual convention in Florida. However, by the mid-1970s a split had developed between the Lumbee leadership and the NCAI over the role of the non-federally recognized tribes and LRDA took the lead in articulating the tribal position. Beginning in 1974 the delegates to the annual NCAI convention passed the two resolutions that were anti-Lumbee; one passed in Portland, Oregon, called for the replacement of Adolph Dial as a member of the American Indian Policy Review Commission, while the other called upon the United States to cease funding non-recognized tribes. In January, 1976 the Executive Council of the NCAI passed a resolution that included the following section: Resolved: That all governmental agencies cease granting of funds that are earmarked for the Indian tribes of our coun-

try to those organizations that are not federally recognized (AIPRC 1976: 1693).

The Lumbee leaders of LRDA were quick to respond, sending off letters to the NCAI, newspapers, and governmental officials condemning this attack.

The Lumbee tribe was the target of similar discrimination from the United Southeastern Tribes (USET). In this instance USET submitted a proposal to the Department of Health Education and Welfare in which it specifically excluded the Lumbee tribe. By 1980, these organizations had changed their views and the Lumbee tribe was accepted fully.

The Lumbee tribe through LRDA also belonged to the Coalition of Eastern Native Americans (CENA) until its demise in 1976. CENA grew out of a conference held in Washington in 1972, organized by two Lumbee leaders, Helen Schierbeck and W.J. Strickland. Over 200 delegates from recognized and non-recognized tribes, communities and groups east of the Mississippi River attended. Strickland was chosen to direct the new organization, which at its height, included sixty tribes and associations covering the area from Maine to Louisiana, as members. The organization's decline was the result of a number of factors: the virulent feelings against non-federally recognized tribes that characterized the period, shifts in federal funding priorities, and the very growth of the organization that resulted in administrative problems that could not be easily resolved.

The leaders of LRDA, in addition to their efforts to promote tribal objectives with national Indian organizations, saw the need to further the relationship with state authority. As has been noted previously, Lumbees have always had some influence in state politics, but this effort was to be on a pan-tribal basis. In 1970 leaders from LRDA approached Governor Robert Scott with the idea of establishing a state commission on Indian Affairs. Scott was initially cool to the idea but influential Lumbee leaders like John Willie Oxendine and Ruth Dial Woods contacted the governor and were able to get a planning group organized. In 1971 the state established the Commission of Indian Affairs as an independent agency, and Early Maynor, a member of LRDA's Board of Directors, was named as the first executive director. In 1977 the commission was changed from an independent agency to a special advocacy agency under the Department of Administration. A. Bruce Jones succeeded Early Maynor as the executive director in 1976. The North Carolina Indian Commission (NCIA) continues to be a major voice in state Indian policy, showing the influence of the Lumbee tribal leaders on regional Indian Affairs.

In 1975, LRDA and NCIC held a staff retreat to discuss common concerns. One of the products of that retreat was the establishment of an annual conference, the North Carolina Indian Unity Conference. The conference has been immensely successful, growing from 100 participants in 1975 to over 600 in 1986, and has developed from a one day workshop to a three day event that includes general assemblies, workshops, talent shows, pow-wows, banquets and dances. Featured speakers have included the state's governors, and other state and federal officials including individuals from the U.S. Office of Indian Education, Administration for Native Americans, U.S. Department of Labor, and Housing and Urban Development. The conference also provides a forum for candidates for state-wide offices. Throughout the period LRDA leadership has been deeply involved

not only in the affairs of NCIC, but also in the development of the Unity Conferences.

Until 1983 the Unity Conference was sponsored by NCIC, but in that year a new organization—United Tribes of North Carolina (UTNC)—took over the program. This organization consists of the tribes and Indian organizations within the state and was formed to carry out activities that could not be handled by the state agency. The revenue from the Unity Conference is used to finance the organization's activities.

3. **State and Federal Relations:** Considerable information has already been presented concerning the relationship of the Lumbee tribe with the state of North Carolina Indian Commission. Beyond that, it has maintained close ties with the state's governors and legislators. As an example of its relationship with the state government, when LRDA needed funds to continue its enrollment it sought and received help in the form of a grant from the state.

As has been described, the Lumbees have maintained a close relationship with the national government since at least the 1880s. The development of LRDA continued and augmented that relationship.

POSITION OF THE INTERIM GOVERNING BODY OF THE LUMBEE TRIBE ON S. 1036 AND H.R. 1436

The interim governing body of the Lumbee Tribe of the Cheraw Indians fully support enactment of S. 1036 and H.R. 1436.

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Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, as the Member who represents probably more Lumbee Indians than any other member other than the gentleman from North Carolina [Mr. ROSE], I rise today in support of H.R. 1426, which would give Federal recognition to the Lumbee Tribe of the Cheraw Indians of North Carolina. The State of North Carolina has recognized the Lumbee Indians since 1885.

Federal recognition means that the Lumbees would be identified as a unique political entity, an Indian tribe. Acknowledgment of the tribe's governmental powers as limited by Federal law, would make the Lumbees eligible for certain benefits, such as services provided by the Bureau of Indian Affairs and Indian Health Service.

On three different occasions earlier this century, the Department of the Interior recognized the Lumbees as Indians. In 1956, Congress went part way; the Lumbees were given tribal recognition, but were prohibited from receiving Federal Indian services and full Federal status to the tribe. Only two other tribes have been dealt with in this manner, the Pasqua Yaqui of Arizona and the Ysleta del Sur of Texas. Both tribes have been granted the full Federal recognition by Congress, in 1978 and 1987, respectively.

My friend and colleague, the Honorable CHARLIE ROSE, is making an effort in his legislation to correct a 100-year inequity by making right a long-time injustice, that of the recognition of the

Lumbee Tribe of North Carolina. In the interest of fairness, I urge my colleagues to support H.R. 1426 and defeat any amendments.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the gentleman for yielding me this time. I do not believe that I will use all of it.

Mr. Chairman, I simply want to take this opportunity to express my appreciation to my colleague, the gentleman from North Carolina [Mr. ROSE], in whose district the majority of Lumbee Indians in North Carolina reside, to thank the committee for addressing this matter and allowing the bill to come to the floor of the House, and to express my thanks and appreciation to all of those others who have participated in the events which enabled us to come to the place where we are today.

I want to say, Mr. Chairman, that with the assurances that have been expressed by those who addressed this question and came to the well before me on the question of money, the assurances built into the legislation, as I understand it, that this recognition of the Lumbee Indians in North Carolina will not take funds from any other Indian tribe or group of native Americans.

I must say that it causes me some pain to be confronted with the fact that there are other groups of native Americans even in the State of North Carolina who oppose recognition of their fellow native Americans. I would hope and expect that, with this small number of citizens, other Indian groups such as the Cherokees in western North Carolina, so ably represented by our colleague, the gentleman from North Carolina [Mr. TAYLOR], would not oppose this legislation but would welcome with open arms their brothers and sisters into the tribal campgrounds.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. RHODES. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, there has been some comment made about North Carolina's recognition of the Lumbees. I think if we look back at the historical record, the Indian group that is coming before us as Lumbees was recognized roughly in the 1950's rather than in the 1885 period as Lumbees.

What we find there is that in 1855, the State of North Carolina designated a group of Indians in Robeson, Richmond, and Sampson Counties, and they were to be known as the Croatan Indians. In 1913, the State legislature passed an act indicating that Indians in this area would be known and designated as the Cherokee Indians of

Robeson County. In 1971 the legislature enacted a law indicating that the Indians in Bladen and Columbus and adjoining counties to Robeson County, including Indians living around the Lumber River, from which the Lumbees chose their name, shall be designated and officially recognized as the Waccamaw Tribe of North Carolina, and then, of course, we have the 1953 designation of the Indians in Robeson and adjoining counties along the Lumber River as the Lumbee Tribe. That is the North Carolina history.

Now, I am not taking from the gentlemen who are here speaking for the Lumbees. What I am saying is that this shows that this is an extremely complicated issue.

What of the Hatteras-Tuscaroras who are among the Lumbees who have separate tribal application who are being subsumed by this legislation? Do they not deserve some recognition and fairness?

It is a complicated issue, and we should not be debating it on the floor of Congress. It should be going through an organized process, not a political process.

Mr. RHODES. Mr. Chairman, in closing, I yield myself such time as I may consume.

Let me just simply make a couple of observations about some of the statements that have been made in support of this legislation.

There is no defense, none, for the way the Department of the Interior and the Bureau of Indian Affairs has strung out the process, not just for this group of people, but for virtually all who have petitioned.

It is true, in lukewarm defense, that many petitioners do take an inordinate amount of time to complete their petitions and to get all the information needed in to the Department. But specifically as to the Lumbees, in my particular way of thinking, it is unconscionable that the Solicitor of the Interior took 8 years to determine, rightly or wrongly, that the 1956 act precludes administrative consideration of the Lumbee application. The Solicitor of the Interior knew in 1981 that the Lumbees were going to petition. Yes, it took the Lumbees 7 years to complete their petition, but certainly in 1981 the Solicitor would have been in a position to say, "Do not bother completing your application, because the 1956 act will not let you process it."

Nobody on this side is defending the way the Department of the Interior has treated this application. What we are saying, though, is that this legislation is simply an invitation to everybody who is currently petitioning and to everybody who is thinking about petitioning to ignore that and to come to Congress and to say, "We wish legislative recognition."

If we think that we have had to agonize over the Lumbees for as long as we

have, and we have here in this body, then I would suggest that we prepare ourselves for a lot more agony if we say to native Americans who wish Federal recognition, "Do not bother with the administrative process. We will, on an ad hoc case-by-case basis, take care of you without standards, without definitions, without any clear indication as to what constitutes a recognizable tribe and what does not." I think that the Members of this body should think very, very closely and clearly about whether or not they want to become the experts in this country about what is an Indian tribe and what is not an Indian tribe.

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

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Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I rise today in support of the Lumbee Recognition Act. This legislation marks the culmination, as other speakers have said, of more than 100 years of effort by the Lumbee Indians to receive Federal recognition. I commend the gentleman from North Carolina [Mr. ROSE], the gentleman from California [Mr. MILLER], and others who have worked so effectively to bring this bill before us today.

In the first part of this century, Congress directed the Department of the Interior to investigate the history and status of the Lumbee Indian Tribe. Although these studies concluded that the tribe existed as a separate and independent Indian community, the Department continually opposed congressional attempts to recognize the Lumbees because of the tribe's relatively large size and the possible cost of Federal recognition.

Finally, in 1956, Congress passed the Lumbee Act, which confirmed the tribe's status but failed to provide Federal recognition. In keeping with the politics of the so-called termination era, when the Federal Government severed relationships with native American Indian tribes which had been formally recognized, the Lumbee Act of 1956 specifically prohibited a government-to-government relationship with the Lumbee Indians.

When the Bureau of Indian Affairs [BIA] recognition process was established in 1978, the tribe renewed their efforts to achieve Federal recognition; their petition is now pending before the BIA. However, the Department of the Interior has ruled that the language of the 1956 Lumbee Act disqualifies the Lumbee from consideration under the BIA process. The only recourse available to the Lumbee Indians is congressional action.

Members from the other side of the aisle have put forth a substitute meas-

ure which would amend the 1956 Lumbee Act to allow a Federal relationship with the Lumbee Indians. This measure also would provide expedited consideration for the Lumbee recognition petition.

While I appreciate the intent of the substitute measure, it is not an effective way to deal with the Lumbee case. Since the BIA recognition process was established in 1978, the BIA has recognized only 8 tribes; the largest has a membership of 2,500. It is simply unrealistic to believe that a staff of 10 can meet the substitute's 18-month deadline for consideration of the Lumbee petition. The substitute measure is also unfair to the other tribes which have submitted petitions to the BIA. Over 100 petitions are now pending, and these would effectively be put on hold for 18 months while the full BIA staff was devoted to the Lumbee petition.

Mr. Chairman, the Lumbee Indians clearly meet the BIA criteria for Federal recognition. They have been working for such recognition since 1888, and it is simply unfair to ask these proud people to wait any longer. I urge my colleagues to support the Lumbee Recognition Act and vote to defeat the substitute measure.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I rise in strong support of the Lumbee bill and in opposition to the amendment.

Mr. Chairman, I am very pleased that this bill has finally reached the House floor for consideration. I have long supported and cosponsored legislation which extends Federal recognition to the Lumbee Indian Tribe of North Carolina.

Mr. Chairman, the Lumbee Indians present a very special case that I think would best be addressed through the legislative process rather than through the Bureau of Indian Affairs' recognition procedure.

The Lumbee Tribe of Cheraw Indians of southeastern North Carolina first sought recognition over 100 years ago. The State of North Carolina officially recognized the tribe in 1885, but the Federal Government has yet to do so, despite making repeated reference to their Indian heritage in the Lumbee Act of 1956.

That reference is important, because no other tribe currently seeking recognition can make that claim. An additional precedent in the Lumbee's favor is the case of the Tiwa Tribe of Texas which had a virtually identical legislative history and received recognition through legislation during the previous administration.

The Lumbees have long sought recognition through the petition process with the Bureau of Indian Affairs without success because of delays and procedural roadblocks. In view of the long history of this case, and in fairness to those directly involved, I believe that Congress should act to end the delay and grant the Lumbee Tribe the recognition they deserve.

Mr. Chairman, a legislative remedy is needed in this case, and I urge my colleagues to support this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I, too join in support of H.R. 1426, the Lumbee Recognition Act. As a member of the Committee on Interior and Insular Affairs, I have heard many arguments on both sides of this bill.

Some of the opposition comes from recognized tribes in the West and it is to those concerns that I address my comments.

Some tribes and tribal members are concerned that the Lumbees would be receiving preferential treatment if they were recognized in this way legislatively. Instead, the tribes would prefer that the Lumbee continue to use the avenue of the Bureau of Indian Affairs to achieve recognition. It is clear that the Bureau of Indian Affairs makes mistakes from time to time and that often Congress is asked to intercede on one or another tribe's behalf. I personally have worked on several issues of that type for the Indians of Montana. The Lumbees were recognized by the State of North Carolina in 1885. The Lumbees began seeking Federal recognition in 1888. To ask that they continue to attempt recognition from the BIA is simply unacceptable at this point more than 100 years later.

Other tribes may be concerned about sharing the scarce resources available from the BIA for all Indian tribes. H.R. 1426 therefore delays services for the Lumbees until separate funds specifically for that purpose are appropriated, thus making the threat of a decrease in funds available to other tribes a moot point. Even if the bill did not specifically address the issue of funding, I do not believe that it is a legitimate reason for not recognizing the Lumbee Tribe. Granting the Lumbee Tribe Federal recognition is in my judgment the right thing to do, period.

Mr. RHODES. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I just yield myself 1 minute to conclude the debate at this point before we get to the amendment, and just say that I think our colleague, the delegate from the American Samoa [Mr. FALEOMAVAEGA] made a very important point with respect to this process, and that is that there is one thing that has not changed, that is the Lumbee Indians were a tribe throughout our history. What changed throughout our history was the policy and our intentions and our actions with respect to Indians. We have declared war on them and we have declared peace. We have tried to assimilate them and we have tried to terminate them, and somehow

what we are now saying over 100 years later to this tribe is they had to maintain a paper trail, consistent records of each and every one of their members. That is simply not fair and it is wrong.

However the Lumbees were during that period of time, from time to time they tried to get the Government interested in their plea. The Smithsonian sent anthropologists to prod and to poke, to record their language, and to ask them questions. Other anthropologists went, and interestingly enough, they all came back and they reported to the Department of the Interior that this, in fact, was a tribe.

Then we came along in 1978, and we set up yet another process. We said that if they could not jump these hurdles, they could not be a tribe.

There is another interesting fact that I tried to point out in my opening statement, and that is from time to time when the Indians have had this Government between a rock and a hard spot, we had no problems recognizing them as a tribe with far less showing than we are now asking the Lumbees, and we have done it since this process has been set up, because we thought it was to the advantage of the Government. We thought it was to the advantage of the States. We thought it was to the advantage of the landowners and the homeowners and the businesses in various areas; so when it was to our advantage, we had no problem sweeping this aside so we could save hundreds of millions or billions of dollars in Indian settlements, but now it is to the advantage and the dignity of the Lumbee Indians and now we are insisting on a bureaucratic maze that they simply cannot run; not suggesting this is the proper maze, not suggesting this is not flawed, not suggesting this has not been arbitrary up to date, but still they must run it.

I think the gentleman from the American Samoa [Mr. FALEOMAVAEGA] who has sat through more of these hearings than any other Member of this Congress understands completely how often we have changed direction on the American Indian tribes.

Yes, there will be other petitioners before this Congress.

Mr. Chairman, that is our job.

We have introduced legislation with respect to the recognition of the California Indians because of this sorry task of determination, the lies that were held out to those people, the misrepresentations.

So yes, we will be here again and we will have to make those decisions. This is not about us being experts. It is about weighing the evidence that the experts have given us. That is our job on this and so many other subjects.

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

Mr. MILLER of California. I yield to the delegate from the American Samoa.

Mr. FALCOMA. Mr. Chairman, I thank the gentleman for yielding to me. I appreciate his kind comments.

The gentleman did state earlier about paper trails. I want to share with my colleagues that perhaps we have learned many things about trails from this part of the region, especially to native Americans.

I think our friend, the gentleman from North Carolina, stated earlier that it was a trail of tears. I think it was called the Trail of Many Tears.

I think I can say with confidence that if we were to identify the Lumbee Indian people in this relationship, I would say they have been through the trail of many years, and I think 103 years is long enough.

Mr. GEJDESEN. Mr. Chairman, I rise today to express my support for H.R. 1426, the Lumbee Recognition Act, and urge my colleagues to oppose any amendments which will weaken or delay the long overdue recognition for this tribe.

Like many of the groups of people who inhabited what is now the United States before we got here, the Lumbees have a long and proud history of independence. They also have a sad story of mistreatment by the U.S. Government. The fact that we are even here today is a testament to that inequity.

In 1956, the Congress of the United States adopted legislation which recognized this tribe as the Lumbee Indians of North Carolina. However, at the same time language was included in that legislation that essentially terminated their Indian status, barring the Lumbees from being eligible for Federal services or benefits from the Government of the United States. In one fell swoop, the Congress managed to both recognize and terminate the Lumbees.

Essentially, the 1956 act barred the Lumbee people from attempting to be recognized administratively through the Federal acknowledgement process that was established in 1978.

That is why we are here today. We have the opportunity to right a wrong. This legislation simply recognizes this tribe as Indians, something that the State of North Carolina did in 1885, and something that the Lumbees have been seeking from the Federal Government for over 100 years.

Mr. Chairman, there is little doubt that the Lumbees are Indians. In the Interior Committee we have heard hours of testimony on this issue from archaeologist and anthropologists attesting to the authenticity of the Lumbees as Indians. In addition, on three occasions since 1900, the Department of the Interior has conducted studies to investigate the Lumbee tribe's history and condition. First in 1912, then in 1914, and then in 1933, the Interior Department completed studies all of which concluded that the Lumbees were Indians existing as a separate and independent community.

In 1956, the Congress of the United States acted to terminate the Lumbees and prevent them from seeking Indian status through the administrative process. This is a situation that the Congress created, and though none of us

were a part of that injustice, it is our responsibility to right it. Once and for all, it is our responsibility to recognize the Lumbee Tribe of Cheraw Indians of North Carolina.

Mr. Chairman, the Lumbee people have been forced to wait for over 100 years for simple recognition by the Federal Government as a tribe. This legislation is long overdue and I urge my colleagues to support swift passage without amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise to oppose H.R. 1426. I don't think the Congress should be involved in the process of granting Federal recognition to Indian tribes when there already exists an administrative process within the Interior Department.

One of the most respected Indian leaders in the country, Chief Phillip Martin of the Mississippi Band of Choctaws, wrote in opposition to this legislation. He said Congress should not establish itself as the historical expert on this issue because we don't have the necessary expertise to do so. In addition, approval of H.R. 1426 would likely lead to an increase in the number of petitions from other groups seeking to bypass the standards used by the Interior Department. I agree with Chief Martin. It is bad public policy and would be unfair to other Indian tribes across the country who have gone through the prescribed administrative process, or who are currently involved in the process set up by the Interior Department in consultation with Indian tribes and the Congress.

Mr. TOWNS. Mr. Chairman, I rise today in strong support of H.R. 1426, the Lumbee Recognition Act, which provides for Federal recognition of this tribe located in southeastern North Carolina. As a native of North Carolina, I have long been aware of the State's recognition of the Lumbee Tribe. The enrolled membership of the tribe is just under 40,000. The Department of the Interior prepared three detailed reports in 1912, 1914, and 1933 which concluded that the Lumbees constitute a self-governing Indian people in need of Federal assistance and services; yet the Department has opposed recognition of the tribe largely due to the cost of servicing the tribe. Now is the time for justice to be served. The Lumbee Recognition Act requires that any Bureau of Indian Affairs funding for the Lumbee come through a separate appropriation, separate from outlays for other federally recognized tribes. The State of North Carolina has recognized the Lumbees since 1885. Federal recognition will bring the Lumbees long overdue rights equal to those of other American Indian groups. I urge my colleagues to support this legislation.

Mr. TALLON. Mr. Chairman, I rise in support of H.R. 1426. The eastern portions of North and South Carolina have been home to the Lumbee Indians long before there ever were settlers. The Lumbee people have maintained their separateness as a people, and their unique nature has been preserved through the centuries.

The Lumbee have been long overlooked as a unique and separate people. They have been struggling for decades to gain Federal recognition with only discouraging results. The time has come for this tribe to receive official recognition and the time has come for this House to pass H.R. 1426.

I want to commend my colleague from North Carolina, Congressman CHARLIE ROSE, for his perseverance in this matter and his dedication to the Lumbee people. I encourage all my colleagues to support this bill today.

Mr. COBLE. Mr. Chairman, I wish to express my support for H.R. 1426, as introduced by my colleague from North Carolina. H.R. 1426 is needed to provide long-overdue Federal recognition of the Lumbee Band of Cheraw Indians.

Congressman ROSE, the bill's sponsor and champion, is to be commended for his tireless efforts over the years on a Lumbee Indian recognition bill. I am pleased to be able to support H.R. 1426 and to work with him on other issues important to the Lumbees of North Carolina.

H.R. 1426 is necessary to correct an error which Congress made in 1956 when it enacted one of the many bills intended to recognize the Lumbee Tribe. The final version of the 1956 Lumbee Act actually included termination-type language that prohibited Federal Indian services and full Federal status to the tribe. The act has precluded the Lumbees from pursuing Federal recognition through an administrative process set up within Interior's Bureau of Indian Affairs in 1978. The only two other tribes to be treated in this manner in the 1950's have since been extended the full Federal relationship by acts of Congress.

The Lumbees only want equal treatment by Congress. There are a number of ways Indian tribes can be recognized. The Lumbee Tribe received recognition by the State of North Carolina in 1885, and began seeking Federal recognition in 1888.

In response to past Federal legislation, Congress asked the Interior Department to investigate the Lumbee's history and condition. On three separate occasions, in 1912, 1914, and 1933, the Department concluded that the Lumbees were indeed Indians. The 1914 study in particular far exceeds in length and detail those presently done by the Bureau of Indian Affairs on petitions for recognition.

Let's stop stalling Federal recognition for the Lumbee tribe by forcing them into a duplicative administrative process, after forcing them through these additional legislative hurdles. I am convinced the Bureau of Indian Affairs could spend up to a decade delaying this process further. The Lumbees of North Carolina have waited nearly a century already for this important Federal recognition. Let's pass this bill today, unamended, and finally recognize the Lumbees.

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered under the 5-minute rule by sections and each section shall be considered as having been read.

The Clerk will designate section 1.
Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that 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 California?

There was no objection.

The text of the bill H.R. 1426, is as follows:

H.R. 1426

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 "Lumbee Recognition Act".

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended—

(1) by striking out "and" at the end of each of the first three clauses;

(2) by striking out "Now therefore," at the end of the last clause and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clauses:

"Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

"Whereas the Lumbee Indians have been recognized by the State of North Carolina as an Indian tribe since 1885;

"Whereas the Lumbee Indians have sought Federal recognition as an Indian tribe since 1888; and

"Whereas the Lumbee Indians are entitled to Federal recognition of their status as an Indian tribe and the benefits, privileges, and immunities that accompany such status; Now, therefore,"

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended—

(1) by striking out the last sentence of the first section; and

(2) by striking out section 2 and inserting in lieu thereof the following:

"FEDERAL RECOGNITION; ACKNOWLEDGMENT

"SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of Cheraw Indians of North Carolina. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of Cheraw Indians of North Carolina and its members.

"(b) Notwithstanding the first section of this Act, any group of Indians in Robeson or adjoining counties whose members are not enrolled in the Lumbee Tribe of Cheraw Indians of North Carolina, as determined under section 4(b), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

"SERVICES

"SEC. 3. (a) The Lumbee Tribe of Cheraw Indians of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as federally recognized Indians, except that members of the tribe shall not be entitled to such services until the appropriation of funds for these purposes. For the purposes of the delivery of such services, those members of the tribe residing in Robeson and adjoining counties, North Carolina, shall be deemed to be resident on or near an Indian reservation.

"(b) Upon verification of a tribal roll under section 4 by the Secretary of the Interior, the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of Cheraw Indians of North Carolina, a determination of needs and a budget required to provide services to which the members of the tribe are eligible. The Secretary of the

Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget with the first budget request submitted to the Congress after the fiscal year in which the tribal roll is verified.

"(c)(1) The Lumbee Tribe of Cheraw Indians of North Carolina is authorized to plan, conduct, consolidate, and administer programs, services, and functions authorized under the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452, et seq.), and the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act, pursuant to an annual written funding agreement among the Lumbee Tribe of Cheraw Indians of North Carolina, the Secretary of the Interior, and the Secretary of Health and Human Services, which shall specify—

"(A) the services to be provided, the functions to be performed, and the procedures to be used to reallocate funds or modify budget allocations, within any fiscal year; and

"(B) the responsibility of the Secretary of the Interior for, and the procedure to be used in, auditing the expenditures of the tribe.

"(2) The authority provided under this subsection shall be in lieu of the authority provided under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.).

"(3) Nothing in this subsection shall be construed as affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from lawsuit enjoyed by the Lumbee Tribe of Cheraw Indians of North Carolina or authorizing or requiring the termination of any trust responsibility of the United States with respect to the tribe.

"CONSTITUTION AND MEMBERSHIP

"SEC. 4. (a) The Lumbee Tribe of Cheraw Indians of North Carolina shall organize for its common welfare and adopt a constitution and bylaws. Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the tribe must be consistent with the terms of this Act and shall take effect only after such documents are filed with the Secretary of the Interior. The Secretary shall assist the tribe in the drafting of a constitution and bylaws, the conduct of an election with respect to such constitution, and the reorganization of the government of the tribe under any such constitution and bylaws.

"(b)(1) Until the Lumbee Tribe of Cheraw Indians of North Carolina adopts a constitution and except as provided in paragraph (2), the membership of the tribe shall, subject to review by the Secretary, consist of every individual who is named in the tribal membership roll that is in effect on the date of enactment of this Act.

"(2)(A) Before adopting a constitution, the roll of the tribe shall be open for a 180-day period to allow the enrollment of any individual previously enrolled in another Indian group or tribe in Robeson or adjoining counties, North Carolina, who demonstrates that—

"(i) the individual is eligible for enrollment in the Lumbee Tribe of Cheraw Indians; and

"(ii) the individual has abandoned membership in any other Indian group or tribe.

"(B) The Lumbee Tribe of Cheraw Indians of North Carolina shall advertise in newspapers of general distribution in Robeson and adjoining counties, North Carolina, the opening of the tribal roll for the purposes of subparagraph (A). The advertisement shall specify the enrollment criteria and the deadline for enrollment.

"(3) The review of the tribal roll of the Lumbee Tribe of Cheraw Indians of North

Carolina shall be limited to verification of compliance with the membership criteria of the tribe as stated in the Lumbee Petition for Federal Acknowledgment filed with the Secretary by the tribe on December 17, 1987. The Secretary shall complete his review and verification of the tribal roll within the 12-month period beginning on the date on which the tribal roll is closed under paragraph (2).

"JURISDICTION

"SEC. 5. (a)(1) The State of North Carolina shall exercise jurisdiction over—

"(A) all criminal offenses that are committed on, and

"(B) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of Cheraw Indians of North Carolina, any member of the Lumbee Tribe of Cheraw Indians of North Carolina, or any dependent Indian community of the Lumbee Tribe of Cheraw Indians of North Carolina.

"(2) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe of Cheraw Indians and the State of North Carolina. Such transfer of jurisdiction may not take effect until two years after the effective date of such agreement.

"(3) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

"(b) Section 5 of the Act of June 18, 1934 (Chapter 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the Lumbee Tribe of Cheraw Indians of North Carolina with respect to lands within the exterior boundaries of Robeson and adjoining counties, North Carolina.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. (a) There are authorized to be appropriated such funds as may be necessary to carry out this Act.

"(b) In the first fiscal year in which funds are appropriated under this Act, the tribe's proposals for expenditures of such funds shall be submitted to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives 60 calendar days prior to any expenditure of such funds by the tribe."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out line 10 and insert in lieu thereof "of the first three clauses;"

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer an amendment in the nature of a substitute.

The clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RHODES: Strike all after the

enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO SEEK FEDERAL RECOGNITION.

(a) **CONSIDERATION OF PETITION.**—The Act of June 7, 1956 (70 Stat. 254), shall not constitute a bar to the consideration by the Secretary of the Interior of any petition of a group or organization representing the Lumbee Indians or other Indians residing in Robeson and adjoining counties of North Carolina for acknowledgment as an Indian tribe.

(b) **ACKNOWLEDGED GROUPS.**—The provisions of the Act of June 7, 1956, shall not apply to any group or organization whose petition for acknowledgment as an Indian tribe is approved by the Secretary on or after the date of the enactment of this Act.

SEC. 2. CONSIDERATION OF PETITION REQUESTING ACKNOWLEDGMENT AS AN INDIAN TRIBE.

(a) **PROPOSED FINDING.**—The Assistant Secretary of the Interior for Indian Affairs shall publish a proposed finding with respect to the petition for acknowledgment as an Indian tribe submitted by the Lumbee Regional Development Association on December 17, 1987, and subsequently supplemented, not later than 18 months after the date on which the petitioner has fully responded to the notice of obvious deficiencies regarding that petition.

(b) **NUMBER OF MEMBERS NOT A FACTOR.**—The number of persons listed on the membership roll contained in the petition referred to in subsection (a) shall not be taken into account in considering such petition, except that the Assistant Secretary may review the eligibility of individual members or group listed in such petition in accordance with the provisions of part 83 of title 25, Code of Federal Regulations.

(c) **REVIEW.**—(1) If the Assistant Secretary fails to publish the proposed finding referred to in subsection (a) within the 18-month period referred to in such subsection, the petitioner may treat such failure as final agency action refusing to acknowledge that the petitioner is an Indian tribe and seek in Federal district court a determination of whether the petitioner should be acknowledged as an Indian tribe in accordance with the criteria specified in section 83.7 of title 25, Code of Federal Regulations.

(2) If the Assistant Secretary publishes a final decision refusing to acknowledge the Indians seeking recognition under the petition referred to in subsection (a), the petitioner may, not later than one year after the date on which the final decision is published, seek in Federal district court a review of the decision, notwithstanding the availability of other administrative remedies.

SEC. 3. CRIMINAL AND CIVIL JURISDICTION.

(a) **STATE.**—In the event that an Indian tribe is acknowledged pursuant to the petition filed by the Lumbee Regional Development Association, the State of North Carolina shall exercise jurisdiction over all criminal offenses that are committed on, and all civil causes of action that arise on, lands located within the State that are owned by, or held in trust by the United States for, such tribe or any member of such tribe, or on lands within any dependent community of such tribe, to the same extent that the State has jurisdiction over any such offense committed elsewhere in the State or over other civil causes of action.

(b) **TRANSFER TO THE UNITED STATES.**—The Secretary of the Interior may accept on behalf of the United States, after consultation with the Attorney General of the United

States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State described in subsection (a).

SEC. 4. NO DELAY FOR PETITIONS AWAITING ACTIVE CONSIDERATION.

It is the sense of the Congress that the review of the petition submitted by the Lumbee Regional Development Association under section 2 should not delay the review of the pending fully documented petitions for acknowledgment as an Indian tribe awaiting active consideration as of February 1, 1990.

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, let me just briefly describe what this amendment does. It states that the act of 1956 shall not be considered a bar to consider of the petition of the Lumbee Indians.

It states that the Department of the Interior shall issue its proposed finding on the petition of the Lumbee Indians not later than 18 months after that petition has been completed.

□ 1210

It states specifically, specifically that the Department of the Interior is not to consider the number of people included on the tribal roll in making a determination as to the validity of the petition. It also states that if the petitioner, in this case the Lumbee Indians, is not in any way satisfied with the findings of the Department of the Interior, they have direct access to the Federal district courts, do not have to go through an administrative appeal procedure.

It states that North Carolina law shall apply. And it further says that there shall be no delay in the consideration of pending applications as a result of this legislation.

Let me just comment briefly about that last provision, because I am quite sure we are going to hear that one of the things that is unfair about the amendment in the nature of a substitute is that it will put the Lumbees in ahead of pending applications, applications that have been waiting for action for some time. At the same time, we are ignoring—those who make that argument ignore the fact that legislatively recognizing the Lumbees is equally, or substantially more, unfair to those who are going through the process, having their petitions pending or those who are contemplating going through the process.

Now, this is simple, there is nothing complicated about this amendment, and there is nothing complicated about what it is that we are trying to accomplish. It is not trying to enshrine what I consider to be a flawed administra-

tive process. And I think that the gentleman from American Samoa, and others, who sat through the hearing, will recall that of those who were critical of the Bureau of Indian Affairs and the process that they are administering, I was one of the most critical. That is not the point. That is the reason, however, that we put in the 18-month limitation so that they must act on this application. That is not the point, enshrining the process is not the point; keeping in place the administrative procedure is the point. Being fair to those who wish to seek recognition as a federally recognized tribe, having them know what the process is, having them know what the standards are, having them know what they must meet, having them know what the burden of proof is, is the point.

Saying to them, "You can't come to Congress where there are no standards, there are no procedures, there are no burdens of proof; it is a matter of whom you can impress and whom you cannot impress," is the point.

In the particular case of the Lumbees, the point is we owe it to them to get this job done and your bill will not do it. You talk about 105 years of delay for the Lumbees. All I can say to you is that your bill promises them more delay. The future of your bill is uncertain, to put it mildly.

This amendment, if adopted, will be signed by the President, and the Lumbees will finally know where the end of the trail is, and they will have access to a Federal court without having to go through any administrative law judge if the decision of the department is contrary to their wishes.

This provides certainty, the amendment in the nature of a substitute, provides a certainty. The bill-in-chief provides nothing but false hopes, nothing but more delay, and nothing but an open invitation to this Congress to be the arbiter of the question of what is a federally recognizable Indian tribe and what is not. And I do not think is the slope that this body wishes to embark on.

Mr. Chairman, I urge adoption of the amendment in the nature of a substitute.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, we all want to be fair today to native Americans. I appreciate the comments that have been made by the proponents of the bill that has been put before us. But I think we have to ask, as my colleague from Arizona has, now best to be fair to the native Americans in question here.

Clearly, the amendment he has recommended will give a prompt answer to the question of whether or not the Lumbees should be recognized as a tribe. It will give them adequate, and

prompt, appeal opportunity. And it is fair.

It is fair not just to the Lumbees. We are not the only parties here. Why do the vast majority of the American Indian tribes across this country oppose this legislation, and insist upon a strict adherence to an equitable methodology and a criterion that is set forth that will put a prompt review, but a review nevertheless, in determining who should be recognized by the Federal Government as a tribe? Why did they insist upon that?

They are insisting upon fairness, and that is why they oppose the original legislation. The amendment of the gentleman from Arizona will present fairness to the Lumbees. More important, it will present fairness to the majority of the American tribes. It will present fairness to other Americans, native Americans, American Indians who are located—such as the Hatteras—Tuscarora—who are located in among the Lumbees, who point out very clearly that the original bill will deny them recognition as a tribe. It will subsume them into the rolls of the Lumbee and will deny them their heritage.

How can we be fair with a bill that does that to the Hatteras—Tuscarora?

So I support the amendment because it gives a fair opportunity, an opportunity for us to solve this question promptly and in all fairness.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as a member of the Interior Committee, I participated in the hearings on similar legislation in the previous session of Congress. I, regretably, was unable to attend the hearing and markup recently in the Committee on Interior and Insular Affairs in which this issue was addressed.

Mr. Chairman, I oppose the Rhodes amendment because we would require of the Lumbee that which we have not required for anyone else. That is, they would be required to go through both a congressional action, in terms of establishing their eligibility for acknowledgement, and a separate administrative procedure.

The truth is that the legal opinion that came from the Department of the Interior's Solicitor had indicated the ineligibility of the Lumbee Indians under a 1956 act that recognized them in name but prohibited them from receiving any benefits or services from the Government. The Rhodes amendment would require the Lumbees to go through, as I said, in essence, double jeopardy in terms of their actions to gain acknowledgement.

I think the conclusion of this is fairly predictable in terms of the outcome by the Department of the Interior. Congress has the unquestioned authority to, in fact, recognize tribes, especially in such cases where there has

been a controversial law or a manifest frustration experienced within the administrative process.

That certainly is the case here with regard to the Lumbee. I think when the legislation was before the Congress in earlier sessions, there was some tendency to look to the administrative process for recognition but that has been unproductive. It has avoided the issue. I think it is appropriate that we take action in this instance to, in fact, recognize them and defeat this amendment, which, again, would only serve to frustrate the process and postpone action on the question.

Congress, during the time of the pendency of the Lumbee request for recognition, has recognized no fewer than 12 tribes that, in many instances, were recognized for similar circumstances as in the case of the Lumbee. So, this legislation is not an unusual action. It is a usual action.

I think there is a question of merit here, and the Rhodes amendment is not the way to resolve the Lumbee recognition issue. I would ask Members to vote against the amendment in the nature of a substitute and support the bill as reported by the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman and Members of the House, let us clearly understand what is being done here. It is that we are asking the Lumbees to now, under the substitute, go back through the process. That is simply unacceptable.

□ 1220

It is unacceptable on the face of the amendment because the amendment seeks to change the process by which the Lumbees would go through, recognizing the inherent flaws in the current process, recognizing the inherent flaws in the process with respect to the Lumbees. Not only does the amendment recognize the inherent flaws in the current process, but the gentleman from Arizona [Mr. RHODES] stated earlier that he has a bill to reform the process. So, the amendment gives the Lumbees the right to go to the head of the line and go through a process that we are all in agreement is flawed and needs reforming.

Mr. Chairman, that is not justice. That is not justice. The Lumbees have been here over 100 years in this process. What they are entitled to is the recognition by this Congress, and by this Government, as an Indian tribe. The only way that is going to be achieved is with the passage of the gentleman from North Carolina's [Mr. ROSE] bill, not with the passage of this substitute. So, what is very important is that we reject this substitute, we pass the bill, and at that time this Congress can speak based upon the evidence, not

that we generated, but that the Lumbees generated, and the experts who have studied the Lumbees throughout the past century have generated, as to verifying the fact that they are what they are, an Indian tribe.

Mr. Chairman, I would hope that we would overwhelmingly reject this amendment and pass the underlying legislation.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. RHODES].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RHODES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 251, not voting 22, as follows:

[Roll No. 281]

AYES—159

Allard	Gunderson	Parker
Archer	Hall (TX)	Paxon
Army	Hammerschmidt	Penny
Baker	Hancock	Peterson (MN)
Ballenger	Hansen	Petri
Barrett	Hefley	Porter
Barton	Henry	Ramstad
Bateman	Herger	Regula
Bentley	Hobson	Rhodes
Bereuter	Horton	Ridge
Bilirakis	Houghton	Riggs
Boehlert	Inhofe	Rinaldo
Boehner	Ireland	Ritter
Brewster	James	Roberts
Broomfield	Johnson (CT)	Rogers
Bunning	Johnson (SD)	Rohrabacher
Burton	Johnson (TX)	Ros-Lehtinen
Camp	Kasich	Roth
Campbell (CA)	Klug	Roukema
Chandler	Kolbe	Santorum
Clinger	Kyl	Saxton
Coleman (MO)	Lagomarsino	Schaefer
Combest	Leach	Schiff
Coughlin	Lent	Schulze
Cox (CA)	Lewis (CA)	Sensenbrenner
Crane	Lewis (FL)	Shaw
Cunningham	Lightfoot	Shays
Dannemeyer	Livingston	Shuster
DeLay	Lowery (CA)	Skeen
Doolittle	Machtley	Smith (NJ)
Dorman (CA)	Marlenee	Smith (OR)
Dreier	Martin	Smith (TX)
Duncan	McCandless	Solomon
Edwards (OK)	McCollum	Stearns
Emerson	McCrery	Stump
English	McCurdy	Swift
Fawell	McDade	Synar
Fields	McEwen	Taylor (NC)
Fish	Meyers	Thomas (CA)
Franks (CT)	Michel	Thomas (WY)
Gallegly	Miller (OH)	Upton
Gallo	Miller (WA)	Vander Jagt
Gekas	Mollinari	Vucanovich
Geron	Montgomery	Walker
Gilchrest	Moorhead	Walsh
Gillmor	Morella	Weber
Gilman	Morrison	Weldon
Gingrich	Myers	Wolf
Goodling	Nichols	Wylie
Goss	Nussle	Young (AK)
Gradison	Orton	Young (FL)
Grandy	Oxley	Zeliff
Green	Packard	Zimmer

NOES—251

Abercrombie	Andrews (TX)	AuCoin
Ackerman	Annunzio	Bacchus
Alexander	Anthony	Barnard
Anderson	Applegate	Bellenson
Andrews (ME)	Aspin	Bennett
Andrews (NJ)	Atkins	Berman

Bevill	Hefner	Payne (NJ)
Bilbray	Hertel	Payne (VA)
Bliley	Hoagland	Pease
Bonior	Hochbrueckner	Pelosi
Borski	Horn	Perkins
Boucher	Hoyer	Peterson (FL)
Brooks	Hubbard	Pickett
Browder	Huckaby	Pickle
Brown	Hughes	Poshard
Bruce	Hunter	Price
Bryant	Hutto	Quillen
Bustamante	Jacobs	Rahall
Byron	Jefferson	Rangel
Campbell (CO)	Jenkins	Ravenel
Cardin	Johnston	Ray
Carper	Jones (GA)	Reed
Chapman	Jones (NC)	Richardson
Clay	Jontz	Roe
Clement	Kanjorski	Roemer
Coble	Kaptur	Rose
Coleman (TX)	Kennedy	Rowland
Collins (IL)	Kennelly	Russo
Collins (MI)	Kildee	Sabo
Condit	Klecza	Sanders
Conyers	Kolter	Sangmeister
Cooper	Kopetski	Sarpalius
Costello	Kostmayer	Savage
Cox (IL)	LaFalce	Sawyer
Coyne	Lancaster	Scheuer
Cramer	Lantos	Schroeder
Darden	LaRocco	Schumer
Davis	Laughlin	Serrano
de la Garza	Lehman (CA)	Sharp
DeFazio	Levin (MI)	Sikorski
DeLauro	Lewis (GA)	Siskisky
Dellums	Lloyd	Skaggs
Derrick	Long	Skelton
Dickinson	Lowey (NY)	Slattery
Dicks	Luken	Slaughter (NY)
Dingell	Manton	Smith (FL)
Dixon	Markey	Smith (IA)
Donnelly	Martinez	Snowe
Dooley	Matsui	Solarz
Dorgan (ND)	Mavroules	Spence
Downey	Mazzoli	Spratt
Durbin	McCloskey	Staggers
Dwyer	McDermott	Stallings
Dymally	McGrath	Stenholm
Early	McHugh	Stokes
Eckart	McMillan (NC)	Studds
Edwards (CA)	McMillen (MD)	Sweet
Edwards (TX)	McNulty	Tallon
Engel	Mfume	Tauzin
Erdreich	Miller (CA)	Taylor (MS)
Espy	Mineta	Thomas (GA)
Evans	Mink	Thornton
Fascell	Moakley	Torres
Fazio	Mollohan	Torricelli
Feighan	Moody	Towns
Foglietta	Moran	Trafficant
Ford (MI)	Murphy	Unsold
Ford (TN)	Murtha	Valentine
Frank (MA)	Nagle	Vento
Frost	Natcher	Visclosky
Gaydos	Neal (MA)	Volkmer
Gejdenson	Neal (NC)	Washington
Gephardt	Nowak	Waxman
Gibbons	Oakar	Weiss
Glickman	Oberstar	Wheat
Gonzalez	Obey	Whitten
Gordon	Olin	Williams
Guarini	Olver	Wilson
Hall (OH)	Ortiz	Wise
Hamilton	Owens (NY)	Wolpe
Harris	Owens (UT)	Wyden
Hatcher	Pallone	Yates
Hayes (IL)	Panetta	Yatron
Hayes (LA)	Patterson	

NOT VOTING—22

Boxer	Hyde	Slaughter (VA)
Callahan	Lehman (FL)	Stark
Carr	Levine (CA)	Sundquist
Ewing	Lipinski	Tanner
Flake	Mrazek	Traxler
Hastert	Pursell	Waters
Holloway	Rostenkowski	
Hopkins	Roybal	

□ 1244

Mr. FASCELL and Mr. BERMAN changed their vote from "aye" to "no."

Messrs. MCCURDY, PARKER, GEREN of Texas, and HALL of Texas changed their vote from "no" to "aye." So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the SPEAKER pro tempore [Mrs. UNSOELD] having assumed the chair, Mr. KLECZKA, 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. 1426) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, pursuant to House Resolution 225, 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.

The question is on the amendment. The amendment was agreed to. (By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Madam Speaker, I ask to proceed out of order that I might inquire of the distinguished majority leader about the program for the balance of this week and next week.

Mr. GEPHARDT. Madam Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I would like to give Members a sense not only of what is left today, but what we intend to do for the rest of the week and next week.

First of all, there will be a vote on final passage anticipated on this bill in a few moments. At the end of that vote, there will be no further votes today. There will be no votes on tomorrow.

On Monday there will be six suspension bills, but the recorded votes on those bills will be postponed until Tuesday, October 1. Those bills are:

H.R. 3294, regarding O and P nonimmigrants' visas;

H.R. 3350, extending the U.S. Commission of Civil Rights;

H.R. 3259, drug abuse education and prevention programs relating to youth gangs and runaway youth;

H.R. 3280, Decennial Census Improvement Act of 1991;

H.R. 3322, to designate the "Gwen B. Giles Post Office Building"; and

H.R. 2935, to designate the "Patrick J. Patton United States Post Office Building."

On Tuesday, the House meets at noon. The votes, if there are votes from

Monday, will be held. Then we will vote on the Emergency Unemployment Compensation Act conference report.

On Wednesday and the balance of the week, the House will meet at 10 a.m. to take up the Defense Production Act Amendments of 1991 and conference reports on at least two appropriations bills, Treasury-Post Office, and VA-HUD. There may be conference reports on other appropriations bills as well.

Mr. MICHEL. The gentleman made no mention of a possible conference report on unemployment. When would the prospects for that be?

Mr. GEPHARDT. On Tuesday.

ADJOURNMENT TO MONDAY, SEPTEMBER 30, 1991

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

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1250

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. WALKER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 263, nays 154, not voting 15, as follows:

[Roll No. 282]

YEAS—263

Abercromble	Bliley	Collins (IL)
Ackerman	Bonior	Collins (MI)
Alexander	Borski	Condit
Anderson	Boucher	Conyers
Andrews (ME)	Brooks	Cooper
Andrews (NJ)	Browder	Costello
Andrews (TX)	Brown	Cox (IL)
Annunzio	Bruce	Coyne
Anthony	Bryant	Cramer
Applegate	Burton	Darden
Aspin	Bustamante	Davis
Atkins	Byron	de la Garza
AuCoin	Campbell (CO)	DeFazio
Bacchus	Cardin	DeLauro
Barnard	Carper	Dellums
Bellenson	Carr	Derrick
Bennett	Chapman	Dicks
Bereuter	Clay	Dingell
Berman	Clement	Dixon
Bevill	Coble	Donnelly
Bilbray	Coleman (TX)	Dooley

Downey	Laughlin	Reed
Durbin	Leach	Regula
Dwyer	Lehman (CA)	Richardson
Dymally	Levin (MI)	Ridge
Early	Lewis (GA)	Roe
Eckart	Lipinski	Roemer
Edwards (CA)	Lloyd	Rose
Edwards (TX)	Long	Rowland
Engel	Lowe (NY)	Russo
Erdreich	Luken	Sabo
Espy	Manton	Sanders
Evans	Markey	Sangmeister
Fascell	Martinez	Sarpaluis
Fazio	Matsul	Savage
Feighan	Mavroules	Sawyer
Fish	Mazzoli	Scheuer
Foglietta	McCloskey	Schroeder
Ford (MI)	McDade	Schumer
Ford (TN)	McDermott	Serrano
Frank (MA)	McGrath	Sharp
Frost	McHugh	Sikorski
Gaydos	McMillan (NC)	Sisisky
Gejdenson	McMillen (MD)	Skaggs
Gekas	McNulty	Skelton
Gephardt	Mfume	Slattery
Gibbons	Miller (CA)	Slaughter (NY)
Gilman	Mineta	Smith (FL)
Glickman	Mink	Smith (IA)
Gordon	Moakley	Snowe
Gunderson	Mollohan	Spence
Hall (OH)	Moody	Spratt
Hall (TX)	Moran	Stagers
Hamilton	Mrazek	Stallings
Harris	Murphy	Stokes
Hatcher	Murtha	Studds
Hayes (IL)	Myers	Sundquist
Hayes (LA)	Nagle	Swett
Hefner	Natcher	Tallon
Hertel	Neal (MA)	Tauzin
Hoagland	Neal (NC)	Thomas (GA)
Hochbrueckner	Nowak	Thornton
Horn	Oakar	Torres
Hoyer	Oberstar	Torricelli
Hubbard	Obey	Towns
Huckaby	Olin	Traficant
Hutto	Oliver	Traxler
Jacobs	Ortiz	Unsoeld
Jefferson	Owens (NY)	Owens (UT)
Jenkins	Owens (UT)	Pallone
Johnston	Pallone	Panetta
Jones (GA)	Panetta	Patterson
Jones (NC)	Patterson	Payne (NJ)
Jontz	Payne (NJ)	Payne (VA)
Kanjorski	Pease	Pease
Kaptur	Pelosi	Perkins
Kennedy	Perkins	Peterson (FL)
Kennelly	Peterson (FL)	Pickett
Kildee	Pickett	Pickle
Kleczka	Pickle	Poshard
Kling	Poshard	Price
Kolter	Price	Quillen
Kopetaki	Quillen	Rahall
Kostmayer	Rahall	Rangel
LaFalce	Rangel	Ravenel
Lancaster	Ravenel	Ray
Lantos	Ray	
LaRocco		

NAYS—154

Allard	DeLay	Guarini
Archer	Dickinson	Hammerschmidt
Arney	Doolittle	Hancock
Baker	Dorgan (ND)	Hansen
Ballenger	Dornan (CA)	Hastert
Barrett	Dreier	Hefley
Barton	Duncan	Henry
Bateman	Edwards (OK)	Herger
Bentley	Emerson	Hobson
Bilirakis	English	Horton
Boehlert	Ewing	Houghton
Boehner	Fawell	Hughes
Brewster	Fields	Hunter
Broomfield	Franks (CT)	Inhofe
Bunning	Gallegly	Ireland
Camp	Gallo	James
Campbell (CA)	Geren	Johnson (CT)
Chandler	Gilchrest	Johnson (SD)
Clinger	Gillmor	Johnson (TX)
Coleman (MO)	Gingrich	Kasich
Combest	Gonzalez	Kolbe
Coughlin	Goodling	Kyl
Cox (CA)	Goss	Lagomarsino
Crane	Gradison	Lent
Cunningham	Grandy	Lewis (CA)
Dannemeyer	Green	Lewis (FL)

Lightfoot	Paxon	Smith (NJ)
Livingston	Penny	Smith (OR)
Lowery (CA)	Peterson (MN)	Smith (TX)
Machtley	Petri	Solomon
Marlenee	Porter	Stearns
Martin	Ramstad	Stenholm
McCandless	Rhodes	Stump
McCollum	Riggs	Swift
McCrery	Rinaldo	Synar
McCurdy	Ritter	Taylor (MS)
McEwen	Roberts	Taylor (NC)
Meyers	Rogers	Thomas (CA)
Michel	Rohrabacher	Thomas (WY)
Miller (OH)	Ros-Lehtinen	Vander Jagt
Miller (WA)	Roth	Vucanovich
Molinar	Roukema	Walker
Montgomery	Santorum	Walsh
Moorhead	Saxton	Weber
Morella	Schaefer	Weldon
Morrison	Schiff	Wolf
Nichols	Schulze	Wylie
Nussle	Sensenbrenner	Young (FL)
Orton	Shaw	Zeliff
Oxley	Shays	Zimmer
Packard	Shuster	
Parker	Skeen	

NOT VOTING—15

Boxer	Hyde	Roybal
Callahan	Lehman (FL)	Slaughter (VA)
Flake	Levine (CA)	Solarz
Holloway	Pursell	Stark
Hopkins	Rostenkowski	Tanner

□ 1308

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1426, the bill just passed.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 972) "An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians" disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUE, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. CONRAD, Mr. REID, Mr. SIMON, Mr. AKAKA, Mr. WELLSTONE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. NICKLES on the part of the Senate.

□ 1310

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, SEPTEMBER 27, 1991, TO FILE CONFERENCE REPORT ON H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1992

Mr. WHITTEN. Madam Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, Friday, September 27, 1991, to file a conference report on the bill (H.R. 2622) 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.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991

Mr. BROOKS. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 296) to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment as follows:

Senate amendment to House amendment: In lieu of the matter proposed to be inserted by the amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (1).

(2) by striking the period at the end of subparagraph (1) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant."

(b) NUMERICAL LIMITATIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as inserted by section 121(a) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR 'K' SPECIAL IMMIGRANTS.—

"(A) NOT COUNTED AGAINST NUMERICAL LIMITATION IN YEAR INVOLVED.—Subject to subparagraph (B), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in a fiscal year shall not be subject to the numerical limitations of this subsection or of section 202(a).

"(B) COUNTED AGAINST NUMERICAL LIMITATIONS IN FOLLOWING YEAR.—

"(i) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS.—The number of visas made available in any fiscal year under paragraphs (1), (2), and (3) shall each be reduced by 1/3 of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K).

"(ii) REDUCTION IN PER COUNTRY LEVEL.—The number of visas made available in each fiscal year to natives of a foreign state under section 202(a) shall be reduced by the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(iii) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS WITHIN PER COUNTRY CEILING.—In the case of a foreign state subject to section 202(e) in a fiscal year (and in the previous fiscal year), the number of visas made available and allocated to each of paragraphs (1) through (3) of this subsection in the fiscal year shall be reduced by 1/3 of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(C) APPLICATION OF SEPARATE NUMERICAL LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in any fiscal year (other than as a spouse or child described in such section) may not exceed—

"(I) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in clause (iii)), 2,000, or

"(II) in the case of aliens who are nationals of any other state, 100.

"(ii) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of clause (i) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) as of the date of the enactment of this subparagraph.

"(iii) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In clause (i), the term 'numerical limitation treaty or agreement' means a treaty or agreement in effect on the date of the enactment of this subparagraph which authorizes and limits the number of aliens who are nationals of such state who may be entitled annually in the Armed Forces of the United States."

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by striking "or (I)" and inserting ", (I), or (K)", and

(2) by adding at the end the following new subsection:

"(g) In applying this section to a special immigrant described in section 101(a)(27)(K), such an immigrant shall be deemed, for purposes of the United States, to have been paroled into the United States."

(d) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 3. DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS OF RELATING TO O AND P NONIMMIGRANTS.

Section 214(g)(1)(C) of the Immigration and Nationality Act shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act, but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991).

SEC. 4. CONTINUATION OF DERIVATIVE STATUS FOR SPOUSES AND CHILDREN OF THIRD AND SIXTH PREFERENCE IMMIGRANTS; DEEMED CONTINUED EFFECTIVENESS OF CERTAIN EMPLOYMENT-BASED PETITIONS.

Effective as if included in the Immigration Act of 1990, section 161(c) of such Act is amended by adding at the end the following new paragraphs:

"(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien described in section 203(a)(3) or 203(a)(6) of such Act and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this section, such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

"(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

"(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached."

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE RESETTLEMENT PROGRAMS FOR FISCAL YEAR 1992.

Subsection (a) of section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) is amended to read as follows:

"(a) There are authorized to be appropriated for fiscal year 1992 such sums as may be necessary to carry out this chapter."

Mr. BROOKS (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

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

Mr. MCCOLLUM. Madam Speaker, reserving the right to object, I would like to ask the distinguished chairman of the Committee on the Judiciary, during this reservation of objection, to explain the bill. I do not expect to object to it, but I would like to know what we are passing, and let the Members know, if he would.

Mr. BROOKS. Madam Speaker, the heart of S. 296 is a provision that would allow aliens who have served honorably in the Armed Forces of the United States to become permanent resident aliens. This provision passed the House on September 16.

The Senate amendment to the House amendment to S. 296 makes several minor technical amendments to that provision. In addition, the Senate amendment includes four non-controversial provisions, all of which have the support of the administration. The first simply authorizes funding for fiscal year 1992 for the Refugee Resettlement Program administered by the Department of Health and Human Services.

A second provision defers for 6 months—from October 1, 1991, to April 1, 1992—the effective date of the changes made last year to certain temporary visa categories concerning artists, athletes, and entertainers. An identical provision was passed by voice vote by the House Judiciary Committee just 2 days ago.

The third and fourth provisions are designed to cure defects in the 1990 Immigration Act. Inadvertently that act denied to the spouses and children of aliens who are coming here because of their work skills, the right to receive a visa.

The other defect cured by the Senate amendment concerns a provision in the 1990 act which establishes a duplicative paperwork filing requirement for certain U.S. employers petitioning for the admission of a needed worker. Under the Senate amendment they will only need to file once.

I urge my colleagues to adopt the Senate amendments to S. 296 and send this bill to the President.

Mr. MCCOLLUM. Madam Speaker, further reserving the right to object, I thank the gentleman for his explanation.

Madam Speaker, further reserving the right to object, I yield to the gentleman from Kentucky [Mr. MAZZOLI], the chairman of the subcommittee, who wants to comment.

Mr. MAZZOLI. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise not to object at all but to congratulate the chairman of the full committee, the gentleman from Texas [Mr. BROOKS], who has been my friend, and mate for many years, and the gentleman from Florida [Mr.

MCCOLLUM], on having brought this bill to the floor at this time.

Mr. MCCOLLUM. Madam Speaker, further reserving the right to object, I do so only to this extent, that I think that what has been explained is a very important piece of legislation, because there are things that, if we do not pass it today, will come to pass that none of us really want to see on the beginning of the new fiscal year on October 1, and as the chairman has explained, it is very important for that reason.

In addition, there is the fact that the underlying bill passed this body overwhelmingly in the past.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1722, EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991, AND AGAINST CONSIDERATION OF CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-221) on the resolution (H. Res. 230) waiving all points of order against the conference report on the bill (S. 1722) to provide emergency unemployment compensation, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 27, 1991, TO FILE CONFERENCE REPORT ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. FASCELL. Madam Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, September 27, 1991, to file the conference report on the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes.

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

There was no objection.

COMMENDING U.S. ARMS CONTROL AND DISARMAMENT AGENCY ON ITS 30TH ANNIVERSARY

Mr. FASCELL. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 229) commending the U.S. Arms Control and Disarmament Agency, its current and former employees, on the 30th anniversary of the establishment of that agency, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 229

Whereas on September 26, 1991, the United States Arms Control and Disarmament Agency concludes 30 years of leadership in arms control and disarmament policy with a series of notable successes;

Whereas these successes include the complete elimination of intermediate-range nuclear forces, and agreements that verify limits on nuclear testing, limiting conventional forces in Europe, reduce strategic nuclear forces, and provide for the complete destruction of United States and Soviet chemical weapons;

Whereas the insistence of the United States Arms Control and Disarmament Agency on full verification of and compliance with all arms control treaties has helped to give confidence and meaning to these treaties, and led to the decision of the Soviet Union to dismantle the illegal anti-ballistic missile radar at Krasnoyarsk;

Whereas the United States Arms Control and Disarmament Agency has been a leader in developing United States policies to halt the proliferation of weapons of mass destruction, ballistic missiles, and other possibly destabilizing technologies; and

Whereas the United States Arms Control and Disarmament Agency faces historic arms control opportunities in the next decade to conclude negotiations for a worldwide ban on chemical and biological weapons, to establish a worldwide conventional arms restraint regime, to secure additional reductions in all nuclear weapons, and, in this context, to continue to work toward a comprehensive nuclear test ban: Now, therefore, be it

Resolved, That, on the occasion of the 30th anniversary of the establishment of the United States Arms Control and Disarmament Agency, the House of Representatives—

(1) commends that agency, and all who have served that agency, for the contribution that they have made to make the world a safer and more secure place to live; and

(2) reaffirms the commitment of the United States, through the United States Arms Control and Disarmament Agency, to continue efforts to achieve effectively verifiable arms control agreements and to halt the proliferation of weapons of mass destruction and dangerous technologies.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] is recognized for 1 hour.

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

Madam Speaker, as an original sponsor of the legislation that established the U.S. Arms Control and Disarmament Agency [ACDA] 30 years ago on September 26, 1961, it is with great pleasure that I rise in support of House Resolution 229. H.R. 229 commemorates ACDA upon its 30th anniversary.

As you know, ACDA has the primary responsibility for leading in the development and implementation of U.S. arms control policies. The Agency represents the foundation upon which the United States commits itself to achieve effectively verifiable arms control agreements. ACDA also plays a leading role in U.S. efforts to halt the proliferation of unconventional weapons of mass destruction, and other weapons and related technologies.

Over the last 30 years ACDA has played a vital role in United States negotiations with the Soviets that have been both cooperative and confrontational. Constant efforts have resulted in a historic series of successful treaties and agreements. These include:

The 1963 Partial Test Ban Treaty [PTBT];

The 1968 Nuclear Non-Proliferation Treaty [NPT];

The 1972 Strategic Arms Limitation Treaty [SALT];

The 1972 Anti-Ballistic Missile [ABM] Treaty;

The 1974 Threshold Test Ban Treaty [TTBT];

The 1976 Peaceful Nuclear Explosions Treaty [PNET];

The 1988 Intermediate-Range Nuclear Forces [INF] Treaty;

The 1990 Conventional Forces in Europe Treaty [CFE]; and

The 1991 Strategic Arms Reduction Treaty [START].

Today ACDA concludes 30 years of hard work, leadership, and dedication to arms control and disarmament policy. With this resolution, I wish to commend ACDA and all who have served the Agency and their country for their efforts toward making the world a safer and more secure place to live by eliminating, or where necessary, by controlling all types of weapons, including and especially weapons of mass destruction.

If indeed history is prolog, ACDA's illustrious past indicates that its future remains bright and even more important as we rise to face the arms control opportunities and challenges of the post-cold-war era.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Madam Speaker, I strongly support the resolution before us which commends the Arms Control

and Disarmament Agency [ACDA] upon its 30th anniversary.

Like Chairman FASCELL, I can remember taking part in the debate in the Congress to establish ACDA. We could not agree on its name. Then we could not agree on its mandate. But we settled those questions because we all agreed on the necessity of establishing an agency which could fulfill the immense responsibility for developing and implementing U.S. arms control policies.

I remember clearly the enthusiasm with which each of us proceeded as we became the first nation in the world to create a Government agency devoted solely to the issue of disarmament and arms control. We believed then, as now, that the establishment of ACDA constituted proof of America's dedication and commitment to peace.

We had great expectations in 1961. I believe those expectations have been borne out. Over the last 30 years, ACDA has played an instrumental role in concluding a series of successful treaties and agreements, ranging from the 1972 SALT Agreement to the recent INF Treaty.

I believe that ACDA's future is as bright as its past. With the remarkable changes in the world over the last few years, particularly in the Soviet Union, ACDA faces historic opportunities. I am confident that with strong support from the Congress ADCA will rise to meet those challenges.

I commend ACDA, and its dedicated former and current employees, on 30 years of fine work. I urge the adoption of this resolution.

Mr. FASCELL. Madam Speaker, I have no further requests for time, I yield back the balance of my 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.

GENERAL LEAVE

Mr. FASCELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 229, the resolution just agreed to.

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

There was no objection.

PROPOSED HUD RULE IS DEATH WARRANT FOR PUBLIC HOUSING AUTHORITIES

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

Mr. CONYERS. Mr. Speaker, 3 weeks ago the Department of Housing and

Urban Development [HUD] issued a proposed rule that will be a death warrant for public and Indian housing authorities across the Nation.

Under the proposed rule, HUD would continue to pay full public housing operating subsidies only for occupied units and vacant units up to 2 percent. This means that if the public housing authority in your district has a vacancy rate of over 2 percent—and almost all do—it would receive a devastating cut in assistance from HUD.

My home district of Detroit has a vacancy rate of over 40 percent, Mr. Speaker; Detroit's housing director told me this week that this rule would mean a 44-percent annual cut in operating subsidy from HUD to Detroit. He concluded that if this proposed rule is adopted, Detroit's public housing authority "might as well close its doors."

Detroit is not alone, Mr. Speaker, Newark, Chicago, Cleveland, Houston, New York, and virtually all other cities whose housing authorities have vacancy rates over 2 percent will receive devastating cuts in assistance from HUD under this rule.

Vacant units are an inevitable part of any public housing project, Mr. Speaker. Normal turnover of units, even in the best managed projects, will contribute to vacancy. Units must also be vacant during modernization, reconstruction, or other activities. Starving a housing authority of its much-needed operating assistance through this proposed rule will not solve vacancy problems, but serve only to drastically reduce the quality of life for low-income tenants across the Nation.

This is not a partisan issue, Mr. Speaker. Both Republicans and Democrats will pay the consequences in their districts if we stand by and allow this rule to be implemented. I am submitting for the record an analysis of this rule by the Council of Large Public Housing Authorities that shows the impact of its implementation on cities across the country. I urge my colleagues to demand that Secretary Kemp withdraw this outrageous proposal, and rethink his approach to housing management. Cutting our public housing authorities off at the knees is not the answer.

HUD RULE WILL CUT HOUSING SUBSIDIES

(By Eugene T. Lowe)

HUD is about to publish a new rule that would seriously cut federal public housing operating subsidies, requiring public housing authorities [PHA's] to cut back on essential management and maintenance staff, and seriously reduce the authorities' capability to serve low-income residents. The new rule would be implemented after January 1, 1992.

Under the proposed new rule, HUD would continue to pay full public housing operating subsidies only for occupied units and vacant units up to two percent. For vacancies over two percent, HUD would pay an annual operating subsidy equal to only 20 percent of the basic, non-utility expenses incurred by most occupied units.

Previously, public housing authorities have prepared their annual budgets with the assumption that they would receive rental income from 97 percent of their units (a three percent vacancy rate). Some PHA's have vacancy rates that are substantially higher than three percent.

In order to reduce high vacancy rates over time, PHAs have entered into agreements with HUD called Comprehensive Occupancy Plans [COP's], under which the PHA and HUD agree to a series of mutual steps to increasingly occupy vacant units. The COP's recognize that progress in achieving vacancy-reduction goals is dependent upon the PHA's receiving adequate operating subsidies, and security and modernization money from HUD.

The proposed rule would be devastating to the operations of most PHA's with vacancy rates over five percent. Those PHAs would lose substantial amounts of operating subsidy, while vacant units would still require expenditures.

The Council of Large Public Housing Authorities [CLPHA] says that there are many reasons why Housing Authorities need operating subsidies for vacant public housing units. One reason is when vacancies occur as a result of modernization. "Such units may be vacant for many months in the case of a large-scale modernization project", CLPHA says. "During that period, these units must continue to be heated, and security must be provided to prevent vandalism during modernization", CLPHA adds.

HUD SEEKS AID CUT TO HOUSING AGENCIES

(By Ann Mariano)

The Department of Housing and Urban Development has announced plans to make deep cuts in the operating subsidies it gives an estimated 3,200 public housing agencies across the country.

If the plan goes into effect, the District of Columbia's funds would be cut by \$5 million next year, according to the Council of Large Public Housing Authorities.

An analysis of the proposed regulation's effects showed that 50 other large public housing agencies across the country would lose a total of \$96.4 million, according to Gordon Cavanaugh, attorney for the council. He said the figures show the change would "topple some major housing authorities and greatly harm many others." The organization is still calculating the amounts that other housing authorities would lose.

Ray Price, new director of the District's Department of Public and Assisted Housing, is concerned about the proposed rule and will "provide comments to HUD" outlining the city's objections, according to Lucy Murray, spokeswoman for the department. In addition, Murray said, Mayor Sharon Pratt Dixon will announce plans Monday for "removing the boards" from a number of empty public housing developments.

Montgomery County expects to lose \$25,646 if the HUD rule goes into effect. The potential loss "may not sound like much but it all adds up" said Barbara Goldman, vice chairwoman of the Housing Opportunities Commission, Montgomery's public housing agency. The county is already making cuts in many programs, including public housing, and HUD's proposal is "another blow" that will fall most heavily on public housing residents.

Fairfax County hoped to receive \$270,000 in 1992 and \$334,000 the following year, but "we now think this will be cut," said Mary Stevens, a housing agency spokeswoman.

Baltimore would lose \$6.2 million, or 14.3 percent of its current subsidy.

Nearly all public housing agencies in the country face cuts under HUD's proposal and some—including Cleveland; Jacksonville, Fla.; St. Louis; Providence, R.I.; Houston and Detroit—would lose between a third and one-half of their operating funds, Cavanaugh said. Newark's funds would be cut by more than 56 percent.

HUD allots subsidies based on the number of housing units in a local agency and wants, with only a few exceptions, to cut 80 percent of the funds for each unit that is vacant. But public housing operators argue that empty units in apartment buildings cost at least as much to operate as occupied units because maintenance needs continue and the units have to be guarded to prevent vandalism and drug abuse.

Joseph G. Schiff, HUD's assistant secretary for public and Indian housing, said local authorities should be paid for the families they house, not for the total units the agencies own. In the mid-1980s there were 75,000 vacancies in public housing projects nationwide and today there are more than 100,000, he said, adding "somehow we need additional motivation" to fill the vacant units.

The cuts are being made in operating assistance, not in the modernization fund, which totals \$2.5 billion this year and is used to modernize deteriorated housing units, Schiff said. HUD, after reviewing comments about the funding cuts, plans to publish the final rule by Dec. 1 so that it can take effect Jan. 1, he said.

HUD's proposal "ignores the reasons for some of the vacancies," said Richard Y. Nelson Jr., executive director of the National Association of Housing and Redevelopment Officials. "In many cases we have new executive directors who inherited the problem of high vacancies, which are often attributable to a lot of causes, some demographic, some lack of HUD money. There's a whole host of reasons for vacancies, and you just can't overcome them by saying we'll take away money."

"I think this is one of the most wrong-headed notions HUD has come up with in a long time. It will have the opposite effect of what they claim they desire," said Mary Ann Russ, executive director of the Council of Large Public Housing Authorities. "The vast majority of vacant units are vacant because they need capital improvements."

Of the 100,000 vacant units HUD cited, 70,000 are empty because they have not received enough money from HUD to rehabilitate them, and many of the others are in the process of being repaired, she said.

In a letter to Rep. Henry B. Gonzalez (D-Tex.), chairman of the House Banking Committee's housing and community development subcommittee, the council asked Gonzalez for help in persuading HUD to withdraw the proposal. The letter noted that under the department's new formula, the San Antonio housing agency, located in Gonzalez's home district, would lose more than \$500,00.

Gonzalez said this week that HUD "is slipping through the back door in another attempt to cut operating funds for public and Indian housing" and questioning the agency's motives. HUD has ignored provisions of last year's Affordable Housing Act that are intended to help reduce public housing vacancies, he said.

The council cited what it called "the ultimate Catch 22" of the Detroit housing agency's status. Detroit will lose nearly half of its operating funds because of its many vacant units but HUD has not given the hous-

ing agency any funds for rehabilitating the apartments. Detroit has received \$375,000 for emergency repairs.

DRUG TESTING FOR MEMBERS: AN IDEA WHOSE TIME HAS COME

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

Mr. BARTON of Texas. Mr. Speaker, there has been some commentary evidently this morning about the lack of domestic agenda by the President of the United States. The President has a domestic agenda. Part of that agenda is the comprehensive crime package that has been bottled up in the Committee on the Judiciary for over a year, and there finally was a hearing on it this Monday.

When that crime package is considered on the House floor, I plan to offer as an amendment my resolution, H.R. 17, that would require all Members of the House of Representatives to be randomly tested for illegal drugs. I am sure that this will not win any popularity contests, but I think it is only time that we subject ourselves to the same set of standards that many Americans have to subject themselves to in the workplace.

The recent revelation by the GAO of this body's check-cashing abuse policy is one more example of how poor an example the U.S. House of Representatives sets for the American public.

Properly, Mr. Speaker, you took no time in changing that policy, and I want to congratulate you for that. I am sure, though, that if I had introduced a check-cashing resolution last year it would not have been very popular either.

It is now time to regain the confidence of the American people. Let us set the proper example. Let us test ourselves for illegal drugs just as almost every American is subject to in the workplace.

Mr. Speaker, I am submitting for the RECORD a copy of a poll in the Houston Post last week, that 96 percent of the people who called in on this poll to the Houston Post supported H.R. 17.

96 PERCENT OF CALLERS FAVOR DRUG TESTS FOR MEMBERS OF U.S. CONGRESS

(By Leslie Loddeke)

More than 96 percent of the Houston Post InfoPoll callers Sunday said members of U.S. Congress should be tested for drugs.

A total of 536 of the 557 callers agreed with a proposal by U.S. Rep. Joe Barton, R-Ennis, who has introduced a bill to require random drug testing of congressional members. Only 21 people, or nearly 4 percent, voted no.

U.S. House and Senate members should be tested "just like everybody else," said the vast majority. The poll question provoked an unusually large number of people to leave comments on the poll tape expressing strong sentiments favoring the bill put forward by Barton, a Republican from Ennis.

"I think our leaders of our Congress should be answerable to us, so they should be first

and foremost in getting tested," said Karen Estess, a Welcome Wagon representative.

Houston homemaker Betty Pichardo said the revelation that state Rep. Larry Evans, D-Houston, died last month from an adverse reaction to cocaine intoxication, alerted her to the need for congressmen, at both the state and federal level to be tested.

"Anyone in a position of public trust and responsibility should be tested," said Pichardo.

A Delta Air Lines pilot, a construction worker, two railroad employees and a Phillips Petroleum employee said they all felt members of Congress should share their obligation to submit to random drug testing.

"I sure don't want no dopehead running my country," a caller who identified himself only as Mike, stated succinctly.

Those who voted against the proposal were generally silent, except for one unidentified caller who called the war on drugs a "scam," and said drugs should be legalized.

Barton has attributed his bill to a sense of fair play.

"If the lowest-ranking soldier in a Saudi desert must submit to drug testing, shouldn't the member of Congress who sent him there be tested?" Barton asked.

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WHAT THE PRESIDENT DID AND DID NOT SAY

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

Mr. WALKER. Madam Speaker, earlier in the day today during the 1-minute speeches, we had a round of debate with regard to the issue of what the President said in New Jersey and what the President may not have said in New Jersey, but which has been distorted on the House floor. I will get into that issue here again in a moment, but I will insert the entire text of the President's speech made in New Jersey in the RECORD at this point.

REMARKS BY THE PRESIDENT AT NEW JERSEY GOP FUNDRAISER

The PRESIDENT. Thank you so much, Governor Kean and Deb, for meeting us, welcoming us back to this great state. I do feel like I've been here many times, and frankly, I wish Tom Kean were still Governor of this state. [Applause.]

I also want to single out Mike Castle, the Governor of Delaware, for making the trip up here in support of our candidates in these important elections that are coming up. Mike was a great leader in the battle for our education program that I'm going to mention—a minute ago, one of the governors that was clearly out front in that, doing a great job in one of our neighboring states. And, Mike, thanks for coming all this way. [Applause.]

And I can't tell you what a joy it to have at my side every day in Washington another son of New Jersey, Nick Brady, our Secretary of the Treasury, so well-known. [Applause.]

And may I salute our chairman, Bob Franks; our Republican leader, John Dorsey; the Assembly Republican leader, Chuck Haytaian; along with my old friend, Bo Sullivan. You've got a good team working the problem for the fall, and I'm delighted to be with them. [Applause.]

May I also suggest that you look carefully at the team behind us, the delegation behind us there—New Jersey is well-represented. And I wish all of them well in their guests for the fall—and whatever you're running for, good luck. God bless all of you. [Applause.] Thanks for being here.

Well, I've come here today fresh from—that means "immediately from," not necessarily "fresh feeling" [laughter] from two days of meetings over at the U.N. in New York City. And it really—as Tom said, it is mind-boggling to contemplate the changes that have swept our world in the last few years—even in the last few months. In my address to the General Assembly I tried to provide some context to those extraordinary developments.

Freedom is an idea whose time has come—in Eastern Europe, across the great land mass of Asia, in Africa, and right here in our own hemisphere, right here in the Americas. And let me tell you, every person in this room can be proud of the fact that one nation has been in the vanguard of this exciting movement toward freedom day in and day out, year after year. And that nation is the United States of America. And we all should be proud of it. [Applause.]

Just last month when a coup threatened to set back the cause of freedom and democracy in the Soviet Union, the United States stood firmly on the side of freedom, against the coup plotters and with the people of the Soviet Union. And after the coup failed, both Boris Yeltsin and Mikhail Gorbachev called me to say how fundamentally important it had been to have the support of the American people. We have that strength for the values that people respect all around the world. [Applause.]

And as Barbara and I travel all around the world, we hear it time and again: America has a disproportionate responsibility to lead. And I can assure you we're going to continue to do that because I believe—and I know this—that it's good for our country, and I think it's good for the cause of world peace.

Tonight I'm here for the same reason many of you are—because we believe in the potential of the New Jersey Republicans. [Applause.] I've been campaigning alongside of many of you in this state for years, and that's why. And as a matter of fact, I think my first political trip as Vice President back in 1981, my first one was a state party fundraiser right up the Parkway at Kean College. Exit 140, isn't it? Anyway, it's in there somewhere. [Laughter.] But I like to campaign here because New Jersey Republicans typify our belief in faith, in family, and in individual initiative. And that's what New Jersey voters want in their leaders. They're not getting that now, and that's what these elections are about that are coming up just in a few weeks from today.

No matter where they live in this diverse state—the beautiful shore counties down there, and communities over in Ocean County; the suburbs of Bergen and Essex [applause] or the sprawling, open country in western Jersey [applause] the counties of Hunterton or Warren [applause] I knew we'd get this crowd on that one. Chuck brought the team along here. [Laughter.] But New Jerseyans are mainstream voters. And I can tell you the Republicans define the mainstream in this state. And because of that I honestly believe, after talking to the political leaders, reading about the problems of the state—the quest for innovation, I might add, that the people in this state want—I believe that Republicans will take back the Assembly and the Senate in the fall. [Applause.]

And I've heard about the job that's been done by the party leadership and the county leaders recruiting candidates. Proof that the New Jersey GOP is forward-looking and inclusive. And in fact, more women and minorities are running for office as Republicans than as Democrats than ever before. And we'll run on the Republican record and it's a good record, both here in New Jersey and nationally as well. [Applause.]

You've got good top leaders: Bob Franks at the party headquarters and Chuck here in the Assembly and John Dorsey in the Senate. And they know the principles that Republicans stand for. We stand for free markets and free people, the power of the individual, the potential of innovation. And that's at the heart of our domestic agenda. And we believe in measuring success by how many lives we enrich, how many families we strengthen—and thank goodness for the family—and how much faith we have in our future. And those are the building blocks for a better America, and Republicans will not forget that.

Our domestic agenda begins by an abiding trust in the American people. And it tries to carry that faith forward into the future. Take, for example, our housing proposals. Turn housing residents into homeowners—that's what it's about. Strip them of the indignity that comes from the hopelessness of living in projects with no real future. Make homeowners out of them. We believe in tenant management. We believe our public housing citizens can manage their own affairs and contribute to our society. And that's the philosophy.

And I'm a little tired of hearing Democrats say we have no domestic agenda. The problem is their domestic agenda is to crush our domestic agenda. They're doing nothing but griping—[applause]—refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I'll continue to veto the bad stuff until we get good bills. [Applause.]

Our energy package attempts to conserve energy while encouraging innovation. Our transportation package gives more power to local authorities who know their own needs. And I believe that we're making headway now, real headway if you look at the latest polling figures on drug usage—I believe we're making headway and winning the war on drugs. And the National Drug Strategy is working. And thank goodness for the people on the front lines—the community groups, the law enforcement people, the private sector—right there at the local level, the level closest to the people.

And our crime package is the most comprehensive in American history. And we're determined to give our streets and our communities back to the people. But we need more help from down there in Washington to get our crime package through the Congress.

We've had our share of successes on the domestic front. I take great pride in the fact that we passed child care legislation that puts choice in the hands of parents, where it should be. A Clean Air Act, hailed by environmentalists and business alike, that uses the power and innovation of the marketplace to clean our nation's air. An Americans With Disabilities Act, the most far-reaching civil rights bill in decades. And that was all passed with the leadership of the Republican administration in Washington, D.C. [Applause.]

And right now in Congress there's some debate on how to help the unemployed whose benefits have run out. The Democrats want us to pass a bill and simply not pay for it, push it on over to future generations. And

our approach, the dole substitute it's called, helps the unemployed—they get the extended benefit—but pays for the program. And this approach—their approach adds to an already humongous deficit, and ours does not. Ours pays as you go and takes care of those who are in need. And that is the fundamental difference between the Republicans and the Democrats. [Applause.]

I mentioned Mike Castle and education. I might well harken back to the leadership Tom Kean gave in education. Everyone in this state—everyone in the nation—knows of his leadership on education. But our America 2000 Education Strategy is generating a crusade for excellence in education in state after state, and community after community. Your own Tom Kean, as I say, chairs what we call the New American Schools Development Corporation. It's an innovative part of the America 2000 strategy.

Across-the-board we've got a good record on education. And if I might be permitted a word of pride, I happen to think the First Lady is doing a pretty darn good job on volunteerism and literacy as well. [Applause.]

No, we've got a good record I believe. The question is getting it out, doing it in a way that is going to help these candidates. I might add—it's very important—if we believe in these local answers we'd better get good people wrestling the problems in the Assembly. But in order to build a better country, a better America, we've got to have more conviction and courage in Congress and in the statehouses, and certainly, as I say, in the Assembly.

It's time to bring New Jersey back to the common-sense policies of the Republican Party. And I believe New Jerseyans will appreciate the GOP really does stand for growth and opportunity and prosperity, especially after the last few years. From my vantage point—I don't want to be prognosticating and be one of these guys that relies on the latest figures, but I think it looks a little shaky for the Democrats. [Laughter and applause.] I heard that some of the Democrats in Trenton were calling the captain of that Greek cruise liner for advice on how to abandon ship. [Laughter.]

Our administration's economic growth agenda promotes growth and opportunity. And it's for all Americans. And our economic growth package is one that creates a right climate for business to flourish. We want to bring down the tax on capital gains so that investors will invest money in new businesses, new ideas, and new jobs. [Applause.] And even though I think this economy, sluggish as it's been, is recovering, the best thing to do to create new jobs would be to pass that capital gains differential. It isn't a relief bill for the rich, it's a jobs bill. And we ought to get it passed. [Applause.]

We've been pushing incentives to save. Tying into this unemployment compensation debate—we're going to have that on the floor. We need more R&D, we need more savings incentives like these IRAs. And that's part of the Republican approach. We want to bring that deficit down, and so I am determined—we have caps now on spending—and I am determined to enforce those caps and not let the Democrats who want to spend try to go around the budget agreement that was worked out last year. [Applause.]

Another area that I take pride in is that we are for free trade. We're determined that America will remain a world leader in the global economy, and because we want to open up the world to American products. In the last four years alone—some of you may not realize this—exports from the United

States have increased 55 percent, more than twice the rate of import growth. And right now exports have galvanized our economy. Though our economy has been sluggish, it's the exports side that has been very vibrant.

We can build on our strengths to create more growth, more opportunity, and more prosperity if we have sound and sensible trade policies.

One more point: Last year, regulations cost the economy at least \$185 billion, regulations. And we're trying to do something about that. The Vice President's Council on Competitiveness has targeted burdensome regulations, you know the ones. They strangle productivity; they defy logic and don't effectively or efficiently protect the public interests. And it's time we cut through this tangle of red tape and cleared a path for economic growth [Applause.]

I know some of you don't like this nostalgia, particularly given what you're putting up with today. But during the Kean administration, New Jersey was an economic powerhouse. And it can be again. It's time to unleash this power of the imagination. Tom touched on that and worked on that when he was a Governor. And it's time to do that now. It's time to bring common-sense government back to Trenton. [Applause.]

And speaking of common sense, most people know Thomas Paine's famous words: "These are the times that try men's souls." But most people don't know that Thomas Paine—true story—wrote those words while in New Jersey, during the American Revolution. Well, these times, let's face it, try men's souls. And once again, you can make history in New Jersey. It may not have that same context of a revolution or, particularly when you compare it to the changes that are taking place all around the world still—in Eastern Europe and, hopefully, in the Middle East and other areas. But this year you can do something about it. This year this state can go Republican. And I believe that the people of this state deserve leadership and common sense. I think that means they deserve a Republican Assembly and a Republican Senate. [Applause.]

So I came up here tonight to thank our leaders, to wish these candidates all the best, and to tell you this parenthetically—I looked around the room, and we had a little receiving line before I walked in here, and I saw so many faces that were very supportive of me as I ran for President of the United States in 1988. Probably almost everybody in this room. Maybe we've got a few converts, I don't know. [Laughter.] But I would simply say this: If you get the feeling that I like my job, you're right. [Applause.]

There has never been a more exciting time in recent history to be President of the United States. I'm proud to be there, I'm grateful for our support. Now give me the kind of philosophical support in Trenton, and I'll be happier still.

Thank you very, very much. [Applause.]

Mr. WALKER. Madam Speaker, the statements made on the House floor indicated that the President of the United States had said that the Democratic proposals with regard to unemployment were "garbage." Some Members even took that so far on the House floor as to indicate that the President had called the unemployed garbage.

Nothing could be further from the truth. I want to point out exactly what the President said. The President in New Jersey said:

And I'm a little tired of hearing Democrats say we have no domestic agenda. The problem is their domestic agenda is to crush our domestic agenda. They're doing nothing but griping—refusing to consider the new ideas and sending me a bunch of garbage I will not sign. I'll continue to veto the bad stuff until we get good bills.

That is the quote. There is nothing in the paragraph ahead of that that refers to unemployment. There is nothing in the paragraph behind that that refers to unemployment. Unemployment is not even a subject of the discussion in the President's speech at that point.

Later, several paragraphs down, the President does get to the issue of unemployment. I think it is well to understand what the President said at that point. The President said:

And right now in Congress there's some debate on how to help the unemployed whose benefits have run out. The Democrats want us to pass a bill and simply not pay for it, push it on over to future generations. And our approach, the Dole substitute it's called, helps the unemployed—they get the extended benefit—but pays for the program. And this approach—their approach adds to an already humongous deficit, and ours does not. Ours pays as you go and takes care of those who are in need. And that is the fundamental difference between the Republicans and the Democrats.

At no point in those words did the President say anything other than the fact that he wants to sign a signable unemployment approach.

Now, I think that if we are going to have responsible debates, debates which merit the attention of the American people, that it is important on the House floor to deal in facts. The facts here are very clear. The President at no point referred to the unemployment bill as "garbage." In fact, what he said was:

There is an unemployment bill I will sign, and it is disappointing that the Democrats will not send me that kind of legislation.

He did suggest earlier in his speech that there are bills arriving on his desk that because they contain old ideas, status quo ideas, that they are not the approaches that he will sign to move forward a domestic agenda. He wants his new ideas and approaches taken—his new ideas for crime fighting, his new ideas for education, his new ideas on the environment, the new ideas that he has promoted on housing and on highways. There are a lot of those around, yet they are not moving in this Congress.

In fact, a little earlier when we heard the schedule discussed for next week, there is not much at all happening in this Congress. We seem to be hanging around town so that we can hold press conferences to counterpoint the President or so Members can come to the floor and distort the President's record, and we do not seem to be doing much else.

Now, the question I think before the American people on domestic agendas is, first of all, whose domestic agenda

do you want? Do you want the domestic agenda of the people who have formulated domestic agendas for the last 35 years and have gotten us into the horrendous mess that we are now in, where this year in our budget we will spend more on interest payments on the national debt than we will spend for all the domestic discretionary programs combined. Domestic discretionary programs include things like education, transportation, housing, a whole series of things which are very important to the American people. All those programs combined do not add up in spending to the amount that we will spend on interest on the national debt.

And what is the Democrat solution to the present problem of the unemployed? They want to add more to that debt. They want to add more to that deficit. And where do we go to get the money to pay for that? We go to the Japanese and we go to other foreign borrowers and ask them to come up with the money which future generations will then have to pay.

So we are not only hurting ourselves and our economy now, we are hurting the ability of our children and grandchildren to deal with the problems that they will face in the future. That is not a program that we can support and the President ought not to support it.

The President was right. Such an approach is garbage.

THE USE OF WESTERN LANDS

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

Mr. THOMAS of Wyoming. Madam Speaker, I wanted to take this opportunity to talk a little bit about an issue that I think is increasingly having an impact and an effect on Western States, Western States that are public land States.

In many of our States, in my State of Wyoming, for example, public lands represent 50 percent of the total land surface in our State. Some go as high as 87 percent. So you can imagine that the land management decisions and the land management policies that affect those lands drive the economies of our States, particularly since the States are largely involved in natural resource kinds of activities that do involve the lands.

A number of things have come upon us in recent months that I think are very important with regard to the future of Federal land management, and indeed the Western States.

Grazing fees, for example, is one of the most prominent and most current issues that we are confronting. In addition to that, there are such things as Federal royalties. The proposition in the Senate is to add additional costs to the States who were promised in the statute to be given 50 percent of the

royalties collected on Federal lands in those States, and that has been the agreement that indeed continues to be the statutory language, and yet in the appropriations bills efforts are made to change it, continuing efforts for single-use management, when obviously these are the kinds of resources that need to be used multiply, and shared use is really the issue that we ought to be concerned with.

There are environmental issues that continue to be very one sided when what we need, of course, are balanced environmental issues that bring use in an environmentally sound way into timber cuts, which have been very important; endangered species, such things as the spotted owl, and our State particularly the artificial introduction of wolves into Yellowstone Park. Nobody argues with them being in Yellowstone Park. What they argue with is not being able to keep them in Yellowstone Park with regard to the grazing and the sheep and the cattle that are there.

So in effect, all of them have an impact on multiple use and the shared use of these resources, and our economy is based on that in our State and many others.

Let me talk for just a moment about grazing fees, because I think it is an example. We will be confronted in this House with another look at grazing fees. We have been doing it as an annual ritual each year, seeking to raise that. Part of the reason for that to be raised, I am sure, from the sponsors, is to eliminate cattle from public lands, to move toward the single use process. The other is to generate funds, and it generates relatively little.

Let me talk a second about the historical pattern of land ownership. As we all know, most States, and certainly original States, had all their land included when they came into the Union. The Western States did not. We moved through a series of legislation, primarily the Homestead Act, which was designed to put these lands into private ownership. Most of the lands were not put into private ownership, only that portion of the land that had water that were the basic acreages and the grazing land, which was really residual land that nobody claimed.

□ 1330

And that is very important when you look at grazing fees because the base land that is in private ownership is inseparable from the grazing lands if you are going to use these resources fully.

The water is there, the winter feed is there, and I would like to suggest that as we take another look at it again, if we are really interested in multiple use, that the persons who are interested in hunting and fishing and wildlife will understand that these two things go together.

I just came from a ranch near the Greybull River, near Meeteetse, WY.

This ranch is down near the river. They raise winter feed. They winter about 2,000 head of elk. Those elk would have no place to go in the wintertime. All they ask is in exchange having their cows in the forest in the summer.

I think the most obvious problem with raising the fees to where the ranchers cannot use it is the checkerboard. Twenty miles on each side of the railroad in the early West in Wyoming, in order to encourage the railroad to go through, those lands were given to the railroad, every other section. So the whole 40 miles here is checkerboard lands.

These are not highly productive lands. These are lands where it takes 100 acres to run an animal unit throughout the year. You simply cannot separate the Government lands from the private lands. If you tried to fence it, the fencing would cost much more than the land is worth.

Madam Speaker, I simply, as we come forward again to talk about grazing fees, the effort is made to compare grazing fees in the West on public lands with grazing fees that are paid by farmers in Indiana or Ohio to lease grass from their neighbor; there certainly is no comparison.

Let me tell you a few of the things that grazers have to pay for: Lost animals, association fees, moving the livestock, many times herding because the fences are not there, and water production. These grazers provide for that. They have to support the wild horses that graze there as well. Fence maintenance, and so forth, and in fact the comparable cost is about \$14 as compared to \$8 on private lands.

So I hope that as we take a look at this, we will promote multiple use in the West, the best use of our resources.

CONGRESS SHOULD EXERCISE MORE LEADERSHIP ON BEHALF OF CHILDREN AND FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. CRAMER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. CRAMER. Madam 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. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CRAMER. Madam Speaker, I rise today to speak about a subject that is very important to me, and that is the subject of children in this country. Madam Speaker, I was a prosecutor in Alabama for 10 years before I came to this Congress. As a new Member, I would like to bring some of my experience there into the Congress and challenge my colleagues to exercise more

leadership than we have been exercising on behalf of children and families in this country.

Madam Speaker, we have recently had an important report of the U.S. Advisory Commission on Child Abuse and Neglect. This report was made public a little more than a week ago in Denver, CO, where the Select Committee on Children, Youth and Families, on which I am privileged to be a member, conducted a field hearing. This report is devastating with regard to leadership at the national level. This report challenges all of us on the Federal level; in Congress, in the Department of Health and Human Services, in the U.S. Justice Department, in the various bureaus in Washington, DC, to get our acts together, to come up with a more focused policy that has to do with children and families in this country.

The same report declares there is a state of emergency with regard to children and families, that we are not providing the kind of services that we need to be able to provide for them.

I would like to break from that a little bit and tell you that out of the 45 Members of Congress, during freshman orientation back in November, there were many of us who had the opportunity to speak to each other for the first time and get to know each other for the first time.

Most of us come from varied backgrounds. But the theme that rang true from us in terms of our commitment in Congress to helping people was the theme of helping children and vulnerable families across the board, from the juvenile delinquency program, to those infant mortality programs, to the child abuse and neglect programs.

I am happy to be joined today by my fellow colleague, the gentleman from Indiana, Congressman TIM ROEMER. I would like to yield to the gentleman in order that he may speak to us about his experience there.

Madam Speaker, I would like to have a colloquy with the gentleman regarding our joining together in a new children's caucus. Madam Speaker, other Members are joining with us. Madam Speaker, I want to applaud the efforts of the gentleman from Indiana [Mr. ROEMER] and am happy to join with him in that effort. Madam Speaker, I yield to the gentleman from Indiana.

Mr. ROEMER. Madam Speaker, first of all, I thank the gentleman in the well for his leadership which he has shown on children's issues from the first day we were here together. The distinguished and articulate gentleman from Alabama [Mr. CRAMER] has been a leader on this issue. From that first moment when we met, to this morning's breakfast where we were together again, where the gentleman from Alabama coordinated a breakfast for advocacy groups on the part of children from all over the United States.

I am very proud to be part of this special order and to join with the gen-

tleman in a colloquy and talk about many of the concerns on the part of our Nation's children, which the gentleman and I agree is the best resource we have and that we had better start listening to those voices out there in Alabama, in my district in Indiana, in Hawaii, California. That is, not just spending money on their problems, but getting people involved at the community level, at the business level, and pulling together in our local communities to address this very, very important concern on all of our parts.

Mr. CRAMER. I think the gentleman would agree that while we talk an awful lot about this problem, particularly talk about it from the Federal level, we do not see the money, we do not see the morale at the local level, that the local level needs in order to deal with the problems that they face. This is a tough time for funding at the Federal level. But we must challenge ourselves to be innovative, to come up with approaches that we know will work, approaches that will make sense at the local level.

The local level is very cynical about what we do at the Federal level because they see us contributing to bureaucracies which talk an awful lot about the problem but they do not actually do much about the problem.

Mr. ROEMER. The gentleman from Alabama I think makes a very important point here in that we have spent, I think, since 1987, decreased spending on our children by about 4 percent. One of the examples that I would like to talk a little bit about too, as we go through our colloquy, is: In a recent conversation that I had with the director of prisons in the State of Indiana, we were talking about the vast amount of money and resources that are now spent in not only Indiana but across the country on prisons, incarceration.

I said, well, you know, as we project under these constrained budgets in the future, what is the biggest single indicator or variable that we should look at for new prison cells in the future?

And he said:

Well, Tim, hold on to your seat on this reply. The single biggest indicator that we use is the number of at-risk children in the second grade. And we can either spend the money on Head Start programs, pre-school programs, on making sure that we are not only addressing the at-risk needs of our children in the population there, but improving our schools and restructuring our schools, before we just throw money at the problem. But that this is a question of, as the commercial says, "Do we spend money now?", and in fair amounts and probably less money, or do we pay it later?"

Do we build new prisons, do we continue to incarcerate people and have these at-risk students in second grade go through the system and, eventually, in many cases, many sad cases, end up building prisons for some of those people?

We have to concentrate our resources, our time, our energy on our children in this country.

Mr. CRAMER. I agree with my colleague. I would point out that, as a prosecutor back in my county in Alabama, I would take our grand jury through the juvenile detention home every other month, as was mandated by law. We would interview young boys, young girls, who were incarcerated there, who were running away from home; young boys and girls who were committing their first crimes in order to escape the predicament in which they found themselves at home. We would talk to those young people, and they would tell us that they were running from domestic violence, that they were running from abuse.

□ 1340

Those are the same young people, much like you say about the prisons, that we are warehousing, the same young people that do not have resources available to them so that we can rescue them. We are labeling those young people as offenders or criminals. We are not labeling them as victims. We are turning around and incarcerating those young people when they become adults. Those same young people are reoffending against society and against other children, and it is just more expensive. We are paying a high price later by not doing something today.

Mr. ROEMER. And I think the gentleman from Alabama [Mr. CRAMER] makes a good point there, and I think, as a member of the Committee on Education and Labor, that I am proud to be on that committee under the leadership of the gentleman from Michigan [Mr. FORD] who is fighting for education dollars, and Head Start programs, and who we hope to work with, as well as the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN], and I serve together under his leadership and vanguard on math and science education programs to try to restructure the school system to come up with more innovative programs and new technologies in the schools, sharing of those technologies, partnerships between business and the schools, and I look forward to working with those two very, very intelligent and passionate chairmen on children's issues.

That is one of the reasons that we have helped establish and started our working group for children here in the U.S. Congress.

Mr. CRAMER. I look forward to working with the gentleman from Indiana [Mr. ROEMER] in that working group. I think this new report of the U.S. Advisory Committee on Child Abuse and Neglect really puts us on the defensive, and I think we need to be on the defensive. It says that we do not have a focused policy at the Federal

level. We complain about the States and the local levels, but we need to get our act together on a national level, that one wing of our Government is pursuing one course of action, another wing is pursuing another course of action, and there is no interfacing right here where we need to be interfacing.

So, I look forward to working with the gentleman from Indiana [Mr. ROEMER] and taking that on as a challenge. I think we talk so much about economic issues and investment in our infrastructure, but we fail to realize that the best investment we can make is an investment in our young people, that the hope for tomorrow truly is a balanced set of young people that will rise, and want to be leaders, and want to be part of institutions like this, and want to get things done. So, I look forward to that.

Mr. ROEMER. I do, too, and one of the reasons that I started that, as the gentleman from Alabama mentioned, with the help of—usually the core group has been with our freshman class, Republicans and Democrats alike, in a bipartisan manner coming together to put this focus upon children's needs, and what we will be doing, as the gentleman from Alabama knows because he has been part of our initial efforts to get our support and broaden our support here in the Congress from the freshman Members, will be concentrating on three things.

Madam Speaker; First will be to serve as a clearinghouse to help the chairman of committees to be their best cheer leaders, Chairman FORD and Chairman BROWN among them, when they are talking about increased emphasis on children's programs, to help on the floor of the House of Representatives to get support, to whip for those programs, to work in concert with our chairmen, to work with the gentleman from Colorado [Mrs. SCHROEDER] on the Select Committee on Children, Youth, and Families, and to serve as an arm, and ancillary leader, in terms of congressional input.

Second, what we want to do is we want to bring speakers, we want to bring models, we want to bring new ideas from across this country to Washington, DC, and have them talk to the Children's Working Group, have them show us what is working in Alabama, what is working in Hawaii, what is working in Indiana, and throughout the country so that we can take that local idea and provide help, if needed, at the Federal level.

Third, what we want to do with this working group, the Children's Working Group, is to focus on, not a huge agenda for children, but just a few things. Among them: health care concerns, immunization for measles and mumps where we are running out of money in the richest country in the world for mumps and measles inoculations, preventable diseases. Third World coun-

tries have wiped them out, yet we are seeing a growth in those areas—and parental care.

Then the next issue for our concern would be on education, that we try to get in incremental levels full funding for such programs as Head Start, where again Democrats and Republicans agree about the success of that program.

I just want to say again that I am very excited about the opportunities that we have shown here with this special order and with the Children's Working Group that we have just formulated from the impetus of the freshmen class, which has expanded to approximately 40 other Members. We have about 80 people on that list now, and we need help out there from the rest of the country, from citizens, and constituents and business leaders, to help us with ideas.

Mr. CRAMER. Mr. Speaker, I applaud the work of the gentleman from Indiana [Mr. ROEMER], and I will pledge to him that I will motivate everybody that I can motivate, both here in this institution of Congress, as well as those in Federal bureaus on the Hill, because I think they are anxious to see a group that focuses fairly clearly in a sensible way on what is working in this country. So, I think the programs that the gentleman intends to bring to the work group that I want to be a part of is the kind of approach that we must take, and I thank the gentleman from Indiana [Mr. ROEMER] for it.

Mr. ROEMER. Mr. Speaker, I thank the distinguished gentleman from Alabama [Mr. CRAMER] and again salute him for putting together this special order which I am very proud to be a part of.

Madam Speaker, I would like to commend my colleague and friend, Mr. CRAMER of Alabama, for bringing us together today to talk about the solution to every problem facing our Nation today: our children. My colleague, one of the best and brightest Members of the freshman class, is aware that by investing in our young people, we are investing in America, and securing our future as a world leader.

Children's needs, as home, school, and sometime in the workplace, seem to always wind up on the back burner of our country's agenda. Programs of enormous value that save our taxpayers millions, if not billions of dollars, are underfunded and ignored. Initiatives like prenatal care, universal immunization, and Head Start are proven, long-term benefits to the children that receive them, and to society at large.

Many other ideas that do not require Federal dollars, but would enhance the lives of American youth, have no forum. Localities around the Nation seek guidance on how to reform and energize their programs for young people.

Education, especially, needs our full attention now, and a permanent commitment to reform, improve, and expand equality, excellence, and opportunity.

Congress has an obligation to assuage these and many other needs; yet with so

many committees having oversight over so many programs, the process often gets bogged down and our children suffer.

Therefore, I am proposing that we establish a new legislative service organization: the Congressional Children's Working Group.

Its purpose would be threefold:

To support the creation of intelligent legislation designed to enhance the lives of children, especially in the areas of health, education, and training;

To identify successful children's programs around the country and use them as models for other communities in need of similar approaches; and

To coordinate with congressional committees, and outside advocates, the focus and extent of children's programs within the Federal Government and around the Nation to expand the successes, combine or coordinate duplicative services, ensure that funding is being used wisely, and act as a think tank and clearinghouse for general and specific information on what is available for children, their parents, their teachers, and their advocates.

Clearly, there is a demonstrated need for such an organization.

Virtually every Member of Congress will agree that our children are our greatest national resource, and should be an asset that we jealously guard and nurture. Yet, from the years 1987 to 1988, spending on children by the Federal Government has actually decreased by 4 percent.

For a while this year, it seemed that congressional desire to address the needs of our children—their health, their housing, their general welfare, and especially their education—had never been greater. But like many other issues, the interest flashes and wanes on an almost daily basis.

Madam Speaker, the ultimate purpose of this working group is to institutionalize children as a main priority of the Congress. These priorities cover vast areas of jurisdiction; so many congressional committees must cover thousands of programs. Tens of thousands of private programs around the Nation are struggling to make a better life for America's next generation; many are succeeding, but some are not.

Our children, through Congress, would realize endless benefits with a legislative service organization dedicated to finding the best and brightest of these works at the State and local level, and proposing ways to expand them to other localities, or, where appropriate, on a nationwide basis.

The Children's Working Group would also support efforts to create new, intelligent legislation, factoring in the budget shortfall, and developing new ways to expand educational, health, and other programs without spending huge new sums of money. This would include nurturing the active involvement of the sector which stands to benefit the most from our success—American business. If Congress does not address the shrinking skilled labor pool in this country, American competitiveness is in grave danger. We can help expedite partnerships between schools and businesses.

Madam Speaker, in just a few days the entire membership of the House will be receiving an invitation to join me and the other founding members of the Congressional Children's

Working Group as part of this organization. In order to assure the children of America that Congress believes in them and their future, I urge all of our colleagues to join us in demonstrating our commitment to the youth of our Nation.

Mr. CRAMER. Mr. Speaker, I would like to say that as a prosecutor back in Alabama in 1982 and 1983 I faced one of the scariest subject matters that I think any human being can face, much less a prosecutor can face. I had seen the worst of what one human being would do to another as a prosecutor. I have been in the courtroom prosecuting people who had killed other people, people who had maimed other people, people who had raped other people, people who had broken into other people's houses and stolen their property, but never had I been ready to face those offenders who would offend in the way that I would see offend against children.

I faced the enormous issue of child sexual abuse. I took two boys into the courtroom that were 5 and 7 years of age in 1983. Those two boys had been abused by their mother's boyfriend. Those two boys had been abused in such a way that one of the two would need surgery that would correct the damage that was done to him.

I was not prepared to interview those children. I was not prepared to take those children into the courtroom. I was not prepared to help those children deal with what they had been through or to face down the line what they would have to face as a consequence of that kind of abuse. I realized right then and there that the system that responds to children and families often revictimizes children and families.

Those two boys shut down on me and could not go into the courtroom. We had to get a therapist from the community to come in and teach me how to talk to those two boys. In the process the offender left our community and went to Houston, TX. We were lucky we caught him. A year later we brought the boys back into court, but we had to start all over again.

Mr. Speaker, I did not want to be a part of a system that responded to children in that way, so I set about to try to correct the system. We looked around the country for a program that was working. We saw pieces of a program in California, pieces of a program at the Children's National Medical Center here in the D.C. area. We went back to our community, and we rolled up our shirt sleeves, and we put a program together that made sense. We located our program in a house in a noninstitutional setting. We looked at what we were doing to children, and we saw that we were bouncing them from one agency to another agency, that we were making children come to us and meet our needs. We decided we needed to go to them and that we needed an environment that we child and family

focused, not an environment that was institutional focused.

So, we started our program called the Children's Advocacy Center Program. We opened the doors to that program in 1984. We had no idea that anybody in this country would be interested in that program. But within a year I got a call from the State of Hawaii, from a State legislator there named NEIL ABERCROBIE. The State of Hawaii had heard about our program through a judges' conference they had been to. They had sent a judge to a judges' conference. Judge Michael Town took the message of our program back to Hawaii, back to NEIL ABERCROBIE, and NEIL ABERCROBIE called us and said, "I want to draft a bill. I want my Senate committee to review a bill that will start a similar program in Honolulu and eventually for the entire State of Hawaii." So, we went to Hawaii in January of 1985, and we testified before NEIL ABERCROBIE's Senate committee. Hawaii passed a bill that would fund the first program that was replicated after the Huntsville, AL, program, the Hawaii Children's Advocacy Center Program, and eventually the Rotary Club there would join with them and would provide the funding necessary to open such a program.

Mr. Speaker, little did I know that I would come to Congress in the new 102d Congress and meet my colleague, the gentleman from Hawaii [Mr. ABERCROBIE] who brings with him to Congress the experience that we shared back in Hawaii. I would like to yield to my colleague from Hawaii and have him address this issue from his perspective.

Mr. ABERCROBIE. I thank the gentleman from Alabama [Mr. CRAMER] very much. He is much too kind in recommending our program in the sense that I had much to do with it other than to take advantage of the pioneer work that he did.

□ 1350

Many times on this floor accolades are exchanged between one Member and another, but in this particular instance I want to say for the record that it is absolutely clear that the gentleman's leadership, while a prosecutor in Huntsville, AL, provided the very foundation for what I hope will be and I think we both hope will be a national program. I am sure we are going to discuss at greater lengths some of the programs that have evolved since we got together back in 1985, but I do want to reiterate my high regard for the gentleman and commend the people of Alabama for having the foresight to not only have the gentleman there then but to have him here now, because with the gentleman here, I am sure that those of us who are advocates of this program will be able to succeed.

What we did in Hawaii, as the gentleman has indicated, was on a state-

wide basis take the gentleman's program, which was essentially locally based, and use his experience and apply it to general legislation. In effect, we did two things: Some of this has been alluded to, but it bears repeating, and that is that we saw to it that children were detraumatized.

I think the gentleman has already described, at least in one particular case, the kinds of situations that occur in courts all across the country, that occur in prosecuting attorneys' offices across the country, and that occur in child welfare offices and children's protective offices all across the country, where young children are faced with the most awful kind of abuse, sexual abuse. Unimaginable catastrophe has taken place in their personal lives, and those of us who must then deal with it professionally, ostensibly from a distance, try to remain separate from it to keep ourselves from becoming personally involved, but we find ourselves in turn in an almost impossible situation. How can we deal with such a situation legally, how can we deal with it morally, and how can we deal with it institutionally when the dimensions of it are so utterly personal, so utterly devastating?

The experience the gentleman had in Huntsville showed us the way. We were able to transpose that legislatively into providing for the Children's Advocacy Center in Honolulu and subsequently throughout the State of Hawaii. We located the responsibility factor in our judiciary. We have a rather unique system in the State of Hawaii, where our judiciary is in fact state-wide, and we were able to coordinate it in that fashion, I think perhaps a little more easily than some other States and localities might be able to do it. But we were able to focus legislatively on the question of detraumatizing the child, the victim, and to concentrate on increasing the likelihood of success of prosecutions of the perpetrators.

In other words, I think the gentleman will agree that we have an ideal combination here. Whatever your ideological persuasion, whatever your political persuasion, we find here an opportunity to combine two very, very important things: The capacity to see that perpetrators are stopped from committing the crimes against the children, and the opportunity for the victims of the crises, the children and their families, to find counseling, to find a way of dealing with the problem that will better enable them to grow up whole, to grow up with an opportunity to increase their sense of self-esteem and their sense of dignity.

The crucial factor here, then, it seems, for us at the national level is to take the experience that now is evolving or has evolved in more than 60 locations across the country to establish a program, not a center at the center of the government that will dictate to the

local government what is should or should not do with respect to the advocacy of children who have been abused, but rather to facilitate, to act as a facilitator, to act as a catalyst for programs locally oriented that evolved from local contexts. We can become a catalyst for them in such a way as to see to it that their program for detraumatizing children and for seeing to it that perpetrators are convicted are able to advance themselves.

We hope to present legislation shortly, with the help of the gentleman from Indiana [Mr. ROEMER] and others who have demonstrated their efforts, particularly members of the freshman class, legislation which will advance the possibility of assisting locales throughout the country in creating their own children's advocacy centers. The centers will be out there where they are needed, at the local level. We will merely act as a clearinghouse at the national level to see to it that grants are forthcoming and that help is given in every way by virtue of consultation with those who are knowledgeable in the area.

I want to indicate in conclusion that what we seek here is facilities such as those the gentleman has mentioned that are not court-based in the sense of actually existing in building, a court building or a district attorney's office or a defense attorney's office, the kind of atmosphere that might be intimidating to a child who has been victimized by a sexual abuse or to family members. On the contrary, the atmosphere is one in which a home, an area of retreat, is possible.

This is very, very important, and I think that when that kind of a situation is put forward, people can understand that. They can relate to it in a way that they can begin to comprehend and deal with the awful reality associated with child sexual abuse. And in those circumstances clubs like the Rotary Club in Honolulu, which has done such incredible work in this area, are able to join in. I think that people who are listening to our discussion across the country will find that in their communities there are people ready to help, organizations ready to be helpful and assist. What they need is direction. What they need is a core of information and direction that will enable them to carry out what is their natural desire to be helpful. So when you have such a facility and when you have a clear-cut program whose objectives are very, very clear, then it is possible to put together an advocacy center in your community. We stand ready to be helpful, and we hope our legislation which will be forthcoming will provide for exactly that.

So in conclusion, I want to commend the gentleman from Alabama [Mr. CRAMER] again. I know he does not need the accolades, and I know he does not seek them, but I hope to join with

him and with the gentleman from Indiana [Mr. ROEMER] and all the rest of the Members, particularly the members of the freshman class. If we made no other mark in this 102d Congress than to have stood there for the children and acted on their behalf and saw to it that legislation was passed which advanced their cause, then we would have well served our purpose here in the 102d Congress.

Along with the gentleman from Indiana [Mr. ROEMER], I can assure the gentleman that he will have our support, and I will work with him, not just to bring the program as we have it in Hawaii or for that matter elsewhere to the rest of the country, but to bring the opportunity to establish such a program in any and all communities across this great land.

Mr. CRAMER. Mr. Speaker, I thank the gentleman from Hawaii, and I would like to engage him in a brief colloquy here.

I think we have both been aware recently that we have been challenged by the recent U.S. Advisory Committee report that we on the Federal level need to get our acts together. We know that the Children's Advocacy Center programs make sense at the local level. They bring together a multidisciplinary field that needs to be together, that often is not together, and without a program like that to bring the focus or the focal point, those people are not going to get together. Those people are prosecutors that need to work side-by-side with medical personnel, with social workers, of course, with law enforcement detectives, and with other service providers there from the community that often make children go from one location to another location, and then to still another location. We work together out of that facility, not just for the sake of prosecution, though prosecution is very important, but we work together out of those facilities in order to review cases, in order to provide an environment that makes sense to the children and their families. So rather than shutting them out of those systems, we are opening ourselves to more of those cases.

□ 1400

Mr. ABERCROMBIE. I think it is important for everyone to understand that this is in fact multidisciplinary. The most difficult part in putting the legislation together was not in seeing that it got passed. I think you will find legislators are ready to aid and assist in this regard. The difficulty was in making clear to the prosecutor, making clear to the police department, making clear to the child protective agency, making clear to the witness and victim programs that exist in many areas, making clear to each of these individuals and institutions, which have a certain degree of responsibility in this area, that by working

together, all of their causes would be advanced, all of the interests for which they exist would be advanced.

Most fundamentally, the taxpayer is able to see a coordinated effort on behalf of the children made with public dollars, as well as those from the private and nonprofit sector, in a manner which advances the capacity for all of us to see to it that those children do not have to go through the kind of situation which ends up with them further traumatized than they already are, further degraded than they already have been, and the likelihood of perpetrators actually being able to get away with it, actually being able to do it over again, and not receiving any help to the degree they are capable of receiving help. Because the system itself, minus this approach, actually works against the interests of the child and against the interests of law enforcement.

Mr. CRAMER. As we redefine this system, this system makes more sense to those children and family members.

One of the most rewarding experiences of my career as a then prosecutor was bringing a then 16-year-old child that I had taken into court when she was 12 years of age, when we did not have a child's advocacy center program, and bringing her back at age 16 and taking her to the center, this neat house in Huntsville, AL, and letting her walk through. I heard her say, "Mr. CRAMER, I wish we had a program like this when I went through what I had to go through. This program makes sense."

Do you know what she went on to tell me? She said, "The thing I never understood is why you people wouldn't talk to one another, why you people wouldn't communicate with one another. Every time I would go see someone else, I would have to tell my story all over again."

She lost confidence in us as professionals representing institutions, and she lost confidence in the system that was trying to help her, but yet was revictimizing her.

Mr. ABERCROMBIE. We become so concentrated on our own responsibility and our own areas of competence, if you will, that we have excluded others, or are even suspicious they may be trying to intrude in our territory.

We may be properly concerned that cooperation with someone else or another institution or another entity in law enforcement will harm the case in some way, will prevent us from carrying out our duties in some way.

What gets lost in all of this is the child. The child's needs are lost. The child becomes a grist for the mill of bureaucratic grinding as opposed to the focus and center of the activity of any institution or entity which is dealing with the area.

So not only do I agree, but I want to reemphasize, for those who would be

thinking about trying to join with us in this cause of children. Make sure that we do not focus so much on the adults, and make sure that the adults do not act like the children that they think they are serving, so that they fail to recognize that the only way to make this work is to have it on a multidisciplinary level and a cooperative level.

Everyone's rights are protected. The children's rights in particular are protected. The rights of society to be free of this kind of criminality is protected.

Mr. CRAMER. I would like to back up here and tell the gentleman that after the call from the Hawaii program and after we visited you and helped you pass the legislation that would start your program there, to our amazement communities responded to these programs. They visited Huntsville, they visited Honolulu. They wanted to know more. Then they replicated the programs.

In some instances they adapted them and had components that we did not even have in our programs. That is important.

Mr. Speaker, we now have a network of more than 70 programs around the country that have replicated these programs and have built on these programs. As you know, we have had groups come into Huntsville, because we have an annual symposium there, because an important part of what we must do is to continue to train one another, to continue to see that we specialize, so that we know the best techniques to use with children and families, so that we keep up with those.

But I think it has been amazing for me to see in Huntsville, AL, there on a local level, there in a community of 150,000 people, we have been able to do something that makes sense and something that other communities could learn from as well.

Mr. ABERCROMBIE. This is the great advantage of the program that we are proposing, because those who may not have it in their communities right now will be able to talk with people just like them. They will be able to see people who had to come to grips with problems, just as they have those problems.

This is not something that is going to be coming from the top down. This is not something that is going to be dictated from some Federal center as such. What this is is an opportunity when the legislation is completed to have the advantage of being able to consult with people who are dealing with the same problems you are, at the same level that you are, and to gain the benefit of their experience.

Judy Lind, our tremendous director out in Hawaii, for example, would be available. Of course, I know she knows I am volunteering her. She would be available. Individuals at the other programs, the almost 70 programs now,

would be available to consult with other people, come to their towns and give them the advantage of their experience.

So I think we would find here not only is this a facility-based program that makes sense, but it is also an experience-based program that makes sense at the community level.

Mr. CRAMER. I think this proves that one-stop shopping services for children and families is a concept that makes sense. In the Select Committee on Children, Youth, and Families, we have heard during a number of hearings that speak to infant mortality issues, that speak to all kinds of issues that impact youth, that what we must do is to bring services into the communities. That is exactly what these kinds of programs do.

I would like to involve the gentleman from central Florida [Mr. BACCHUS] in this discussion. I know that as a fellow new Member of Congress, the gentleman has evidenced a lot of interest in programs and innovative techniques that impact the children and youth of today.

I would like to challenge the gentleman to join with us in this colloquy and to add to it.

Mr. BACCHUS. I thank the gentleman from Alabama [Mr. CRAMER].

Mr. Speaker, I came here to join this special order that the gentleman has organized because of my enthusiasm for his leadership on this issue. I hope that the constituents of the gentleman in Alabama and those of the gentleman from Hawaii [Mr. ABERCROMBIE], know how hard they are working to help children and how committed they are. I think they do know this is a commitment that long preceded the service in Congress by either of these gentlemen.

I, too, have long been involved in children's issues. I became a member of the Florida Center for Children and Youth Board of Directors in 1976, before I was even married, much less a parent. I helped organize the Citizens Commission for Children in Orange County back when I was a community activist, before I decided to run for Congress. I, too, have been involved in these issues. I have been trying to work at the grassroots for change.

As the gentleman from Alabama [Mr. CRAMER] and the gentleman from Hawaii [Mr. ABERCROMBIE] both know, I do what we call Citizen Saturdays. I go out on most Saturdays and take groups of people with me to do different kinds of community service.

Often times my Citizen Saturdays involve children and children's issues. My very first Citizen Saturday 2 years ago was in the homeless shelter run by the Coalition for the Homeless in Orlando. I saw there that most of the homeless in our community are in fact children.

For the past two Christmas Eves my family and I have gone to the homeless

shelter in Orlando and seen those children line up for what toys are available and what meals can be found.

On another of my Citizen Saturdays I took a group of friends with me and we went to a shelter in Satellite Beach over on the coast of Florida. The shelter is just two blocks from the beach. It is a shelter for some preschoolers who are victims of sexual and other kinds of child abuse.

We took those children, about a dozen of them, to the beach on a Saturday. We had a good time. I was struck by the fact that even though those children live just two blocks from the beach in that shelter, even though they were children from Florida who lived in a coastal community, most of them had never been to the beach.

Also I have worked at a place called the Space Coast Early Intervention Center in Melbourne. There is a wonderful woman who runs that center named Betsy Farmer. Her young boy had Down's syndrome. She found when it was time for him to go to school, there was no way to mainstream him, because there were no services in our county that enabled those children to be taught in a way that would help them to be mainstreamed. So she found this center.

I went over and volunteered to work with her and her son and the other children there. She has been able to mainstream children into the public schools through her hard work and her love for those children. Yet we do not have the State, local, or Federal resources needed to make it possible for more of those children to have the chance that they deserve.

□ 1410

A few Saturdays ago I was again in Brevard County on the coast. We volunteered in the public health department to help bring out young children so that they could be vaccinated against dreaded childhood diseases.

It is a shame that in this country our rates of diseases such as polio are going up. We thought we had long since abolished those diseases, but because of cutbacks at the Federal level we see that many of these indigent children and others do not have the vaccinations that they need. The children were lining up for these vaccinations.

I have also been at the Head Start centers in central Florida. In Osceola County just south of Orlando, I brought together several hundred people on a Saturday last fall and we were able, through our efforts, to expand and renovate a Head Start center so that a couple dozens more children could go to that Head Start Program. I worked there, and I met a number of those children.

Many of them there in the shadow of Disney World nevertheless live in trailers with no running water and no electricity. Many of them do not have any

language skills at all, when they get to the Head Start Program. By that I do not mean that they speak a foreign language. I mean that they are 4 and 5 years old and they have been so neglected, so ignored that they do not know how to talk. Many of them have never sat down at a table to eat until they get to the Head Start center.

We do not know what we are doing to our children in America. We do not know what kind of a whirlwind we will reap because we are ignoring and neglecting them.

I wanted to be here to congratulate my colleague, the gentleman from Alabama [Mr. CRAMER], for his leadership, because I know of his conviction and I know of his faith in this country and this Congress. And I know that he knows that we rebuild our democracy from the grassroots up if we care for and tend to the needs of our children.

Mr. CRAMER. Mr. Speaker, I thank my colleague from Florida. I know that he would share with us that Members of our freshman class have challenged one another and have joined together to form a children's caucus that we hope will bring programs to the attention of the Congress itself, programs that come from the local level, messages that come from the local level so that we do not just enhance the bureaucracy that responds to children and families but that we pass on as a clearinghouse programs back to the local communities that make sense. That is what we should be doing.

Mr. BACCHUS. Mr. Speaker, that is right. We need to preserve the latitude for local people to make local decisions. I am persuaded that those folks that are running the Head Start Programs and child nutrition programs and abuse programs in my district know what to do. They simply need the resources and the flexibility to do it.

That is what we need to do. We need to organize our children's caucus, and the gentleman from Alabama [Mr. CRAMER] and the gentleman from Hawaii [Mr. ABERCROMBIE] and the gentleman from Indiana [Mr. ROEMER] and others and as members of our freshman class, I am proud to come together on this issue above all others. We disagree on some things but on this we do agree.

There is no future for America unless there is a future for our children. We cannot, any of us, be truly free unless each of our children has a chance to be free. This should be the birthright of all Americans.

Mr. CRAMER. I thank the gentleman for his time today.

Mr. Speaker, I would like to further indicate that the National Network of Children's Advocacy Centers has formalized itself. We are now a membership organization. We have united the 70 programs from around the country. What we want to do is help other communities that want to establish similar programs.

Every community in this country is responding to cases of child abuse, the frightening cases of child sexual abuse.

We want to believe that those kind of offenders do not exist and, if they do exist, that they exist in someone else's community. But they exist in every community in this country.

In Huntsville we have had thousands of people come in to visit, to photograph, to measure the little house that we work out of there so that they can take that message back to their communities.

We on the Federal level must help the local levels. We have here in Washington this week some 15 representatives from programs around this country. What we are doing with our colleagues from around the country is making them familiar with what Congress can do to help, making them familiar with what the Federal Government can do to read out and provide the kind of helping hand, but at the same time without a helping hand that creates a bureaucracy that ends up being our own worst enemy.

I think at the ninth annual hearing in Denver, the message could not be brought clearer to those of us that need to be responding to this problem than it was by the former Miss America, Marilyn Van Derbur Adler. She spoke powerfully in Denver as the victim of incest. She spoke powerfully with a message that was confused but a message that was clear, a message that said, we must pay attention to this problem, a message that said we must get our acts together and we must provide a helping hand.

She had turned for help and she was not believed and she suffered with this victimization for a long, long time.

What we see now is programs that make sense, programs whose message should be made clear to the rest of this country.

I am pleased to join today to bring this very important message to the Congress, pleased to speak on behalf of the National Network of Children's advocacy Centers around this country, pleased to join my fellow colleagues, mainly in the freshman class in Congress, who have adopted issues that impact children and families as our special issues, issues that are the best economic growth issues that we can be involved in.

We want to see something done, but we want to see it done clearly.

ISSUES OF CONCERN FOR AMERICA

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, this is an unexpectedly early day so I am going to take advantage of

it to touch on several subjects this afternoon, issues that America may not be aware of.

Mr. Speaker, I am going to continue to speak out until the House leadership changes this undignified and, as our British Parliamentarians would say, unseemly rule of panning this Chamber with our six cameras to show an empty House, which is deceitfully misleading as to the reach of the voice of the Members that just had an interesting special order on child abuse. This procedure goes back to two Speakers ago, when our distinguished friend and former Speaker Tip O'Neill got into kind of a personal quarrel with some of the Republican Members who were making special orders every day.

The battle for Nicaragua's freedom was going on, as well as other issues, and Tip decided panning an empty Chamber would discourage people from listening. The rules of the House say that I must direct all of my remarks through the Speaker, and I accept the rules of the House. It adds a note of decorum and dignity here.

However, Mr. Speaker, we both know that 1½ million people are listening to the proceedings of this Chamber. Maybe the quality of the preceding special order, as important as it was, was not exciting enough for some bozos in this country that they turned off C-SPAN.

"Bozos" is a term that Ted Turner, who has caused a communications explosion in this country, uses. Another term is C-SPAN junkies or groupies, a demeaning term.

Mr. Speaker, I think we both agree, as would most Members in this House, that those citizens who take the time to watch C-SPAN and watch the conduct of the Senators, are anything but bozos or groupies.

Such a citizen is a concerned citizen, a person who wants to understand how his Government is functioning and where his tax dollars are going.

When we have 1-minutes at the beginning of the day. To the new concerned citizens watching us on C-SPAN, those 1-minutes are something they do not have in the Senate where they have unlimited time to speak. In the House these 1-minute speeches are a form of a steam valve to release pressure. Both sides of the aisle come to these lecterns in this great well of the world's most important parliamentary body and sound off, hopefully with some passion, hopefully with a lot of coherence and clarity.

There was a big battle this morning as to whether or not the President had used the word "garbage" in a very loose kind of general way about bills he was going to veto or whether he specifically applied it to an unemployment bill and unemployed people, which is not true. But there was a ferocious give and take here.

At the end, and I took a head count, there were eight Members on the floor.

Yet, the cameras were not panning the Chamber, Mr. Speaker, and showing that there were only eight Members here.

We all know there are another 300 or 400 Members listening to those 1-minute speeches on the television sets in their office.

□ 1420

Ted Turner himself wired this Hill to his CNN and then to 24-hour news and C-SPAN. This public service, nonprofit operation is sending my voice and your image, Mr. Speaker, at this minute to Guam, where it is almost tomorrow, just after 4 o'clock in the morning, and to Hawaii, where it is only 9:20 in the morning, and to California, where it is 11:20. It goes all over. And on those 1-minute speeches, the cameras stay focused on the Democrat lectern and the Republic lectern. It has some dignity. You see, that man or woman is speaking to many people, about 1½ million if you include the electronic technology.

It is rare that we ever have more than 10, 20, 30 people on the floor during debate. I remember when former President Richard Nixon was a House member and spoke about Alger Hiss. He filled the Chamber. Every seat. That is a rare historical happenstance and comes along once in a generation.

Sometimes when we are trapped at night, at the end of a session, right before Thanksgiving or Christmas and the Members have nowhere else to go but the dining room, they come up here, and you may get 300 to 400 Members in the Chamber. That is very rare.

But during the legislative day, the average is maybe 20 Members. We do not demean the legislative process, Mr. Speaker, by panning the Chamber and showing there are only 20 people, and many of them not even listening to the particular debate on the House floor. The gavel has not come down. The House of Representatives of this 102d Congress is in session right now. But only at this period, when Members take advantage of 5, 10 minutes or 1-hour special orders to also let off some steam, but also to try to expand on a theme in depth, only at this time do these cameras rudely and deceptively pan what is an empty Chamber.

We are not allowed to refer to the gallery, Mr. Speaker, but I think I can make a technical reference as to the number of people in the gallery, which is about 56 people. The press gallery is empty. There are 56 good Americans that came to Washington, DC, to come inside this Chamber, follow the course of the events and history here. When they are home, even in an old, terry cloth robe, with their second cup of coffee in the great State of Hawaii where it is 9:23 in the morning, they are availing themselves without an airline ticket, or a heavy amount of road traffic and travel, of the privilege to sit in this gallery, electronically, and lis-

ten to my words and watch the course of this House.

So to the American people, I say again, Mr. Speaker, through you, stop calling my office and saying you hated it or you loved what I said, but that you felt sorry for me because nobody was listening, because 1½ million people have joined the 56 people in the gallery, and our tremendous reporters and staffers here to listen to whatever takes place in these special orders. A million and a half, and it is a growing audience. Every time, and thank God that housing starts are up, every time a new subdivision is built anywhere in this country, from Maine to Guam, from Alaska to Puerto Rico or the Virgin Islands, they are wired immediately for cable television. And if you have a good system, C-SPAN is there.

Amazingly, of the 4,000-some systems across this country, the overwhelming majority carry C-SPAN 1. That is the House of Representatives. It drops off to only about 800 out of 4,000 that get C-SPAN 2, which is the Senate. Maybe they should go to the House rules, have 1-minute speeches, special orders, a 5-minute limitation, with a required polite asking of extensions. Maybe if they had a shorter, more terse debate over there on legislation, more cable systems across the country would add C-SPAN 2.

Enough of the prolog. I am going to do it every time I speak, hopefully I will make it a little shorter next time.

Now I am going to discuss for the first time not two subjects, which I have done rarely, but call it seven subjects. Pull up your socks. As Bette Davis would say, "Tighten your safety belts. You're in for a bumpy ride."

No. 1, Kimberly Bergalis. I met with her this morning in a colleague's office, Mr. DANNEMEYER, and I am telling you, tears came to my eyes. My throat closed because I was in the presence of a saint. This young lady from Florida who is close to death from AIDS, is a young saint. I felt like I was in the presence of Mother Teresa, and anybody who has met that lady knows they are in the presence of somebody very spiritual, or a word we do not use too much these days, very holy. She is a very holy person.

I said "Kimberly," as I choked past what Ronald Reagan used to call the golf ball in your throat when you are emotionally moved, I choked back the words, "God bless you. You have not wasted your time here speaking for 20 seconds, or maybe half a minute," in front of the Health Subcommittee, Mr. WAXMAN's subcommittee.

I had a reporter come up to me in the hall after she had gone in her wheelchair up one floor to Mr. DANNEMEYER's office, and he said, "Well, all this travel, that long train trip for 20 seconds?" I reminded this press person that Abraham Lincoln only used 266 words in the Gettysburg Address. It is the impact of

your message, not the length of your discourse. And her image on television across this Nation tonight is going to speak wonderfully, powerfully, for getting as many people in this country as we can logically get tested for this not epidemic—that is the one thing that Kimberly spoke improperly about, she said epidemic—but pandemic. What is the difference? An epidemic is in a country or a geographic area, not too broad. A pandemic means a worldwide epidemic raging out of control. This pandemic, with no cure in sight yet, is going to kill tens of millions of people in the Third World. And Kimberly simply says, "Don't let me die in vain."

Her father was powerful and eloquent. I told Kimberly, "Your dad was as vibrant and as clear as the Liberty Bell." I said, "We know that's cracked. I hope this process around here does not crack him because he's fighting for his daughter."

I met her two beautiful sisters. Both looked up to Kimberly. One was in her twenties, or maybe only 18 or 19. I said, "Is this your first time to Washington, Kimberly?" "Yes." "Your first trip, too," to her sisters, her siblings. "Yes." "Yes."

I said it sure is a bad circumstance to come up here. It is a beautiful city to visit, this great Federal Capital, and look at all of the great history that went before us in creating this great free country that is the beacon of freedom for the whole world. And she said they were going to stay a few days, and they hoped to get to the National History Museum and to see the Hope diamond and the dinosaurs, and I said not to forget the Air and Space Museum. That is not for men and young boys only. There's a lot of great history of women pilots over there and astronauts.

So it is sad, is it not, to think of the family, the Bergalis family coming to this town. And let me mention the Driscolls and Mrs. Webb who sat there giving brilliant testimony. And I think it was falling on deaf ears in some cases.

The CDC, Centers, that is because there are six of them, Centers for Disease Control down in Atlanta does not, at this moment in time, know how Kimberly Bergalis was infected with the AIDS virus.

Let me tell you something I learned as a Member of Congress. There is a fingerprint, an identification to everyone's personal HIV, human immunodeficiency virus. Their own HI has a fingerprint, and the fingerprint of this dentist, Dr. Acer, who engaged in reckless conduct and infected five of his patients of his AIDS manifestation was 99.999 similar to that of Kimberly Bergalis and the other four patients who have contracted it. The CDC says there is no doubt that Dr. Acer infected these five patients.

□ 1430

But we do not know how. If we do not know how, then how can great doctors with a tremendous record of surgery and service like Dr. Koop be so cavalier in claiming there is not a serious problem here? Well, in fairness to my friend Dr. Koop, he has not been that cavalier. We have not heard from him in the last few months.

But Mr. Bergalis, Kimberly's father, was quoting his statement of a few years ago that the chances of getting it from a health care worker, a nurse, paramedic, doctor, were nil. Nil is a synonym for nothing, no way, nada, cannot happen. Well, it has happened.

If the CDC doesn't know how Bergalis contracted it, how do they know what adequate precautions against transmission are? Knowing that, how many people would risk seeing a dentist they knew was HIV positive? Don't people have a right to make that decision for themselves? And here is something that mystifies me, and I told this to the press this morning, and I may do MacNeil-Lehrer this evening, because they were calling right before I came out here.

Here is what mystifies me: Doctors and health care workers, all health care workers, are at far more risk than patients, far more risk. But instead of them having to arrogantly say, "I want all of these patients tested if I am going to do anything that involves blood or any invasive dental surgery, body surgery, I want them all tested. But I am not going to be tested."

How much easier for doctors and nurses and health care workers to protect themselves by saying, "We are going to go first. Every one of us who deals with any invasive procedures of the human body, we are going to be tested for the HIV virus. If we have that virus, we are going to tell our patients even though we will lose a lot, if not most, of our practice, because the patients have the right to make that call." But having said that, then the whole health operation in the United States says, "But we do want all of these patients to be tested for our protection, because we are more at jeopardy, because we are always dealing with disease or people who are temporarily or permanently unhealthy." It is a two-way street, and it redounds to the benefit of those most endangered, and that is the people in the health-care system.

So why is it that if you apply logic, we have this resistance? It came up at the hearings today in Mr. WAXMAN's health committee. It is simply that this is not being treated as a public health problem, as a public health menace: It is a political disease. That is the way it is perceived.

Now, consider the certain death faced by these five people who are at various stages of the disease. Some of them have not manifested anything yet. I

can remember Kimberly Bergalis on the cover of one of the newsmagazines last year, a beautiful young woman in the flower of her life, and within 3 months she was in a bed, and we were all thinking she was going to be dead before the spring was over. Yet the summer has gone by; yesterday or today was the first day of fall, and Kimberly is still hanging on.

Do you know what her doctor, her personal physician said? That she is fighting and clinging to her life for today, for the right to testify for a few seconds this morning so that her death is not in vain.

Compare the reaction of the Bergalis case with the recent New York City subway accident where a drugged-up conductor caused the deaths of five people.

After the New York incident, no one came forward to say, "Look, this problem has only caused five deaths from among the many millions and millions of people who ride the subway every year. Let's not make too much of it." Yet that is exactly the attitude of those, like Mr. WAXMAN, who downplay this problem by pointing out how rare it is. Thus, Mr. WAXMAN in his opening remarks said, "There has been a report of transmission of AIDS from a dentist in Florida to five of his patients. There have been no other such reports from dentists, surgeons, doctors, or nurses anywhere else in the world." So what. I could say the same about drugged-up subway conductors killing five people.

Indeed, the chances of you being killed by a drugged-up subway conductor in New York are far less than contracting AIDS from Kimberly Bergalis' dentist or any other health care worker. Yet in the case of the subway conductor, there are charges being brought against him and demands that drivers be routinely tested for drug use. In the case of Kimberly Bergalis there is widespread sympathy for Kimberly, but admonitions that we should not take precautions against further transmission. And you tell me this is not a political disease?

When people step on a subway in New York, they have the right to know that the conductor is not using drugs. When conducting medical operations, both patients and doctors have a right to know that HIV is not a factor.

I called CDC to get the latest figures. Keep in mind that it is September 26, September being a 30-day month, and this month is already shot, so you can add many more dead people to the figures I am about to give you as of August 31, almost a month ago, the official figure for AIDS deaths in America is 116,734; gone to their judgment day, 116,734. Now, that figure is low by 10 to 20 percent. Dr. Koop told me that.

I am going to accept the low figure though. I think it is more like 20 percent low. Most medical people I talk to think this figure is 20 percent low. But

I will just take the 10, and 10 percent of 117,000 is another 17,000. So we are probably up to 134,000 dead people.

I had better give you a footnote on why this figure is 10 or 20 percent low. A lot of doctors, honorable men, particularly in the early phases of this killer communicable venereal disease, would take a person who died of pneumonia brought on by AIDS, and, instead of putting the cause of death as AIDS, said, "I am going to put down the proximate cause of death as heart attack, dementia, Kaposi's sarcoma," all sorts of other invasive cancers, bodily failures, and pulmonary disease. That went on for years before the health community and the CDC, the Federal Government said, "You are hurting us statistically. You are crippling us if you do not put down that AIDS was the cause of the heart attack, the cancer, the pulmonary disease or whatever else killed that person."

Kimberly Bergalis is not going to say, "Well, put down that it was lung failure or something like that." She would say "Put down it was this HIV virus given to me by a dentist that killed me."

Madam Speaker, with 134,000 dead, let me now get into the controversial area of homosexuality that has made this not a health problem but a public-relations and political problem. But before I do, let me say that I think it is a shame and a disgrace that more Members do not apparently take the time to educate themselves on this issue. I visited the Louis Pasteur Clinic in Paris, I have gone to the WHO, the World Health Organization, in Geneva. I do not know of any other Member who have stood up and said, "I have been there, too, BOB," when I say that on the floor. I have squared the corner, the Pan American Health Organization here, the CDC in Atlanta, the NIH, just 20 minutes north of town. The last time I looked at the guest book it was President Bush, myself, and that is it. No Senators, no Congressmen have been 20 minutes north of town in Bethesda to get the real hardcore facts and say, "Where are we going," and to put to rest a lot of rumors that were flying around 4 and 5 years ago.

When I made my comeback from Orange County, having been a representative from Los Angeles County, I called the Library of Congress, and asked "How many Senators and Congressmen have ever made a speech on AIDS? How many people have had the word 'AIDS' come out of their mouth in this well?" Guess what the answer was. Zero, Madam Speaker. Nobody had made the speech.

So I called for Dr. Mason to come over. Now he is the No. 1 man at the health division of our biggest budgetary item, Health and Human Services. He came over, and down in room H-139, he briefed me and some other

Members. Guess what just struck me today. Today is the date, September 26, 6 years ago we got a briefing that caused some of us not get our hair curled, because we are too old, to lose our hair over it.

I could not believe it. Former Congresswoman Bobbi Fiedler was there; the gentleman from California [Mr. DANNEMEYER] was there. He had already been charged up, because 17 days before that on September 9, the gentleman from California [Mr. DANNEMEYER], alone and unheralded, cleaned up the blood supply in this country which was contaminating all sorts of innocent people, and I just do not mean hemophiliacs who need to have frequent blood or blood-substitute transfusions; I mean totally innocent people going in for every type of surgery.

One of my daughters had to get an emergency transfusion of blood once because of complications at birth and postpartum bleeding. And if we had known then what we know now, the whole family would have had pints of blood stacked up there in case this happened. As it was, we had to take a pint out of the pool, and to this day we do not know what the end result will be, because this agony of waiting can go on for 14 years, maybe longer. Again, CDC does not know, NIH does not know, Louis Pasteur Clinic in Paris does not know, and Geneva does not know. Nobody knows how long the incubation period is.

So that cleaning up of the blood supply by Congressman WILLIAM DANNEMEYER of Fullerton, CA, was a heroic deed for this country.

□ 1440

Let me tell you what has happened since this Member's first speech on this killer, and so far incurable disease. By the way, the CDC tells me off the record, we never will find a cure. We will only find, as with diabetes, an immunization that can hold off the onslaught of the ravages of the disease and extend your life, but we are never going to get this virus out of the T-cells inside your body. It is always going to be in there.

One of the men who received the highest prize in medical science in America—his name was Angus McDougall or Angus McDonald or Angus McDowell—a young lab doctor-technician, he discovered how the virus penetrates the T-cell. He won the highest science award for that, and there is simply no way to get it out once it is in there.

My wife called me. She said, "Turn on the Oprah Winfrey show."

I said, "It's not general fare in the Republican cloakroom, honey."

And she said, "Well, she has on these doctors debating how you get AIDS and here is a young mother on whose O.B. doctor was infected with the AIDS virus and did not tell her and delivered

her baby. There were some complications, maybe an episiotomy or something, and there was a lot of blood. The doctor had sores on his hand.

She asked him, "What are those sores?" Before the birth, and he said, "Oh, it's a reaction to the sun."

He lied. It was Kaposi's Sarcoma. He was manifesting AIDS and he delivered her baby after he was advised by the hospital to tell his patients.

Now, I did not know this, and I cannot verify it, but my wife then told me that on Oprah Winfrey yesterday they said a baby does not develop antibodies. So this mother does not know. "I won't know for at least 3 years from now if my little child born October 10 last year is going to have this HIV virus."

But, let me finish what happened 6 years ago today when I spoke. I got the figures and I looked back. Anybody who contracted AIDS between July 1 and New Year's Eve of 1985, which encompass that 6-year period, 6 years ago when I was getting my first in-depth briefing on AIDS from experts, 89 percent of those people are dead. Everybody who heard my voice and had just been informed that they had AIDS or the virus, 89 percent are dead.

Take July 1989, 4 years later, just 2 years ago. July 1, 1989, to December 31, 1989, in that period of time anybody who was presented with their doctor's long, sad face, saying, "I'm sorry, but you have AIDS," 54 percent of those people are dead.

As a matter of fact, you should know this, most Members, about 98.9 percent, have never let the word AIDS come out of their mouth on this House floor. I think the gentleman from California [Mr. WAXMAN] would be around No. 4 because he conducts the health bill on the floor. But it is three Republicans that have made a regular practice of trying to alert the country to this killer pandemic. That is the gentleman from California [Mr. DANNEMEYER], the gentleman from Indiana [Mr. BURTON], and this Member here in the well.

Now, let us get the overall figure of cases, because we know there may be from 1 million to 2 million people infected. I will take the low figure of 1 million Americans who are going to die in the next decade or so. Of these people, 117,000 dead is the low figure, the figure of cases of which the high one being 184,000 dead.

Now, let us go back to that low death figure of 117,000. Take the low figure of how many got the virus as homosexuals or homosexuals/IV drug users. That is 73 percent. You take 73 percent of 134,000 deaths, that is 116 plus 10 percent, and you get, rounded off, 98,000 dead people of a homosexual sexual orientation, all males. I think there are two cases of lesbians, avowed lesbians who died of AIDS, and they got it through drug transfer or prostitution or something; 98,000 homosexuals, all of

them young by any definition of the word. I am not talking Jimmy Connors young, fighting it out in the Tennis Open at 39 years of age. I am talking about teen-agers and most of them in their late twenties.

How can anybody describe that lifestyle as gay?

Do you know what I did, Madam Speaker? I got our big dictionary here. It has been on the House floor for over 20 years. This is what the copyright says. It is Webster's Third New International Dictionary unabridged. You cannot find the word homophobia in here or homophobic or any of these cute words that if you study the etymology of the word, its phonic, graphic, or semantic derivation, it does not even make sense. But everybody knows the word. The first phobia word you learn is hydrophobia, when your dad or your mom is trying to teach you to swim. "Don't be afraid of the water." Hydrophobia.

What would homophobia mean if you broke it down in an etymological sense? It would mean fear of men, just fear of homo—man.

How is your Bible these days? "Ecce homo." "Here is the man." As Judas presents Jesus to the crowd calling for his death.

Homophobia—not in here, folks, a make-up word.

Gay is in here, though. As I remember, it was being used when I had a daily television show in 1968.

By the way, here is homophonic, sounding alike or being of the same musical pitch. Homophobia would be right before homophone—not here, folks.

So we turn to the word gay. This illustrative.

Gay—see if you this connotation of this word when it used to be only an adjective, thinking about 98,000 dead homosexuals.

It says, "Excited and merry, manifesting or inclined to joyous exhibition of content or pleasure (carefree children)." They use the dictionary symbol for putting in the word "gay."

Gay, carefree children. That is a nice phrase.

"A word of greeting, bright and lively in appearance, gay, sunny meadows, brilliant in color."

Madam Speaker, I was on television when they came up with this term. And not everybody went along with this. But Gore Vidal did. He said it was a silly, ridiculous word, when they said, "We want to be called gay."

Do you know what I said 23 years ago? That is a public relations move. You are trying to tell young people that you are more cheerful, more mirthful, more happy than everybody else. So we are supposed to stop having gala balls, stop singing at Christmas time, "Now we don our gay apparel." Bing Crosby records when they play, "I could be happy, I could be gay, I sur-

render dear," and it goes on and on. I once had a list of 20 songs that had the legitimate adjective, "gay" in them, where you would have to re-write the song or you would be immersed in gay laughter, take it any way you want, because of the double entendre.

No, this is not a gay lifestyle, and those people in California under Project Ten, which is a lie in the title. Ten percent of this Nation is not homosexual. The highest figure I have ever heard is from hero Doctor NIH Tony Fauci, who said 5 percent and he made the mistake of hiring a lot of homosexual people to drive this as a political disease. George Bush mentioned him in his bit debate with Dukakis when Dukakis could not come up with a hero because his only hero seemed to be himself. Finally he came up with Jonas Salk, who conquered polio. It was a long time ago. Bush came right back with a serve right down his throat, among many heroes, and he mentioned a lot, including generic categories like police, doctors and others, he mentioned Tony Fauci, and I was whispering to the future Secretary of Commerce, "Come on, George, mention Tony Fauci," and he could not think of his first name but he said Dr. Fauci at NIH.

Yes, he is a hero, but he is also one of those who I am sad to say has let this be driven as a political disease instead of a public health issue, although he has also pushed it as that.

So much for gay in the dictionary, abused, turned from an adjective into a noun describing a self-conscious, self-denying, and in many cases a self-hating lifestyle.

What person can claim that they are a healthy person, mentally and physically, if they get their kicks going to men's johns, like at the Washington Monument, or I stumbled on a scene across from the beautiful Willard Hotel in a little park dedicated to my father and other veterans of World War I.

□ 1450

And there is, let me use, Madam Speaker, distinguished language here, a liaison dangereux, and that is reckless sex in the commode, with strangers.

What kind of a person is that? Well, that is the gay life style, to hit on strangers in public latrines from our football stadiums to our public parks.

I remember one time up here at a Greenbelt park one of the policemen told me, "They are scaring the horses, they are scaring the children, rustling in the bushes, and not even using the bushes sometimes." They are going to have to enforce the law in that park, in Greenbelt, MD, just along the strange beltway that circles this city.

That is the end of that subject. Because of Kimberly, meeting that little saint this morning, I will suspend and yield. I see we have a message from the

President of the other distinguished Chamber, and then I will come back to Members of Congress kiting checks. We have to go back to the dictionary for the word "kite" on that.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from California [Mr. DORNAN] has 24 minutes remaining. I thank the gentleman.

Mr. DORNAN of California. I thank the Speaker. I will try to break that down into four 6-minute segments.

"KITING" CHECKS

Madam Speaker, there is a media firestorm, that means it is in every newspaper across the country and all over television and the radio sets; there is a firestorm about Members of this Congress bouncing checks. Well, that is the wrong word. Here is the correct word: "kite." Now, I have in the unabridged dictionary here, I find out that "kiting" is two separate words, one we all know where we play with kites as children.

Now, a totally separate word, word No. 2, same spelling, k-i-t-e, pronounced the same way, and here is definition No. 1 of this second use of the word "kite": "to get money or credit by kite, specifically: to create a false bank balance by manipulating bank accounts." Well, Madam Speaker, let us get our language straight here. Up in Wall Street, where some people are now in jail, they use a very cute word, a French word, arbitrage, which is a shell game, moving money around, trying to draw interest on it here or there. The truth is that if they released all of our statements and gave them all to the press, nobody would show that they bounced a check. Because if somebody writes a bad check to the dry cleaners—and we are not talking about those kinds of checks—and he came back, they would hold it for him. So it would not be bounced back to the dry cleaners and embarrass a Member. What we are talking mainly about here is cashed checks written downstairs mid-month for \$1,000 and 24 people have done it 8 months in a row. You see, they are kiting the check. It is held, it creates a false bank balance, it shows they have got money in the bank, but here is a \$1,000 check waiting to be paid off. So, what happens is when their paycheck comes in to the Sergeant at Arms Office at the end of the month—and the Speaker was correct in this well when he said it is not a real bank, more of a financial service, because they do not invest money and it does not operate at a profit or make loans for cars—they take all those \$1,000 checks out of that paycheck.

What happens? The paycheck is considerably degraded and brought down by paying off these debits that have been held there. So, that particular Member, 24 particular Members, are beginning their month with a short paycheck. So, within a few days they are looking for money again.

Can you imagine somebody voting on the budget of the United States with a multitrillion-dollar debt, a budget in next year's fiscal year? Fiscal year 1993 will be on us shortly. We are working on the 1992 budget with a deadline of 4 days from now, and it looks like we are not going to make it, as usual. We only made it once in the last 20 years.

To have Members signing off on that budget, putting in bills, trying to bust the October budget agreement, which I am proud to have voted against, and running out of money by the 10th of the month and kiting checks around is simply irresponsible. Let me tell you something: I have never met a better group of people and public servants than these people who work in the Sergeant-at-Arms operation. As I have said in this well so many times, these reporters of official debate, our staff on this floor, are some of the hardest working people I have seen in any business, let alone Federal Government, and the same goes for all the good people who are hired by the majority, not by my party. This is a freebie compliment here. They are great people. They do this because they are given no choice.

When I asked the Speaker, standing in that well, to get a letter for those of us who have never floated, kited, or bounced a rubber check in 15 years, he said he did not think that was necessary. Well, I do think it is necessary because there is a press firestorm. They said, "We will give you all your statements." Well, I am not going to walk around with 2 years of statements bulging in my coat pocket and have some press person say, "Well, what about 3 years ago? Is that why you have only gone 2 years back?" Well, I am sure we are not going to carry 15 times 12 numbers of statements around in our pockets. I want a letter, and that issue is unresolved. I am going to get one from the Sergeant-at-Arms that says this Member has never kited a check.

Now, Madam Speaker, on to a far more important subject. But this problem will soon be resolved by discipline, although I feel, knowing the nature of the way things leak out of this city, that eventually everything leaks out that is down in print. Somebody is going to go for a Freedom of Information Act—by the way, we have made ourselves exempt from this act in Congress. Not I, I wish to add. But a majority of this House, 217 plus 1, at some point said that we will not subject our records to the Freedom of Information Act. But is the GAO, the General Accounting Office, answerable only to the Congress? Or is the executive branch? Because we have run Freedom of Information on the FBI, the CIA, the White House, on Presidents' diaries, just about anything, but not us up here.

It remains to be seen how this is going to be done by the news media,

but they are hot on the trail, and I predict that someday you are going to see the names of all the people who kited checks here for years, big ones, printed in the newspapers, and I wonder if people other than the C-SPAN concerned citizens who watch this floor, Madam Speaker, will notice it—I wonder if it is going to have any fallout in the 1992 election.

INTERCEPTED COMMUNICATIONS

But now we come to a congressional scandal that is far worse. Here is a letter that I wrote that I chose not to sign, to the President, because I am honored to be one of seven Republicans on the Intelligence Committee. But, because it is a sensitive committee assignment, I cannot sign this letter.

However, I will tell you that I would sign it if I had not spent the last 2½ years on the Intelligence Committee:

Dear Mr. President: Serious allegations have been raised regarding contacts between Members of Congress and members of the staff with officials of the Nicaraguan Government during the period of the Sandinista dictatorship.

I would have put in "Communist Sandinista dictatorship" because communism is a dirty word now and a few Members did not think it was all that bad until the collapse of communism. With the Berlin Wall not yet 2 years ago, November 9, right on through the amazing events in August 1991.

The allegations outlined in the December 15, 1991, edition of the New York Times and further detail in testimony for former CIA Latin American task force chief Alan D. Fiers before the Senate Select Committee on Intelligence stated there were intercepted communications between officials of the Sandinista Government and several Members of Congress, members of their staffs, and others.

What does "others" mean? By the way, nobody was listening in on Members of Congress. They were listening in on the commie dictator staff up here at the Nicaraguan Embassy run by Communists. Lo and behold, we find Communists—I mean we find Members of Congress calling these Communists and calling down to Managua on open phone lines. Amazing.

"These communications allegedly"—Let me tell you, I have heard about these for 4 years now, and I think "allegedly" is just being gentlemanly.

"These communications allegedly suggest that these individuals have provided improper advice," that is a given, as far as this Member is concerned, "and/or engaged in possibly illegal activities with the Soviet-backed Communist Sandinistas."

Remember, that was one of the octopus limbs of Mother Russia: Nicaragua, Cuba, Angola, Afghanistan—killing 1 million people in Afghanistan during this time period. Same people.

Marcus Wolf, head of the East German secret police, crushed East Germany and ran the spy operation in Angola and in Nicaragua and taught the local Communists, the indigenous people, how to do it themselves.

□ 1500

Back to this letter, final paragraph:

These allegations are so severe and potentially so damaging to national security and to the reputation of the House of Representatives,

far more damaging to our reputation than a couple of dozen people kiting checks,

that we believe the American people have the right to a full public review of this issue. Therefore we request that you declassify and release all documents and transcripts relating to these alleged communications between Members of Congress and the Sandinista communist government.

I predict, folks—you do this always at some risk unless you are Nostradamus, and, when you analyze that 17th-century seer, his prediction rate was not all that swift—I predict that someday on the front pages of the conservative newspapers of this country and the following day on the front page of the L.A. Times, Washington Post, and the New York Times—I hope they prove to me that is a cynical remark; they will all be on the front page the same day; you are going to see conversations that go like this:

"Buenas dias. Alejandro Fandana, aqui," and you are going to hear a voice of a Congressman say, "My Spanish is not too good, Alejandro."

"Listen. Here is how you defeat Ronald Reagan and the U.S. Government. Let me give you some free public relations advice. You do this, and this, and this, and this."

One of these people gave advice to one of these little Communist dictator brothers, Daniel Ortega, right in front of U.S. Senators. A House Member said, "Here's what you have to do to thwart the will of the foreign policy of a President who just carried 49 States and embarrassed a former Vice President by taking his own native State of Minnesota away from him.

One more trip and 6,000 more votes, and President Reagan would have batted a thousand, 50 for 50, every State. He took 49, and people knew this was a hot issue, whether or not communism was going to win in Nicaragua or whether a year and a half ago we were going to see Violeta Chamorro sworn in, the first lady President of any country in this entire hemisphere. What a glorious day that was with Daniel Ortega swaggering around because his brother Humberto was given the security force and the military and still is the comandante of those security forces undermining with raw communism everything that President Chamorro tries to do.

No, one of these Senators, a war hero, a 6½-year POW, went out and said to the press, and never got criticized for it, these following tough words:

"If I had a gun, I would have shot that Member of Congress."

How do you like that for a line out of a U.S. Senator?

I am not going to identify him here today, Madam Speaker. "If I had a gun, I would have shot that Member of Congress from Pennsylvania." He was a Member of Congress giving advice to a Communist dictator. Could not happen today now that the Berlin Wall is down and Mother Russia has opted in several segments for freedom. No, that is the scandal, and you are going to see it on the front pages, this give-and-take dialog.

Where will Woodward and Bernstein be then to write a book like "All the House's Men," just as they did "All the President's Men"? Where will Warren Beatty be? Coming out? Or Jack Nicholson? Or Robert Redford trying to get the movie rights and taking the exact transcript as printed on the front pages of our newspapers between Sandinista leaders and elected Members of the U.S. House of Representatives who multiple times have raised their hand in this well on the day when everyone of us is here, and the cameras are allowed to pan a full House, and promise to uphold the Constitution of the United States against all enemies, domestic and foreign. How can you trust somebody to oppose domestic enemies when they are giving foreign enemies, enemies of freedom, enemies of the people of Nicaragua, Communist thugs, public relations advice, if not secrets of this country on how to get communism to win in Nicaragua? That is going to be a day when those transcripts appear on the front pages of the paper.

Short item: Let us call that subject, "Day of Reckoning." We will call the other one "Kimberly Bergalis, A Young Saint For Our Time." I ask unanimous consent to have those titles inserted in the front of my speech. Just call this one, "Police Corps."

The Police Corps bill was voted down yesterday. It is an attempt to fight the crime wave across this country that resulted from a liberal philosophy destroying the ethos of our Nation and the principles by which we live. It has reversed the ideas of "Gangbusters," a radio program that I heard as a child that opened up with, "Crime does not pay," and turned that around into an absolute truism. Crime does pay in America.

Most rapists, 1 out of 10, don't even get charged, let alone sent to jail. Most murderers are beating the rap in this country, and as for aggravated assault, burglars and robbers, the rate of apprehension and imprisonment is so low compared to those felons that it is staggering. We are the shame of the world as an advanced industrial society, and we had a chance with Police Corps to do for the great police departments across this country what we have done for the military with the Reserve Officer Training Corps.

ROTC is in most college campuses in this country and many high schools. I had 4 years of Army ROTC in high

school at Loyola High and almost 3 years at the University. It so motivated me I quit college to join the Air Force to be a fighter pilot. Thank God I served in peacetime under a five-star general and never had to kill another mother's son, but I was proud to be combat-ready during the Eisenhower years. ROTC was what inspired me in addition to a war hero, my father from World War I with three wound chevrons, that is Purple Hearts, a different name in World War I.

This Police Corps went down in committee 20 to 14. That was wrong. The gentleman from Florida [Mr. JAMES] was voted wrong by his staffer by proxy. So, he would have voted for my bill. That would make it 15 to 19. Four Republicans broke their word to me because Richard Darman sent over a stupid hit piece against this brilliant idea, and it is not my idea. I am just carrying it. So, can call it brilliant. This terrific Police Corps, like ROTC, four Republicans broke their word to me, and they said we had to go with this hit sheet of Darman's, and it was filled with stupid analysis and misstatements of fact, and, as the gentleman from Illinois [Mr. HYDE] said supporting it, one of the stars of the Judiciary Subcommittee that had this before it, he said, "With all the strange things that we find grant money for around here, I think we can find \$100 million in a trillion-plus budget to give people scholarships to college to study any major they want, take a few police science courses, and get some help from their government, and then, as a payback, serve for 4 years on a police department of their choice."

Well, Madam Speaker, it went down. But I know this battle is far from over, and in the end we will win. I will see to it that this bill gets to the House floor for the entire House membership to vote on it.

End of that item.

Item one, two, three, four—item five: "Stop the Church," this anti-Christian, anti-Catholic film. It was run on L.A. television even after I spoke with the president, William Kobin, K-o-b-i-n. I rush to spell it because I am the grandfather of three little darling grandchildren with the same phonetic sound spelled C-o-b-b-i-n.

K-o-b-i-n, William Kobin, who ran the film, said he agonized over the decision. He gave New York the excuse to run it. This is after hundreds of PBS stations across this country turned it down. It never was run by our PBS station here in Washington, WETA, but it was run on KCET in Los Angeles. That means Community Educational Television. Not here, but New York could use that excuse, used that excuse and ran this film, and then Boston, and of course San Francisco. These happen to be the four cities where there is the largest Catholic population in the United States, and I repeat what I said

on this floor before this decision was taken.

If this film were titled, "Stop Judaism," or "Stop African Americans or Black Americans," or "Stop the Homosexuals" there would be a fire storm, to use that term again, across this country in the dominant media culture ran by liberals that a bigoted, racist, or antireligious film had been run.

Since I was last in the well I saw the film. I stand corrected. The host, the consecrated host, the body and blood of Jesus Christ for believers, was not ground into the concrete on film, although it was done at another event. That was the only restraint these radical producers showed. But one host was held up laughingly and mocked. And the film was so poorly done and so viciously anti-Christian that I am now willing to show it anywhere as long as they have a better discussion after the show than they had at KCET. Father Woods tried to do a nice job but was not tough enough. It is Kathleen Brown's husband, Gordon von Sauter who is the kind of person you want on the debate. I would volunteer myself immodestly, and I am going to see that Boston, New York and San Francisco at least have some vigorous, lively discussion since they have already run this show.

This is a disgrace, this assault upon my parish church as a youth. I was baptized in St. Patrick's Cathedral in May 1933. My mom and dad were married there June 27, 1929. I loved that church built with the dimes and pennies of Italian, Polish, and Irish immigrants, who were fleeing despotism and antireligious purges all over Europe. Every part of Europe came and built that church way out in the farm lands, and it ends up at the 51st Street in midtown, New York, the most exclusive area right across from Rockefeller Center and Atlas with the globe on his shoulders.

□ 1510

My memories of St. Patrick's are beautiful, and when I go back there, I get tears in my eyes thinking about my mom and dad who loved that church just like you would love a little wooden country church. It just happened to be the most beautiful cathedral in the Western Hemisphere.

To have this radical group go in there and desecrate the religious ceremony, to take the host in their hands or by mouth, throw it on the ground and desecrate it outside—how dare anybody do that.

I am going to appeal to my Jewish brothers and sisters across the country, to stand with me on this as I have stood with them every moment I could to fight anti-Semitism, a sick disease that has permeated society for 2,000 years, sometimes with a lot of Christian complicity. I have visited 12 concentration camps, from Babi Yar to

Sallas Fields in Latvia, to Jasenovac down in Yugoslavia just a few months ago. I took the time with my younger son Mark to drive to all six extermination camps in Poland—Belzec—the complex of killing that wiped out 4 million Jews—Auschwitz, and the big satellite camp, Birkenau, and ended up at Sobibor, Treblinka northeast of Warsaw. I visited them all. My son said he will never forget for the rest of his life what a special evil on the planet Earth anti-Semitism is.

I ask my brothers and sisters of the Jewish faith, to support your Catholic brother, even if you are not religious or not practicing. You do not have to be Orthodox to agree with me on a lot of social issues. I have been to the opening of the Simon Wiesenthal Center. I have traveled with my friends, Rabbis Marvin Hyer and Abe Cooper. I have been with them in every battle against anti-Semitism. I am going to meet with some Arab-Americans in my office and break their hearts when I tell them I cannot vote against Israel, even with my President right now. Why? Not because of the geopolitics and a fair analysis of settlements being built on the West Bank that I do not think should be there. What is driving my support for Israel is that it is a tiny nation of 3.5 million people born out of the horrors of anti-Semitism.

But I ask my Jewish brothers and sisters, as some courageous rabbis have come forward, to condemn this filthy bigoted film, "Stop The Church." And I hope that a lot of my colleagues join me in supporting not only defunding the NEA, but Public Broadcasting as well. That our tax dollars went to subsidize this filth or the stations that aired it is just too much to stand for. And let me tell you one thing, Madam Speaker, as a loyal stumbling, sinning practicing Catholic. Hell will freeze over before the church will authorize sex outside of marriage or just plain everyday, modern-day Hollywood sex, sex for young people. That is not adultery but fornication. The church is not going to authorize that. Never.

The homosexual militants want to convince the church to morally sanction some of the tub baths in New York, now closed by disease. To morally sanction the Mine Shaft. Have you got that? Am I talking over the heads of the kids? The Mine Shaft, the Anvil—these are homosexual bars which probably account for thousands of deaths. How is the Catholic Church expected to change its magisterium, its teaching, its dogma and say, "We aren't going to allow heterosexuals to have sex outside of marriage or sex in grade school or high school or anywhere, for that matter, where it violates the dignity of respecting your own body and the bodies of others, but we are going to give a free pass to homosexuality. They can have sex with 50 strangers a month and we are not going

to condemn that lifestyle or relate it at all to this biblical scripture, "The wages of sin is death." We are not going to do that.

No, that is not going to change, and you are not going to get easy divorce out of the church, just out of the occasional very weak priest and an occasional disgraceful weak bishop. And the second item the anti-Catholic radicals want to change church teaching on is abortion. But I can tell you, no matter how many Catholics in this Chamber or how many Irish Catholic sinners voted disgracefully on the other side for abortion, the Catholic Church, the Roman Catholic Church, will not cave in to killing human life in a mother's womb. The Catholic view on abortion is not going to change. The Catholic view on homosexuality is not going to change. The Catholic view on sex outside of marriage is not going to change. Neither is the Catholic view on easy divorce.

The SPEAKER pro tempore (Mrs. UNSOELD). The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Madam Speaker, I hold for next week my final discussion of a Communist theme park.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

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.

EXTENSION OF NATIONAL EMERGENCY PURSUANT TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO 102-142)

The SPEAKER pro tempore laid before the House a message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

VACATING 60-MINUTE SPECIAL ORDER AND REINSTITUTING SPECIAL ORDER FOR 5 MINUTES.

Mrs. BENTLEY. Madam Speaker, I ask unanimous consent that I be allowed to withdraw my 60-minute request for a special order today and to request a 5-minute special order in its place.

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

There was no objection.

HDTV IS ESSENTIAL FOR DEFENSE NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, in the current DOD appropriations bill, the House added \$100 million for the development of high definition display technologies—known popularly as HDTV. This funding was intended to solve a problem which we encountered in Desert Storm when our weapons systems were unable to discern the difference between enemy vehicles and allied vehicles because the sighting display equipment was too fuzzy.

In no way was this intended to enhance the ability of our soldiers to watch Redskin games. And yet, the Office of Management and Budget chose to interpret this funding as being primarily for the development of a commercial technology. In assessing it that way, DOD was forced to request the Senate to disallow the funding.

In the Senate request DOD makes a flat statement that Department "has never requested funding to support development of technologies for commercial markets."

At about the same time this was going on, another agency within the Department of Defense—the Strategic Defense Initiative Organization—known by either SDIO, or more popularly star wars—was putting into place a whole group of strategies to transfer technologies developed by them—state of the art every one—to the commercial sector, to corporations.

And, the statement was made by the office director of the Technical Applications Office—that if the technology "is sitting on the shelf and U.S. industry isn't interested in it," then other options should be pursued. He was referring to opening up the SDIO data base to foreign companies.

I find this shocking. While OMB will discourage any research and development in HDTV—under the guise that it might, eventually, help the commercial television market—at the same time full funding is going into star wars with the understanding that not only will the technology be transferred to the private sector, but that it will be transferred to foreign companies if American corporations do not desire to use it.

It may only be a happy circumstance for the Japanese—but, if so, they are very lucky. First, because they want to get control of the high definition television market, and second, because staffers at SDIO already have been traveling to Japan, at the invitation of the Japanese.

Just plain common sense suggests that if we have orphaned technologies developed by SDIO, technologies which no American company wants, then the Japanese will be first in line.

The facts about high definition display technology is that commercial television is only a part of its value and in no way represents the critical need for this technology for weaponry, for medicine, for space.

Japan recognizes the many markets for more clearly defined displays, having invested over \$1 billion in its current technology. I am told by experts in the field that our technology is better—and more state of the art than the 10-year-old Japanese product. What we are missing is the money for the development.

Money which the Government of Japan willingly has made available to its industries either through tax incentives and ridiculously low interest rates—2 and 3 percent—or through outright awards.

Money which OMB will not allow the Defense Department to have to make the breakthrough on weaponry because it potentially may help U.S. corporations.

Day after day there are reports on other issues which convinces the average American that one sector of the Government is busy undoing what another sector of the Government is busily trying to get done. But, this takes the cake. This is not one agency undoing the work of another agency, this is rampant schizophrenia at DOD. SDIO every day of the week is out on the street peddling its technology to industry—but DARPA cannot develop a technology to aid in the use of weapons.

It is not only ludicrous, it is not good policy—as a matter of fact, it is not policy at all.

□ 1520

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1722). "An Act to provide emergency unemployment compensation, and for other purposes" and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon and appoints Mr. BENTSEN, Mr. MITCHELL, Mr. RIEGLE, Mr. PACKWOOD, and Mr. DOLE on the part of the Senate.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 3291) "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".

HOW MUCH GOVERNMENT CAN AMERICA AFFORD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Madam Speaker, I take the floor at this time to enter into a discussion of statistics. I think the American people are getting a little frustrated at the use of statistics in politics to enhance the political situation of both parties.

We have seen, at least starting about May of last year with the beginning of the budget summit that has become infamous in the history of this country, all the way through until today, speech after speech made on the floor of this House and article after article written by Members of this House and Members of the other body selectively picking out statistics to support their position.

On the Democrat side it is the position that the Reagan years have devastated America, have made the poor poorer and the rich even richer. On the Republican side it is the claim that the Reagan years were beneficial, that there was high growth, the longest period of growth in the history of this country.

I have to say a little blame lies on both sides. The Democrats, for their period of time for statistics, have selectively picked the 1970's, and particularly the end of the 1970's when this economy was turning down and in great recession. They take those bad figures and attach them to the figures of the 1980's, so that it will make the Reagan years look bad.

The Republicans usually start in 1983, when Reagan was elected in 1980 and took office in 1981, because they claim that the recession of 1980, 1981, and 1982 was no fault of Reagan, but was the policies of the Carter administration that caused the deep economic downturn, and therefore you should count the policies of the Reagan years and use the statistics starting in 1983.

Well, that may be all true. What I take the floor today for is to bring to the House a study that we unveiled this morning, a study done by the Institute for Policy Innovation under the guidance of Steven Moore, who is director of fiscal policy for the Cato Institute, and includes an introduction by the Nobel laureate James Buchanan, that looks back over a longer period of time and asks the question, which is the title of the study, "How Much Government Can America Afford?"

Ever since the budget agreement of last year, there has been study upon study about what are the results of the budget agreement and where are we headed as a result of raising taxes last year and increasing spending.

I think the evidence is coming in that what we are doing is pushing this country into financial disaster, and there is no hope for the future because

those that are in power in this Congress refuse to acknowledge progrowth policies that would allow American citizens to keep more of their money, to invest more of their money; that would lower the cost of labor, lower the cost of capital, lower the cost of savings, so that we can stimulate this economy into what is the backbone of this economy, and that is entrepreneurial spirit, small businesses of 10 or less employees up to 100 employees, that really creates the wealth of this country.

I look at some of the statistics that are coming in, some of the studies that are coming in, and it is very interesting. A couple of weeks ago a very distinguished gentleman that works for the U.S. Chamber of Commerce, Larry Hunter, wrote a piece entitled, "The Growth Gap."

It is very interesting, in that he points out that because of what happened last year and because of the track that we are on for the future, we are going to see a lower standard of living for American families, lower purchasing power for American families.

He makes this conclusion based upon the premise that we are going to see lower growth in production in this country as a result of this recession, and that the recovery after this recession, whenever it comes, is going to be so anemic that it is not going to bounce us back to the level that history has shown that we have had in our GNP, around 3 percent.

He, too, goes back to the 1950's and carries us through the history of our economy. He points out that ever since the 1950's we have averaged above or below the line, but we have averaged about 3-percent growth in this country every year.

We have had recessions. But when we have had recoveries, we have bounced back at such a high growth rate that it has offset the loss of growth by the recession.

That is not the case in the current recession. In fact, he makes the argument that it would be better to have had the kind of recession that we had in 1981 and 1982 than the kind of recession that we are having right now. Indeed, he makes the argument that in everyday terms, what this means is that at the end of 1992, 1½ years after the bottom of this recession, our standard of living will be about 6 percent lower than where it would be if the economy had performed up to snuff.

On a per capita basis this means the economy would produce about \$1,110 less for every man, woman, and child in 1992. This would mean that on an average, a family of four would have approximately \$3,000 less disposable income in 1992.

We face a growth gap. In other words, our economy has fallen through this recession and it is not going to be able to recover, which means a lower stand-

ard of living and a lower purchasing power for Americans.

Another way of looking at it is presented by this paper released today by the Institute for Policy Innovation entitled, "How Much Government Can America Afford?" Steven Moore goes back to 1950. Again, as Larry Hunter did, he goes through the history of growth in the United States. He is not placing blame on Republicans or Democrats, or on the President or Congress. He is just trying to lay out the case of what history has shown in this country, of allowing a government to grow by enormous measures.

Then he carries it even further. He carries it into and up to year 2020 and shows that if we continue the trend that we are presently on, what will be the state of the economy, the kind of living that Americans will have, in the years 2000, 2010, and 2020.

□ 1530

It is frightening. It is astounding.

We have in this country a creeping socialism, which is rather ironic.

Here we had the dissolution of the Soviet Union and, as our distinguished Republican whip said this morning, we have people in Russia that are more conservative than people in power in the United States.

His quote was, "The mayor of Moscow is to the right of the mayor of New York."

We are leading this country into a creeping socialism that is going forward toward what we have witnessed as the socialist governments of Europe and particularly the Soviet Union, and it does not seem like we have much hope of it turning around.

I want to quote some of the issue brief produced by the Institute for Policy Innovation, written by Steven Moore.

The past 40 years have witnessed an unprecedented increase in the size and scope of all government, but particularly the Federal level. Today the Federal Government spends over \$1.5 trillion a year or one-quarter, 25 percent of the Nation's total output, adjusted for inflation. The Federal budget has expanded by 50 percent since 1980, doubled since 1970, and increased sixfold since 1950.

This growth trend is not sustainable. Productivity, national competitiveness and living standards will suffer as they have already. Between 1950 and 1974, when the Federal Government was much smaller, our economy grew at a roughly 3 percent annual rate. Between 1974 and 1989, the economy grew at roughly 1 percent per year.

The difference in these growth rates means that rather than doubling every 25 years, family incomes are now doubling every 70 years.

All signs indicate that spending will accelerate rather than abate over the next three decades. Absent dramatic

reforms, the U.S. Government will command an ever-growing share of our national output. The budget will swallow up over 30 percent of our gross national product by the year 2110 and over 40 percent of our GNP by 2020.

In 1991 dollars, taking inflation into consideration, the budget will reach \$4 trillion within 30 years. To finance this spending, taxpayers will face a near-suffocating tax burden and/or deficits will skyrocket.

This issue brief is a basic primer on the Federal budget, detailing the magnitude and sources of growth since 1950, with projections through 2020. It also highlights the forces within the budget that are driving this spending growth.

The frightening story it tells can be summarized briefly. Failure to tame the Federal budget has placed America on a path of financial ruin.

First, fact, public expenditures are out of control at all levels of Government. The 20th century, particularly the past 40 years, has been a period of dramatic and uninterrupted public sector growth. This expansion is documented for Federal, State, and local governments dating back to 1930.

The data shows that today in the United States more than 40 cents of every dollar of national income is consumed by government, an alltime record, and that does not include the cost to the private sector of overregulation.

Government at all levels absorbs three times the level of the national income than it did in 1930. The Government captures 50 percent more of the national income today than 1950, with 42 percent of national output devoted to the public sector. The United States no longer ranks as a country with limited Government control relative to the Nation's past history and relative to other developed nations.

Second, fact, the Federal outlays have been growing at a pace two to three times the inflation rate. The vast majority of the growth in the public sector since 1950 has happened not at the local level, where Government is closest to the people, but at the national level. We can show this growth in Federal expenditures in real dollars and as a percentage of the GNP. And those figures show that the Federal Government now consumes more than \$1.4 trillion each year, double the real spending rate level of 1970 and six times the 1950 level.

Federal spending has climbed from 16 percent of GNP in 1950 to 20 percent in 1970. And as a result of the budget agreement of last year, 25 percent today.

Although the 1980's were supposedly an era of budget restraint, in real dollars the budget has expanded by more than \$400 billion in constant 1991 dollars and now commands a 10-percent greater share of national output than in 1980.

Over the longer term, in 1900, the Federal budget consumed \$1 of every \$15 in the economy. In 1950, it consumed \$1 of every \$7. In 1970, it consumed \$1 of every \$5. And today the Federal budget consumes \$1 of every \$4.

Third, fact, domestic outlays have been growing much more rapidly than defense spending. We hear on this side of the aisle all the time about defense is the problem, defense spending is the problem.

Let us look at the facts. Unlike what many Members think, the facts show that national defense spending has been only a small part of the budget expansion since 1950. We show that most domestic programs have grown substantially faster than defense spending since 1950. In fact, real defense spending has grown by 3 percent per year since 1950.

Total nondefense spending has grown by roughly 5 percent per year over that same period of time. Total nondefense spending has climbed in real dollars from 1960. From \$160 billion in 1950 to \$1.1 trillion today. Defense spending is roughly 5 percent of GNP, far below the post-World War II average, whereas nondefense spending has doubled. Nondefense spending has doubled from 10 to 20 percent of our gross national product.

Fact, entitlements are the most explosive area of growth within the Federal budget. We show that entitlement programs, mainly health care, welfare, and Social Security, have been the most explosive areas of growth.

Entitlement programs have driven the dramatic increase in Federal spending since 1950. Entitlement spending is doubling every 8 years. In constant 1991 dollars, entitlement spending has soared from \$30 billion in 1950 to \$200 billion in 1970 and now \$600 billion today.

Health care and Social Security outlays have been expanding by 12½ percent and 11 percent respectively in real dollars since 1950, three times the inflation rate over this 40-year period.

Fact, demographic, political, and economic factors will contribute to continued government expansion for at least the next 30 years. If Congress and the President do not take steps to reverse the past 40-year trend in Federal expenditure growth, the budget will balloon to economically unsustainable levels.

□ 1540

Unfortunately, pressures for continued budget expansion seem to be outweighing pressures for budget restraints.

These factors I am talking about that will drive us into unsustainable levels of spending in our budget include a changing demographic profile in the United States over the next 30 years that will substantially increase the number and percentage of Americans

in retirement and eligible for Social Security and Medicare. Today there are three workers for every retiree. By the year 2030 there will be less than two workers supporting every retired person.

Continued calls for new spending programs in high priority areas include aid to cities, expanded welfare coverage, new energy and environmental protection programs, new entitlements for children, the disabled and the homeless, and a national health care program, increased expenditures for interest on the national debt as an expanding Federal budget continues to drive up borrowing and interest payments.

The breakdown of the past and existing budget restraint mechanisms such as the recently scrapped Gramm-Rudman-Hollings law and the complete ineffectiveness of the 1990 budget agreement which has allowed spending to climb by more than 10 percent in its first year.

The budget forecasts through the year 2020 presented below are based on a series of reasonable assumptions regarding the economy and the changing demographic picture in the United States and projected spending priorities of Congress. These assumptions are No. 1, real GNP will grow at a 2 percent real annual rate over the next 20 years, which is the latest prediction by the Social Security Administration.

Assumption No. 2, defense spending will fall to 5 percent of GNP, well below its post-World War II average, and remain constant at that level.

Assumption No. 3, Social Security and health care expenditures will rise at the rate forecast by the Social Security Administration and the Health Care Financing Administration. This assumes no new or expanded benefits over the next 20 years. We all believe that.

Assumption No. 4, discretionary programs in the budget will grow at a pace half a percentage point below the real annual rate of growth from 1950 to 1990.

Another fact: Virtually every nondefense area of the budget will increase in real dollars, and as a share of GNP through the year 2000. Based on the set of conservative assumptions that we just listed, detailed projections of Federal spending are detailed in our report. Thirteen of the fourteen nondefense program areas are expected to expand in real dollars over the next three decades. All but veterans' benefits and international aid. Ten of the fourteen will consume a growing share of GNP.

The data paint a very gloomy picture. In 1991 dollars, outlays in the year 2000 will climb to \$1.85 trillion; in 2010 to \$2.7 trillion; and in 2020 to \$3.9 trillion.

Another fact: Entitlement spending will continue to surge and command a growing share of the Federal budget

over the next three decades. As has been the case since 1950, uncontrollable entitlement spending will fuel the budget expansion of the next three decades. Real outlays for entitlements such as health care, Social Security and income security will reach \$1 trillion in 1991 dollars by the year 2000 and \$1.3 trillion by 2010, just less than what is spent on the entire budget today. Let me repeat that. Real outlays for entitlements such as health care, Social Security and income by the year 2010 will reach \$1.3 trillion, just a little less than what is spent on the entire Federal budget today.

By the year 2020, entitlements will cost \$2 trillion in 1991 dollars. Entitlements will consume the same share of GNP as the entire budget does today.

Because of the pay-as-you-go feature of entitlements, on average, in the year 2020, each worker will have to pay \$10,000 in taxes each year just to support the entitlement programs.

Another fact: Domestic discretionary programs will also expand rapidly in the coming decades. Entitlements are not the only component of the Federal budget where spending will climb significantly over the next 30 years. We show where there is an incredible increase in domestic discretionary spending. These are typically and correctly regarded as areas of budget neglect. Highlights include real spending on domestic discretionary programs such as social services, community development, science and space and so on which will double in less than 20 years and more than triple in 30 years as they did from 1950 to 1991.

By 2020, total discretionary domestic programs will consume roughly twice the level of GNP as they do today, from 5 percent to 10 percent of GNP. Some of the fastest growing programs will include education and social service spending, which will climb in 1991 dollars from \$43 billion today to \$191 billion in 2020, transportation spending from about \$32 billion today to \$98 billion; and science and technology from \$16 billion to \$150 billion.

Fact: The Federal deficit will reach massive proportions in the near future, even dwarfing today's record-setting over \$300 billion deficit.

What implications will this growth in government spending have for the Federal deficit? Over the post-World War II period Federal taxes have averaged roughly 18½ percent of GNP. Today, taxes consume roughly 19½ percent of GNP. Assuming Federal taxes rise steadily to 25 percent of GNP by the year 2020, which would constitute a Federal tax burden roughly 4 percentage points higher than ever before in the United States during peacetime, and higher than even during periods of war, the Federal deficit would still skyrocket to seemingly inconceivable levels in the early part of the next century. The deficit in 1991 dollars will

swell to over \$400 billion by the year 2000, \$750 billion in 2010, and the Federal deficit will be \$1.55 trillion by the year 2020. The deficit in 2020 will be larger than the entire budget today. The deficit will reach 6 percent of GNP by the year 2000, 9 percent in 2010 and 16 percent, the deficit will be 16 percent of GNP in 2020.

□ 1550

If the deficit climbs to these forecasted levels, then clearly interest expenditures will also skyrocket over the next decade, or the next three decades; annual interest payments in 1991 dollars will reach \$300 billion by the year 2000, and interest will be a staggering \$760 billion by 2020, and interest buys us nothing. Interest payments will grow by 5 percent per year for the next 30 years, or 2½ times the expected rate of real economic growth over this period.

Just under 20 percent of all Federal spending will go to finance the national debt by 2020, up from roughly 15 percent today.

An alternative to running these massive deficits would be for Congress to attempt to balance the budget by simply raising taxes to match annual spending since, on average, the Federal Government will spend \$28,000 for every American worker. This would require Federal taxes, as a share of the worker's income, would have to rise by 20 percent above the current level by 2000. Taxes will have to rise by 75 percent above current levels by 2010, and taxes will have to go up roughly 150 percent above current levels by 2020. One-third of all our workers' income will be taken up just by the Federal Government in the year 2010, and more than 40 percent of all worker income will be taken up by the Federal Government in the year 2020.

As this analysis makes painfully clear, the political and economic costs of raising taxes to match projected spending over the next 30 years or running deficits that could reach more than \$1 trillion per year would be ruinous.

As former Council of Economics Chairman Murray Weidenbaum has warned, sooner or later, sooner or later Congress and the President will face a rendezvous with reality. The fiscal reality is unmistakable. Urgent and dramatic action in reducing the size and scope of the Federal Government is required to head off the fiscal calamity that we will otherwise bequeath to our posterity.

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Texas [Mr. ARMEY], the distinguished Dr. ARMEY, doctor of economics and a gentleman who is trying to drive this House to reasonable and rational fiscal policy.

Mr. ARMEY. I thank the gentleman for yielding.

Madam Speaker, I appreciate so much the fact that the gentleman took this special order.

I had the privilege last evening of acquiring my copy of the study done by Mr. Stephen Moore for the Institute for Policy Innovation on this whole question of how much government can the Nation afford. Quite frankly, I was anxious to get home to my wife last night, so I have to confess I did not read it last night, but I was in my office at 6:30 this morning, and I read the study, and I must say I am in agreement with the gentleman from Houston that it is a very well-done study.

Let me point out something. I taught economics in American universities for 20 years. I personally directed many master's theses and, in fact, have written my own book on the subject of economics, have been involved over the years in my real life in conventions where scholarly papers have been delivered and refereed, have done so myself, and I think I am capable of judging good workmanship when a study is prepared and presented. I think the young man, Mr. Moore, deserves to be complimented for the quality and the thoroughness of his research.

I think the report is not only beyond academic question, but it is extremely important in terms of providing the detailed chapter and verse to what probably all of us intuitively understand, that we are getting too much Government spending of the Nation's resources, when 25 percent of the gross national product of this country is consumed by the U.S. Government as opposed to our historic record of something closer to 19 percent.

Now, I would like to also relate something the gentleman said earlier in his remarks in this special order. I was sitting in my office, and when I looked up I noticed the gentleman was giving a special order, I did, as I usually do when the gentleman from Texas is on the floor, I turned up the volume and turned down my staff so that I could tune in without delay, and at any rate, when I heard the gentleman's opening remarks, I realized that they were perspicacious enough that he deserved an army of support and decided to come right to the floor and do what I could do to assist.

But the gentleman related to what we are all too often seeing in the press today. I saw a story just last week in the newspaper. The gist of all of these stories is that the 1980's were a failure, that in America in the 1980's, we are told, the rich got richer and the poor got poorer.

This is, in fact, a cliché. I think it comes from an old song. I might be prepared to sing it if the gentleman from Houston would assist.

Mr. DELAY. I think we can do without the song.

Mr. ARMEY. But this is an interesting complaint quite often about our

great Nation. It is often alleged that in America the rich get richer and the poor get poorer.

I think, again, the American people, in realizing this would have an intuitive reaction to that. Were the 1980's so bad, and if the 1980's were so bad, were they so bad relative to what? And as I look at this, the stories ask me the question.

Let me now reflect back for a moment on the 1970's. In my real life, I am a working man; I have always worked at a salaried occupation. The prior 20 years prior to being hired for this job, I worked in three or four different American universities as a professor of economics.

But essentially I had the same problems as anybody in America working on a salary, that is to say, feeding, clothing, caring for, raising my children, and my wife and myself, and, of course, my children were growing into their young adulthood in the 1970's. I had the same wishes and hopes and dreams and fears for my children that I suppose we all do as we see them beginning their high school years and going on to their college years, anticipating their completion of college, their marriage and setting up households and all of the things we hope for our children.

I remember in the 1970's interest rates going through the roof, unemployment rates soaring; from an academic point of view, I dealt with it in the classroom with my young students, with the phenomenon called stagflation, which prior to the 1970's all scholars across the world said was impossible under capitalism. According to the great scholar Phillips, you would either have inflation or recession, but you would never have both.

In the 1970's we had both. We called it stagflation, and it was a mystery. It began in the 1960's when Lyndon Johnson was President. He could not avert it. It went on then during the period of time of the Nixon Presidency, and he could not avert it.

□ 1600

The President's Board was stumped by it and President Carter, as you may recall, became enormously unpopular with the American people as he suffered through the worst of this stagflation; but in the seventies we saw a sense of malaise come over the American people, discouragement. In fact, President Carter called that to our attention.

I remember those feelings myself and my wife in conversations that we had.

I would ask the citizens of this country to remember the seventies and eighties, these horror stories about how awful were the eighties.

I remember my concern that my children upon their completion of college, and upon their marriage, arriving at that point in their lives where they

would hope to be married, buy a little home and start the process of raising a family as I have gone through, my fear was that they would not be able to do that.

I remember the stories. More and more we saw in the late seventies, the young marrieds living with their parents because they could not find housing, could not afford housing, and the discouragement we had. Stagflation was killing us.

Now, I also look back and take an honest view of the question of income distribution. Let me just tell you first of all a couple problems you have with that. When we see studies and reports on the distribution of income, what we do is we break the distribution of income up into five quintiles. We take the lowest fifth, the second lowest, the third, fourth, and fifth, the top fifth of the income distribution. The studies that make cross time comparisons, comparing 1978 with 1988, and so forth, implicitly assume that the same people are in the same quintile in 1980 that they were in 1970. They do not recognize that in the normal course of a family's life, they will travel through quintiles of income distribution.

Let me give you a quick and homely example. Social stratification being what it is in the universities, we do have nice studies. In 1964 I had my first real job as an instructor in a university. An instructor, a new entrant in the labor force, a person beginning my career, I was in certainly at least for that profession the bottom quintile. In the ensuing few years, I completed my education, went from a Master's level of education to a Ph.D. level of education, went from the rank of instructor to assistant professor, had 3 or 4 years of real experience, wrote some articles and got myself in many ways more qualified to more ably do my job, and my income went up. I moved into another quintile of income distribution.

Now, I was clearly better off through my efforts, but as I move up, somebody else moved into that bottom level just coming from graduate school.

Then eventually I move up into another rank called an associate professor, being even more qualified, more years of experience, more duties undertaken on my part, and my salary went up. That is the way we do it.

So comparing these five quintiles of income distribution, one needs to understand that people are not locked in for a lifetime to one of the quintiles versus the other.

One of the things we see when we look at the quintiles, the bottom half, is that they go up through time and people move through them. So these are not very good comparisons, but let me go on.

If you take the years 1976 to 1980, the absolute worst, most depressing, most frustrating, that is to say when you

have unemployment rates you have depressing circumstances, when you have rapid rates of inflation you have frustrating circumstances. Those years that were worst which were dubbed the days of national malaise, in those years you find the only period of time in the history of this country were, in fact, the rich got richer and the poor got poorer. By that I mean there was some slight, very low level of growth in the upper-income quintiles, the top three quintiles of income distribution increased during those 4 years. The bottom two quintiles of income distribution literally decreased. So the poorer two quintiles got poorer and the top three quintiles got richer.

Now, I might mention that is precisely the period of time in my life that I was traveling through the quintiles. So for me and my family, because of my efforts we moved on through and we did not get stuck in the bottom quintile and stay there, but that is the only time that happened.

Now, let us look at the facts. Ronald Reagan was elected to the Presidency of the United States in November of 1980. He was sworn into office in January, I believe, of 1981, is that correct?

Mr. DELAY. Yes.

Mr. ARMEY. Congress typically does not begin to do its work with any degree of earnestness until late February, middle February, or March of every year.

Now, a new President has to make the recommendations to the Congress, has to put the recommendations through the Congress, has to get the recommendations enacted into law and the earliest a new President's program could begin to be enacted would be the year following having been sworn in, so January 1982 would have been the earliest that the President's program could have been enacted into law. That is to say throughout the year 1980, the last year of the Presidency, and through the year 1981, the first year of President Reagan's Presidency, the circumstances of this Nation would have been governed by the policies of the prior President, and of course as we know that was when the conditions were the worst. It was only in late 1982 and thereafter that we had President Reagan's programs.

We know that once President Reagan's programs went into effect, remember the high drama of breaking the back of inflation, then recovering from unemployment, that we had after that period of time beginning in late 1982 or early 1983 the longest peacetime economic expansion in the history of this country. That is irrefutable fact.

During all that time, each of the five income quintiles grew. That is to say, no matter where you were in the distribution income in this country, if you were in the highest fifth, the average income of that fifth was higher and grew throughout all that period of

time; so that whereas in the seventies I had to traverse through quintiles that were going down and then up, in the eighties a young person beginning as I have done would have started in quintiles that had a secular trend to go up. I would be improving my well-offness in a world of improving opportunities.

Now, that sometimes is very difficult to grasp, but it is particularly difficult to grasp for those who do not want to grasp it, but it is distressing to me to see this continuing misrepresentation. And why is that?

Mr. DELAY. Madam Speaker, if I could interrupt the gentleman, the gentleman has just laid out for the House basically, to put it in crude terms, the rich got rich and the poor got richer.

Mr. ARMEY. During the eighties, the rich got richer and the poor got richer.

Mr. DELAY. Yes.

Mr. ARMEY. Now, the problem a lot of people have with that is their complaint that the rich got richer at a more rapid rate than the poor got richer; but remember, we are talking about categories. When you complain that the rich got richer at a more rapid rate than the poor got richer, what you are complaining about is that people who were going through a normal occupational career life cycle, beginning with the time they begin to work full time in support of themselves and their families until the time they reach the full maturity of their career earning power, career effectiveness, were moving through quintiles of income into always a better quintile with higher average earnings.

□ 1610

That is, nobody was stuck, or was somebody? Let me ask this: I often like to ask people questions that force them to draw on their own experience. Fritz Machlup once made the observation that sometimes the best empirical testimony one can find is that of their own experience and that of their close associates.

Let me ask if you know somebody who is stuck in an income quintile; that is, stuck on a fixed income, who is not having their income going up or going down, check and see how many such people you know whose income is not, for the most part or at least by and large, derived from some source of public payment as opposed to private earnings. That is to say I would suggest to you, going back to the more important work that the gentleman was doing about what we have discovered from this very fine study that Mr. Steven Moore has done, that in the dynamic vitality of the private free market economy, where real free, hard-working, ambitious men and women in this country work out their lives in support of themselves and their families, that you see the dynamics of the

great promise of America, which is equality of opportunity, access to opportunity, the achievement of opportunity. And in programs of public expenditure, especially as this study points out, with the increasing share of total public expenditure going more and more to entitlement programs, that you find a tendency for people to find themselves in the despair of economic and financial stagnation. And those that may find themselves stuck in a quintile of income distribution are people who find themselves so dependent on the public support program that they are incapable of earning themselves on to another place and that freeing people to greater levels of achievement of prosperity and well-being, would give them a chance to get off the public dependency program, that safety web that official programs trap people in, and into the private sector with real jobs and real opportunities to live by your merits and move up.

The other thing I would like to say is a fundamental question I think we have to ask ourselves, and the answer is fairly obvious to all of us, is in this political institution, political-economic institutional structure we have in the United States, which has a public sector and a private sector, does the Government support the private economy or does the private economy support the Government?

We have it backwards in our understanding all too often, all too often. We put together—I served for 6 years on the Committee on the Budget, and I watched this process each of these years. We put together all of those programs that we think are necessary as public programs to support people in the real economy and the real country. And then we see what might be the deficit from all of that spending we put together. And then we return to the question: Will the growth in the real economy be great enough to sustain these programs?

So even though we build the budget on the predilection that we must have this enormous amount of public expenditure to support the private sector, we judge our hope for success or failure on the question of will the private sector be successful enough to be able to support this? What this study has shown us is that since the 1950's the public sector has grown like Baby Huey, has grown so large on the back of the private sector that we cannot sustain, we cannot carry this tremendous load. What we have done is we have moved from a nation of freedom of enterprise, freedom of enterprising young people doing their best in their jobs, a nation that increasingly is more and more depending upon the largess of public programs.

What did we see in this study? One of the most fascinating things I found was that as the share of the gross national

product consumed by the public sector went from something like 16 percent in the 1950's to 25 percent here, it became increasingly more difficult for the economy to sustain a growth rate. Now, let me, and one should never argue by analogy, but let me: If in fact it is the private economy of the United States that carries the burden, and we want it to grow, in effect we want it to march uphill. Is that right? We would like to have it march uphill with a 5 or 6 percent—5 percent or 6 degree incline, 5 or 6 percent growth every step of the way.

And let us say, going to my analogy again, let us say I am going to carry my gluttonous stepson or my gluttonous uncle on my back, trudging up that hill. Right? Let us say I am Mr. Private Sector of the American economy, carrying my gluttonous Uncle Sam up the hill.

And as I go up the hill, Uncle Sam continues to reach down off my back into my legs and pull a chunk of muscle out of my leg and eat it, and as he pulls each chunk of muscle out of my leg, my legs get weaker and he eats the muscle and he gets fatter.

So I am, increasingly, becoming weaker in the legs, carrying an increasingly bigger Uncle Sam on my back.

There comes a point, and this is the point that this study is concerned about, where the private sector cannot carry that load anymore, where it crushes that load, it crushes it. This is what I think this study has shown. We are reaching that point.

If we are not prepared to become creative, courageous, and responsible in controlling this growth of public spending, it is impossible for the economy to derive from any source whatsoever the best and brightest of our young people, or wherever we might acquire the source of energy that drives a great nation. There would be no source of energy that would be great enough that would allow this great Nation, with all its skilled workers and all its great craftsmanship and all of its entrepreneurial power and ability, its managerial leadership, none of the best of the assets of this country could achieve and obtain and continue to maintain the strength to carry this gluttonous monster of Government on its back on any incline whatsoever.

Now, what happens when it collapses and turns down, then that Uncle Sam becomes like the proverbial snowball carrying everything down into a terrible depression.

I think we are reaching a point of decision in this country, and the decision point is: Are we as a nation of people going to be prepared to take a look at our recent history? What did we try in the 1960's, and did it work? What did we try in the 1970's, and did it work? What did we try in the 1980's, and did it work?

Let us not have our ability to see these things clouded up by studies that

are trumped up like the infamous Green Book put out by the Joint Tax Committee. Let us not have ourselves confused by politicians telling statistical misrepresentations.

But drawing from our own experience: Did the things we tried with so much hope in the 1960's work? Did the 1970's and the policies of the 1970's work? Or did the 1980's work?

And from that experience, we had better then start looking for people who would work on our behalf in the Halls of Congress or in the White House who would draw on the best and the most instructive of those lessons to do for our children and grandchildren what will work. If we want those who would only have a continuation of the same old policies with their same old failures, then we can expect our children to be trapped in one of these bottom income quintiles with no hope to get out. And we will have this situation we have seen in Eastern Europe, we will have the same situation we have seen in Sweden.

□ 1620

Let me say I think we are approaching the end of the time of the gentleman from Texas [Mr. DELAY]. Let me say "hurrah," for the Swedes. The Swedes at least see the disaster in the making. Obviously they were not free to think for themselves and to act for themselves in the Soviet Union, comprised so much of slave nations as the union was, and we had the oppression of the Communist dictatorship for so long in the Soviet Union. We would not want to fault the intellect of the Soviet people, but the oppressive government they had in the Soviet Union left them not free to act on their behalf. But the Swedes had enough freedom so that, when they saw we are destroying our nation and its future of opportunities, they kicked the bad government ideas out just this past week.

Madam Speaker, I think it is time we do that in this case. We have so many good ideas, so much resourcefulness in our people, so much ability, so much ambition, and, as long as the gentleman will continue to yield, let me say this as a personal note:

I am sick and tired of hearing politicians talk about greed. It makes me too angry when I hear politicians talk about greedy American people. Greed is the desire to have more of what somebody else earned, and we ought to see that for what it is, and it is not good. It is bad.

There is something else that the American people are guilty of. The American people are not guilty of greed. They are guilty of something called ambition, and ambition is the desire to earn more for myself and my family and see my children do the same.

To see politicians who are taking money away from hard-working people

and squandering it on programs that fail them and fail their children's future, having the audacity to call American people greedy I think is an insult that ought not to be tolerated, and I have gotten that off my chest on the gentleman's time, and I appreciate the gentleman for that.

Mr. DELAY. Madam Speaker, I appreciate the gentleman from Texas [Mr. ARMEY] for his eloquent presentation, and more will follow, I am sure, in the future. We are headed for disaster, and, if the American people do not wake up and do something about it, they will reap the disaster on themselves.

THE RECESSION IS NOT OVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Madam Speaker, last weekend the Budget Director, Mr. Darman, Richard Darman, announced that the recession had ended 4 months ago. That was last weekend. He announced that the recession was over 4 months ago. He bragged about minuscule increases in this or that statistic. He tried to create the impression that the economic recovery was humming along right on schedule.

Madam Speaker, his ridiculous remarks belong in the Bush administration's rhetorical hall of fame along with other remarks that have made no sense and that reflect the insensitivity and the callousness of this administration to the plight of literally, literally, millions of American working men and women and their families along with the "no big deal" remark that the Secretary of the Treasury responded when he said that this recession was no big deal, or the "garbage" response, the President's description of our efforts to help the unemployed.

Madam Speaker, how can President Bush and his entire administration fail to see what every middle-class American family already knows in this country? This recession is not over. It is a big deal, and the Bush administration cannot make it disappear with rhetorical whitewash.

In addition, Madam Speaker, this is a middle-class recession. Of course, the rich have been affected, those who have invested their Reagan era tax breaks into too many reckless ventures, and of course, it affects the poor, who always seem to be the victims of bad economic policy. But the brunt of this economic recession is borne by the American middle class. It is borne by our working families, by the people who have worked hard to put aside a little money for their kids' education, or the men and women who are trying to buy a first home for their family. These are the people who are in their prime. They have job skills, they are working hard to make a living for their family, they

are dependable people, they are hard-working, and they have proven that they are good at what they do.

Madam Speaker, literally millions of these people have been on their jobs for years, and all of a sudden they go to work one day, and they are handed a pink slip, or the boss calls them in the office and says, "It's all over. We can't use you anymore." They go home, and it starts to sink in.

As my colleagues know, they will say, "Well, I'll get a job," and they make every call they can out of the newspapers, the want ads, to try to find employment, and then the bills start to mount up day after day after day. How are they going to pay the mortgage? How are they going to put food on the table? How are they going to invest for the future of their children's education by putting aside a few bucks?

For some the bad news came when their boss called, and sometimes without warning, to say that the plant is closed and that they will have to find another means of providing for their family. For millions the bad news turned into panic when their unemployment benefits ran out, and that is what is happening for more than 300,000 Americans each month.

Each month, 300,000 Americans have exhausted their unemployment benefits, the highest total in 40 years, 40 years. But these are just not economic statistics. They represent profound emotional and psychological issues as well.

Again, imagine the anxiety of knowing that you could be laid off at any moment, and those who are working have that anxiety. They read the newspapers, they listen to the radio on the way to work and home from work, they watch their television news. They know this economy is bad, and they know that many of their jobs are hanging by a thread when they hear that the gross national product has dipped, when they hear housing sales are off, when they hear that car sales are worse than they have been in years. They know that those are the engines in our society and that they in fact could be next because many people in our society are dependent upon those basic industries.

Imagine their anxiety of knowing that at any time they could be next. And they feel it. Imagine their anxiety in looking into the face of a child whose college funds have to be used to pay monthly bills to get by, dipping into that fund that for months and years they have sort of set aside and struggled to keep so that their kid could do a little bit better than they did. Now they got to go into it.

□ 1630

Now they have got to go into it to put food on the table and to pay the mortgage, because the unemployment benefits have been exhausted. And then

there is the insult to injury, knowing that the Government through the employer, indirectly in negotiations with the employee, has a fund to take care of them with \$8.5 billion in it. But they cannot get at it. They cannot get at it because the President does not think this is serious enough. He says it is not an emergency, and he will not release the funds for these people.

There is the fear that they feel that a sudden illness will wipe out their family because they have no health insurance. They cannot pay the premiums on their health insurance. Imagine not knowing where your next mortgage payment is coming from and what that means to your family.

The psychological impact of this recession is every bit as profound as the economic problems themselves, and both are squeezing American working families to the limit.

The President has two responses. First, he pretends the problem does not exist, the recession is over, and "It's no big deal,"—"garbage" policies. That is the administration talking. Then he says we need to give the economy a second dose of the same failed economic practices that got us here in the first place, with more tax breaks for the rich. That is their answer. That is the President's answer.

Madam Speaker, the American people are tired of this double talk. They know that this recession is deep. They know that it is not over, and they know what to do about it. The way to get the economy moving again is to put money back in the pockets of working families in this country so that they can build, save, and invest to get this country moving again.

Madam Speaker, I received a letter last week from a constituent in Mt. Clemens, MI. He lost his job, and his unemployment benefits had run out. Listen to what he says about his family. He says, and I quote:

We are educated people. I have an electrical engineering degree. To serve my country, I did a tour in Vietnam. Now I need help. * * * With a wife and three children, we are living with shattered dreams and fright from day to day. My savings are gone, and we may soon have to put the home we worked 18 years for on the market. Is there any hope in sight?

I want to say to my constituent and to all the American people that there is hope in sight. First, we will send the President an unemployment bill, and we will override his veto if necessary. We will do that next week. Then we will focus our attention on our own working families here in America.

The President wants to take care of the Turks, he wants to give emergency aid to Israel, and he wants to provide, and he has provided, emergency aid to the Kurds and to Bangladesh, but when it comes time to take care of people here at home, the blinders go on, the earplugs go on, and it is as if they are not there, they are invisible.

We are going to take care of these people next week in the short run—and it is just the short run—to give them a little bit to sustain themselves, to take care of those kids at home, and then we will focus our attention on working families. They will put America back on its feet if we in Congress will only respond to their call to action. What we need is middle-class tax cuts. We need to cut the taxes for middle-income American people who got zippo during these years of the 1980's with the great Reagan tax cuts which bankrupted this country and which I am proud to say I did not vote for, tax cuts that went to the wealthy. The middle class got zippo. The idea, of course, was that we would have this trickle-down, that we would give it to the wealthy, they would invest it, and it would come down to the rest of us. We need to give it to the middle class and let them take care of their basic needs and the needs of this country, so it can bubble up and so that we can all enjoy the wealth of this country.

Middle-class tax cuts are high on our agenda, right after the unemployment compensation bill and right after the transportation bill that will put 2 million Americans to work shortly. We will deal with our roads and our bridges. Sixty-one percent of our roads need repair. Two bridges in America fall apart each day and they cannot be used. We need to get on with dealing with our public transportation system. Basic is our infrastructure. That is a long, complicated word, but basically it means building America again with 2 million jobs. That is coming.

We need better schools and better highways, and then we need health care reform. We need health care reform to correct perhaps the largest of the social inequities that we have. There are 37 million Americans who have not a dime of health care insurance, and the cost of it is bankrupting virtually everyone who is paying for some system. These Americans are our priorities. We make them Congress' priority, and we pledge to the American people that during this fall session we will see that their needs are taken care of.

THE CREATION OF NEW JOBS AND ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Madam Speaker, I appreciate very much this opportunity to talk about jobs and the American economy and to make the point, first of all, that if you are going to have a tax cut, you have to begin by being in a position to have a job. If you do not have a job, a tax cut does not help you, and the No. 1 goal of American domestic policy for the near future should be

to create jobs to revitalize the economy.

It is fascinating to watch the drop in momentum in the United States, the loss of energy, the loss of jobs, the way in which the recession has sort of bounced along without a dramatic recovery, and to recognize that there are certain key lessons being taught all over the world, lessons ironically which were first taught by Margaret Thatcher and Ronald Reagan and which in the city of Washington it is very hard to get the political establishment to listen to.

The fact is we know what creates jobs. Incentive creates jobs. Encouraging people to save and to invest, encouraging people to work extra hard, encouraging people to go out and become entrepreneurs and found new companies and create new jobs, these are the things that create jobs.

We also know what kills jobs—raising taxes, big government, huge deficits, high interest rates, and tons of red tape and regulations. When somebody knows that if they go out and found a small company, they are going to drown in red tape, they are going to be overwhelmed with taxes, and they are going to face very high interest rates if they go into debt at all, their first instinct is to not start the new company. Why is that so important? It is important because virtually all new jobs in America come from small business. Large businesses, businesses the size of General Motors or Ford or IBM, tend to lose jobs over time. They buy new machinery, they buy new computers, they buy new equipment, and they shrink the size of their work force. So if we are going to have lots of jobs for lots of people, we have to have lots of small companies and lots of baby companies, baby companies that will some day be the IBM's and General Motors of the future.

We face a crisis, I think, because for the last 3 years the city of Washington and the national establishment have walked away from the lessons of the 1980's and have tried to reestablish the tax policies of the 1970's, the policies that led under Jimmy Carter to 22 percent interest rates and 13 percent inflation and set the stage for the worst recession of modern times.

Senator PHIL GRAMM and I are working together to create economic growth. We are working together to create the kind of changes that will lead to new jobs and new opportunities. We have introduced an Economic Growth Act. By that Economic Growth Act, it is estimated by economists that we would create 1,100,000 new jobs, and it would lead to the sale of 220,000 additional houses a year.

□ 1640

It would create an opportunity to have a housing boom. It would, by the way, thereby help the Federal Govern-

ment and help the taxpayer, because if we had more people buying more houses, that would lower the cost to the Resolution Trust Corporation of getting rid of the property the Government had taken over. That would save some banks and some savings and loans, and that would mean that the Treasury and the taxpayer would not have to bail them out.

Now, this is a bill, the Economic Growth Act, which we believe will help realtors who sell houses. It would help homebuilders who build houses. It will help carpenters who help build houses. It will help the forest products industry, which, after all, creates the products that go into the houses. It will help the textile industry, which creates the rugs and creates the covering for furniture.

When you look around the country, once housing starts begin to go back up, a lot of good things happen.

It is estimated the Economic Growth Act would lead to 220,000 additional home sales a year. Furthermore, when you encourage people to save and invest, when you encourage people to create a new factory, to buy new machinery, to set up a new business, you create jobs.

The 1,100,000 new jobs under the Economic Growth Act is not a small thing. It is actually more people than there are currently in the long-term unemployed. So we would actually be able to create jobs for all the people who are currently at this time under the definition of long-term unemployed.

How do we do it? First of all, we have a tax credit for copies with under \$43,000 joint income that enables them to buy that very first home.

Second, we allow every American to have an Individual Retirement Account. We allow them to save their money and have after-tax dollars and have a tax-free buildup.

We would make this provision: If you keep your money in that IRA for 5 years, you can use it for housing, you can use it for education, you can use it for health care, or you can use it for retirement. In fact, we have a further provision that parents and grandparents would be allowed to borrow, to take their IRA out and loan it to their children and grandchildren to help them buy their first home.

So again, we are moving toward that very desirable status of encouraging every young couple to dream and hope and work and save so that they someday can own a home.

In addition, we create enterprise zones in 75 urban and rural areas, so the poorest parts of America, whether in Michigan or West Virginia, will have a tax incentive to create jobs.

We know it works. We know enterprise zones have worked in Hong Kong. We know they work where they are tried. We want to bring them here to America on the premise that if we can

create jobs in poor neighborhoods so poor people can get off of welfare and into the habit of work, we make America stronger and better.

Furthermore, we cut the capital gains tax. Why do we cut the capital gains tax? Because we know that that will encourage people to invest, that will encourage people to create jobs, to create 1,100,000 new jobs. And we index capital gains for the future, so when you save and invest, you will not be paying taxes on inflation.

Furthermore, we establish a permanent extension of the research and experimentation tax credit. The research and experimentation tax credit. The research and experimentation tax credit is very, very important if in fact you believe that we want to have American business with the best research, the best technology, the best machine tools, the best products, so people can compete in the world market with Japan and Germany, and we can have the highest value-added jobs with the best take-home pay and the highest quality of life.

In addition to that, we raise the amount that senior citizens can earn without benefit from Social Security by \$8,000 a year, so that senior citizens who want to continue to work can earn an additional \$8,000 a year, without being penalized by Social Security, because we believe in the work ethic. We want to encourage people to stay busy and stay alive. We know the senior citizens who stay active are healthier, live longer, and have fewer problems with their health than people who do not.

In addition to all of those things, we provide for an economic growth dividend for every taxpayer. Our position is very clear. If the economy grows by more than 3 percent real growth, we believe that every dollar in additional revenue should go back to the working American family in the form of a higher personal deduction, because we want to establish the premise that if you work hard and you go out and establish a growing economy, that those dollars belong to you, not to the Washington bureaucracy.

We do not want people to say, "Boy, if we get all this growth, look how much more money we can spend here in Washington."

Instead we want to say, "If we get a real period of boom, we want that extra money to go back to increase your personal deduction, so you and your family can have more money in your take-home pay, because that is your money, not the Government's money, if you have earned it."

We think that is a very strong, very powerful, profamily position.

Let me say, first of all, we believe that the Economic Growth Act, by creating 1,100,000 new jobs and by creating 220,000 additional home sales, and by allowing senior citizens to earn \$8,000

additional a year without penalty, we believe that that will stimulate the economy and help us get out of a recession.

But we go a step further. We also believe that it is time we reestablished the principle that economic growth is the most important domestic policy.

The most important domestic policy is a job. If a family has a job, if people are able to earn a living, if they believe they have a chance to buy a house, that is the beginning of a healthy America. I do not care how many social welfare state bureaucratic programs we put together. None of them are as valuable or as important as having a job. Yes, the objective fact is that for 3 years now, the Democratic leadership in the Congress has killed every effort to create jobs. They have killed every effort to produce new work, new opportunities, new take-home pay.

President Bush has sent up bills. He has asked them to pass bills. There are two examples; 2½ years ago he sent up his initial jobs program calling for a tax cut. It passed the House with 264 votes. It was killed by the Democratic leadership.

The second example: the President came right here back in January. He called on the Congress in 100 days to pass a highway program.

The highway program is very important. The highway program not only creates infrastructure for all Americans to drive on, opportunities for mass transit, but it is one of the most powerful jobs programs the Government has. When the Government is building more highways, building more bridges, repairing more roads, creating more opportunities for people to go to work, that is a jobs program itself.

I do not have the figures yet. We have asked some economists to develop them for us. But just the delay by the Democratic leadership in producing a highway bill which the President asked for, and which he really hoped to get by early May, just the fact that we have delayed that bill from May until October means that there was less stimulus, less job creation, less investment, less economic activity, so fewer Americans were at work.

Let me go a stage further. The reason there is such a fundamental difference between President Bush and the Republican approach with the kind of ideas, such as the Gramm-Gingrich bill for economic growth, the reason there is such a difference between that approach and the Democratic leadership's approach of much higher spending, ultimately higher taxes, bigger deficits, is because of a fundamental difference about what works and what makes the economy work.

Everywhere you turn around the world Americans are preaching to other countries, you need smaller government, you need less bureaucracy, you need free enterprise, you need pri-

vate property, you need incentives to work and save and invest.

We're telling the Russians, the Lithuanians, the Latvians, and the Estonians. We are telling Poland, Hungary, and Czechoslovakia. The truth is we live today in a world in which the mayor of Moscow is to the right of the mayor of New York City; in which the mayor of St. Petersburg is to the right of the mayor of Philadelphia. The result is we are telling the Russians and others how to do the very things we are not doing.

There was a report issued today by the Institute of Policy Innovation, one of the most interesting and dynamic institutes of its size in the country, a report on the Federal budget and America's fiscal future. This report by Stephen Moore illustrates our concern. I want to quote a couple of things that will startle most Americans.

Adjusted for inflation, the federal budget has expanded by 50 percent since 1980; doubled since 1970; and increased six-fold since 1950!

This growth trend is not sustainable. Productivity, national competitiveness, and living standards will suffer—as they have already. Between 1950 and 1974, when the federal government was much smaller, our economy grew at a roughly 3 percent annual rate. Between 1974 and 1989 the economy grew at roughly 1 percent per year. The difference in these growth rates means that rather than doubling every 25 years, family incomes are now doubling every 70 years.

All signs indicate that spending will accelerate rather than abate over the next three decades. Absent dramatic reforms, the U.S. government will command an ever-growing share of national output. The budget will swallow up over 30 percent of GNP by the year 2010 and over 40 percent of GNP by 2020. In 1991 dollars, the budget will reach \$4 trillion within 30 years.

That is almost the size of our current entire economy.

To finance this spending taxpayers will face a near suffocating tax burden and/or deficits will skyrocket.

He goes on to say:

Failure to tame the Federal budget has placed America on a path to financial ruin.

□ 1650

Why is this important? It is important because if we have a smaller government with a balanced budget with lower taxes so that people have the money in their pocket to take home, to save and invest. We are in a position to grow faster. If we grow faster, people have better jobs with better equipment, working in better factories. People have better opportunities to buy better products.

They have a higher standard of living. They can buy a better home, which creates more jobs so people again live better.

We face a very stark choice. I think it is ironic that the Swedish Socialist Party, two Sundays ago suffered its worst defeat since 1928. While our friends in the Democratic leadership do

not seem to have learned anything from the fact that in Russia and in Hungary, in Sweden, across the world, the concepts of a centralized welfare state are simply breaking down and simply proving not to be very effective, that in most of the world people have awakened and realize that we have an obligation to do everything we can to create more economic growth in the private sector so people have real jobs and they have lasting jobs.

This is a very, very important central issue for the 1990s. Are we going to become a bigger welfare state with higher taxes, a larger deficit, with workers being punished if they have initiative, savers being punished if they save? Or are we going to bring government spending under control? Are we going to be in a position to say, let us set some priorities in Washington?

We will hear everybody who comes to the floor of the House say, "This is an emergency, this is a high priority."

I have yet to hear anybody come to the floor and say, "Let me identify 3 low priorities in domestic spending. Let me tell you about 5 programs that are not working."

There are over 4,000 Federal Government domestic programs. Surely we could take the 1 percent that are least effective, 40 of them, and close them down, or the 2 percent, 80 of them, or the 3 percent, 120, and begin the process of setting priorities.

Every American family has to set priorities and the U.S. Government should set priorities also. Whether we are going to control spending or not, I think we have to look at the tax system and ask ourselves, do we have today a tax system which encourages savings? The answer is no. If one borrows money, one can deduct some of the interest. If one saves money, we are going to tax that person for the interest.

That is why having an individual retirement account, as we have in the Economic Growth Act, is so important.

Do we today have an economy that says to young workers, "You have a pretty good chance to buy a house?" The answer is no. That is why the Economic Growth Act both allows people to use their IRA to buy housing and allows parents and grandparents to loan to their children and grandchildren to buy housing and sets up a situation in which if one has under \$43,000 in income, one is able to have a tax credit against their down payment, because we believe that giving young couples an incentive to go out and work and save and buy a house is one of the steps to a healthy economy.

Do we today have a permanent research and experimentation tax credit to say to our business, "We want you to invest in research so you can compete with Japan and Korea and Germany?"

No, we review it every year. And in fact, there is talk that the Democratic leadership is not going to bring a tax bill to the floor this year and is going to let the research and experimentation tax credit disappear, go out of existence. And yet what does that do?

It says we are not going to encourage our businesses, our computer businesses, our laser businesses, our health care businesses, our drug and pharmaceutical businesses, we are not going to have a tax credit to encourage them to do the research which America knows is absolutely vital if we are going to be in a position to compete in the world market in the 21st century.

Do we encourage our senior citizens to work today? We tell them, "If you earn more than \$9,000, we are going to take away \$1 in Social Security for every \$3 you earn."

A senior citizen who goes to work who is in the 15-percent bracket is now being told, "We are going to take 33 percent away and then we are going to charge you 15 percent."

We are talking about the highest marginal rate in America which is paid today by senior citizens.

A senior citizen, 65 or 66 years of age who continues to work, who earns more than the Government tells them they are allowed to earn, pays a higher marginal rate than a millionaire, a higher marginal rate than a movie star, a higher marginal rate than a professional football player. It makes no sense at all.

Yet today your Government punishes senior citizens who want to stay active and who want to work. Do we say to people, go out and have the courage to leave your job, to start a small company, to go out and do something really tremendous to employ lots of people and we will reward you? No.

We in fact have the highest capital gains tax rate of any major industrial competitor. The Germans do not tax the way we do. The Japanese do not tax the way we do.

And then we turn around and say, "How come they have more entrepreneurs, how come they are creating more jobs, how come they are more dynamic than we are?"

Yet the current Tax Code is an anti-job creator.

I say to my friends on the left, we cannot have jobs if we do not encourage job creators. We cannot have jobs if we do not encourage people to start small businesses. We cannot have jobs if we do not have new opportunities for new folks to go out with new ideas, to create new markets.

On the left, they like to get together with folks at the top. They want to talk about the big corporations and the big labor unions. None of those people create any jobs. Jobs are created in fact just the opposite.

Jobs are created when little people go out with little bits of money to set

up little bitty shops from which grow the future. Apple Computer started in a garage. Polaroid Camera started in a basement. People had an idea. They went and they began.

The guys who invented the silicon chip, they were told they were crazy when they founded their company.

Again and again, when we look at the future, if we read Ray Kroc's biography, "Grinding it Out," a study of McDonald's and how he developed McDonald's. There were two brothers. They owned a little hamburger place out in California.

They got up to three hamburger stands. Ray Kroc was a milkshake machine salesman. He was trying to sell them milkshake machines. They bought a lot because their three hamburger stands did more business than any other place that he sold to.

He went to the McDonald brothers and said, "If you would set up more hamburger stands, I could sell you more milkshake machines."

They said, "We don't want more than three. Three is enough. We are making a good living."

He said, "Well, would you allow me to franchise your ideas?"

He took what little money he had. He got some investors. He went to Chicago, took a lot of risks, and created the first franchised McDonald's.

Today it is the largest fast food chain in the world. All of us watch with great pride as Americans when we see Russians lined up to get into the McDonald's in Moscow. We say, that is a big corporation. But I say to my friends in the Democratic leadership, it was not a big company when Ray Kroc founded it. It was a tiny company.

It took a man willing to go out and risk his savings to work for years to create the modern institution that we see today.

If we look at United Parcel Service, a great corporation. I had a privilege to spend time with them recently. One of the largest, most successful corporations in the world at transporting parcels.

They started with one truck, and they began to grow. They began to develop.

My point is this: Those of us who believe that we have got to worry about the recession, that we have got to create jobs, that we have got to care about economic growth, that a healthy America is a working America, we want to actually encourage savings. We want to actually encourage investment. We want to actually encourage job creation. So we are prepared to change the Tax Code to pass a bill which would do that.

What do we see with our friends in the Democratic leadership?

Two weeks ago they brought up an unemployment bill, and I said to them, "I am prepared to vote for the unemployment bill, but let us add to it an

employment bill. Being worried about unemployment is only half the story. How about worrying about employment? Worrying about extending the unemployment only gets you to the end of the 20 weeks. What happens then? What if we still have not encouraged any growth? What if we still have not created any new jobs? What if we still have not founded any new companies? What do you say then to the unemployed?"

□ 1700

Here's 20 more weeks, and then what do you say and where does it end?

I went to the Rules Committee and I begged the Rules Committee Democrats, please, make in order a jobs bill so the people of America can have the dignity of working, so we can not only give them extended unemployment for the short run, but we can also create jobs for the future. And we were told, on a straight party line vote, no, you cannot do that. That would be wrong. We do not want to bring up a jobs bill, we just want to bring up an unemployment bill.

So then we came to the floor. We had the following colloquy, and I rose and I asked to offer an amendment to the unemployment bill that would be the economic growth act that Senator PHIL GRAMM and I have developed. This is what the CONGRESSIONAL RECORD says on September 17, 1991 at page H-6640.

The gentleman from Illinois [Mr. ROSTENKOWSKI] makes a point of order that the amendment proposed by the motion offered by the gentleman from Georgia [Mr. GINGRICH] is not germane to the bill.

The bill, as reported, is confined to provisions relating to unemployment insurance and compensation within the jurisdiction of the Committee on Ways and Means.

The amendment proposed in the motion offered by the gentleman from Georgia [Mr. GINGRICH] contains provisions "to provide incentives for work, savings and investments in order to stimulate economic growth, job creation and opportunity." These provisions range beyond matters of unemployment compensation and involve the jurisdiction of committees other than the Committee on Ways and Means, to wit: the Committee on Banking, Finance and Urban Affairs and the Committee on the Judiciary.

Accordingly, the Chair finds the amendment is not germane, and, therefore, the motion to recommit is not in order.

The Chair sustains the point of order of the gentleman from Illinois [Mr. ROSTENKOWSKI].

What did they say? Notice the language. Our bill provided for work, for incentives for work, savings, and investment in order to stimulate economic growth, job creation and opportunity.

If I came to your home, or to your neighborhood, or to your local civic club, or to your work and I said gee, do you think as a way of dealing with unemployment that having an incentive for work, savings and investment might relate to unemployment, do you think if I offered something which would stimulate economic growth and

job creation that that might have something to do with unemployment? But not on the House floor. Job creation on the House floor does not relate to economic unemployment, which tells you a lot about why the Democratic Party has a hard time dealing with the economy. Because obviously the most important fact about unemployment is we are not creating enough jobs. So if we were to create enough jobs we would not need to worry about unemployment. Just this basic principle seems to elude the Democratic leadership.

Let me make a second point. The Rules Committee can make in order anything. The Rules Committee can invent the bill. The Rules Committee can send to the floor a bill which has never gone to a committee, which has never had a hearing, which has never been marked up, and in the history of the House this has happened on a number of occasions.

If the Speaker says in the Rules Committee I want you to bring a jobs bill to the floor tomorrow morning, they can do it. And if on the floor we will vote for the rule and the House will accept the rule, it is in order.

So what do we have happening? First, the Democratic leadership which controls the Ways and Means Committee, which controls the Rules Committee, says we are not going to have any hearings on this Economic Growth Act, we are not going to mark up this Economic Growth Act, we are not going to report out of committee an Economic Growth Act. Then when we go to the Rules Committee and ask them to make it in order we are told that since you did not come out of the committee we cannot make it in order. After all, we would not want to offend the Democratic leadership.

Then when we came to the floor we are told that since the Rules Committee, which is controlled by the Democrats, did not want to offend the Democrats who controlled the Ways and Means Committee, you cannot make in order the Economic Growth Act.

Then having killed the Economic Growth Act, so we cannot create 1,100,000 jobs, we cannot increase the sales of homes by 220,000 a year, we cannot allow senior citizens to earn an additional \$8,000 a year, we cannot have an extension permanently of the research and experimentation tax credit, we cannot do any of the good things we want to do, having killed it, then the Democratic leadership and its supporters come to the floor and they attack the President, and they attack the Republicans for not having a domestic agenda.

There is an old saying that chutzpah is defined as somebody who murdered their parents and then throws themselves on the mercy of the court as an orphan. In a sense what we have here is a Democratic leadership which first

smothers the President's program, and smothers the House Republican program, and then claims that since we cannot produce it on the floor it must not exist, even though the reason that it is not on the floor is that the Democrats will not let us bring it here. And when people wonder why the country is so outraged about the way the Congress is run, and why people are calling for term limitation, and why there is a movement of rebellion in the country, all they have to do is look at the last 2 weeks.

Every American who wants to see us create 1,100,000 new jobs had their hopes thrown down by the Democratic leadership who refused to bring it to the floor. Every American who would like to buy a home, and particularly Americans who are, after all, relatively poor, under \$43,000 joint income which means we are not talking about helping the rich, we are talking about helping young working couples, something that you hear Democrats say they want to do all the time. But they want to do it soon, they want to do it eventually, they want to do it when they get around to it. And yet here we had a bill that would have allowed couples under \$43,000 income to have a tax credit to buy a house, something you would have thought the Democrats would have liked. But they could not bring it to the floor, could not make it in order.

My point is this: Every young couple who wants to buy a house ought to be mad at the Congress, mad at the Democratic leadership for not making that in order. Every senior citizen who would like to earn an additional \$8,000 a year without penalty from Social Security should be mad at the Democratic leadership and mad at the House for not making that in order. Every person who would like to sell a house or build a house for those young couples ought to be mad at the Congress. Every person who wanted to save and who would like to have an IRA, and who believes having an IRA that would allow you to spend it on health, education and housing as well as retirement is really pro savings, should be mad at the Democratic leadership for not making it in order. Every unemployed American who wants a job more than an unemployment check, who wants a chance to go back in the job market and work, and take home pay, and have dignity should be enraged that twice in 10 days we could bring an unemployment bill to the floor, but we could not bring an unemployment bill.

Finally, all Americans who have watched in Georgia, and in Michigan, in Minnesota, and Missouri, across the country who have watched change in Russia, change in Lithuania, change in Poland, change in Hungary, change in Czechoslovakia, the recent defeat of socialism in Sweden, and then you get to the U.S. House on Capitol Hill and

what do you get? The same old strangulation of new ideas, the same old smothering of new approaches, the same old techniques of backroom politics stopping the bills from coming to the floor.

I think the American people know better. The American people know that we have to focus on jobs, we have to create more opportunities. And I hope that every American will call their Member of Congress and ask them to cosponsor the Economic Growth Act, and ask them to help create new jobs, and ask them to help increase savings, and ask them to help senior citizens be allowed to work, and ask them to help young couples buy a house. And if enough people will contact their Congressman and their Senator, if enough people will talk about the importance of economic growth, the importance of jobs, the importance of getting out of this recession, then I believe maybe we can bring enough public pressure to bear to actually get a fair rule to bring the rule to the floor and to have a chance to pass it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT), for today, on account of family 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. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. BROOMFIELD, for 60 minutes, on October 2.

Mr. BURTON of Indiana, for 60 minutes each day, on October 14, 15, 16, 17, 18, 21, 22, 23, 24, and 25.

Mr. WALKER, for 5 minutes, today.

Mr. DELAY, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on October 1, 2, 3, 7, 8, 9, 10, 15, 16, 17, 22, 23, and 24.

Mr. MCEWEN, for 60 minutes, today.

Mr. THOMAS of Wyoming, for 5 minutes, today.

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

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 60 minutes each day, on October 1 and 2.

(The following Member (at the request of Mrs. BENTLEY) to revise and extend her remarks and include extraneous matter:)

Ms. HORN, for 5 minutes, on September 30.

(The following Member (at the request of Mr. BONIOR) to revise and ex-

tend his remarks and include extraneous material:)

Mr. ANDREWS of New Jersey, for 5 minutes, on October 3.

EXTENSION OF REMARKS

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

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

Mr. RHODES.

Mr. SANTORUM.

Mr. MCDADE.

Mr. BURTON of Indiana.

Mr. SOLOMON.

Mr. LAGOMARSINO.

Mr. GOSS.

Mrs. BENTLEY.

Mr. GUNDERSON.

Mr. GINGRICH.

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

Mr. KOLTER in two instances.

Mr. FASCELL in two instances.

Mr. DWYER of New Jersey.

Mr. LEVINE of California.

Mr. MONTGOMERY.

Mr. TRAXLER in two instances.

Mr. SOLARZ.

Mr. TALLON.

Mr. KILDEE.

Mr. SARPALIUS.

Mr. SWETT.

Ms. OAKAR.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

[Correction to the Congressional Record of Tuesday, September 24, 1991]

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following title:

S. 1106. An act to amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes;

S.J. Res. 126. Joint resolution to designate the Second Sunday in October of 1991 as "National Children's Day"; and

S.J. Res. 151. Joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

SENATE BILLS REFERRED

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

S. 862. An act to provide for a demonstration program for voir dire examination in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 865. An act to provide for a demonstration program for voir dire examination in certain civil cases, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

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

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

H.R. 3291. 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; and

H.J. Res. 332. Joint resolution making continuing appropriations for the fiscal year 1992, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following title:

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park;

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month";

S.J. Res. 95. Joint resolution designating October 1991 as "National Breast Cancer Awareness Month"; and

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish-American Heritage Month."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

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

On September 25, 1991:

H.J. Res. 233. Joint resolution designating September 20, 1991, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag.

ADJOURNMENT

Mr. GINGRICH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, September 30, 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:

2138. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the semiannual reports for the period October 1990 to March 1991 listing voluntary contributions made by the U.S. Government to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

2139. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting

copies of the original report of political contributions of Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Chile, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2140. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of an award under the Witness Security Program, pursuant to 22 U.S.C. 2708(h); to the Committee on Foreign Affairs.

2141. A letter from the Comptroller General of the United States, transmitting the third report on the assignment or detail of General Accounting Office employees to congressional committees as of July 31, 1991; jointly, to the Committees on Government Operations 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. ROSTENKOWSKI: Committee on Ways and Means. 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 (Rept. 102-157, Pt. 2). Ordered to be printed.

Mr. BONIOR: Committee on Rules. House Resolution 230. A resolution waiving all points of order against the conference report on S. 1722 and against the consideration of such conference report (Rept. 102-221). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3259. A bill to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes; with an amendment (Rept. 102-122). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1724. A bill to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary (Rept. 102-223). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3365. A bill to amend title 31, United States Code, to restrict the authority of newly established Government-related corporations to borrow from the Treasury and to require an annual evaluation of the impact of public borrowing by such corporations on the public debt; with amendments (Rept. 102-224). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 6. Referral to the Committees on Agriculture, Energy and Commerce, the Judiciary, and Ways and Means extended for a period ending not later than October 4, 1991.

H.R. 3039. Referral to the Committee on Government Operations extended for a period ending not later than September 27, 1991.

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. TAUZIN (for himself, Mr. HALL of Texas, Mr. COOPER, Mr. SLATTERY, Mr. SYNAR, Mr. BOUCHER, Mr. HARRIS, Mr. DEFAZIO, Mr. EMERSON, Mr. PERKINS, Mr. PAYNE of Virginia, Mr. CHAPMAN, Mr. GALLO, Mr. CLINGER, and Mr. ROGERS):

H.R. 3420. A bill to improve the access of home satellite antenna users to video programming, and for other purposes; to the Committee on Energy and Commerce.

By Mr. APPLIGATE (for himself, Mr. MCEWEN, and Mr. MILLER of Ohio):

H.R. 3421. A bill to amend the Mineral Leasing Act to provide for the continuation of certain leases on mineral estates upon the vesting of a present interest of the United States to such mineral estates; to the Committee on Interior and Insular Affairs.

By Mr. BACCHUS (for himself, Mr. COX of Illinois, Mr. ANNUNZIO, Mr. MRAZEK, Mr. FRANK of Massachusetts, Mr. LUKEN, Mr. NEAL of Massachusetts, Mr. RIGGS, Mr. MORAN, Mr. DOOLEY, Mr. CRAMER, and Mr. ROEMER):

H.R. 3422. A bill to provide additional resources to the Resolution Trust Corporation subject to various conditions, to establish additional operating requirements for such Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Mr. BROWN, Mr. HERGER, Mr. RIGGS, and Mr. SYNAR):

H.R. 3423. A bill to amend the Hazardous Materials Transportation Act to require the Secretary of Transportation to designate as hazardous materials under that act substances designated as hazardous materials by the Coast Guard; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

H.R. 3424. A bill to amend the Hazardous Materials Transportation Act to revise the system for designating hazardous substances and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. DONNELLY:

H.R. 3425. A bill to amend the United States Housing Act of 1937 to authorize housing assisted under such act for which occupancy is limited to elderly families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUNDERSON:

H.R. 3426. A bill to amend the Higher Education Act of 1965 to improve access to post-secondary education for students with disabilities; to the Committee on Education and Labor.

By Ms. HORN (for herself, Mr. THORNTON, Mr. KOSTMAYER, Mr. OLVER, Mr. BOEHLERT, Mrs. LLOYD, and Mr. WYDEN):

H.R. 3427. A bill to amend title 10, United States Code, to provide for the development of defense manufacturing and critical technologies; to the Committee on Armed Services.

By Ms. OAKAR:

H.R. 3428. A bill to authorize capital contributions for certain international financial institutions in order to enhance international economic stability and economic growth, to provide for the alleviation of poverty, the protection of the environment, and

energy efficiency, to provide for the implementation of the Enterprise for the Americas Initiative, to provide assistance in the financing of U.S. exports, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PALLONE:

H.R. 3429. A bill to amend Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Public Works and Transportation.

By Mr. RHODES:

H.R. 3430. A bill to establish administrative procedures to extend Federal recognition to certain Indian groups; to the Committee on Interior and Insular Affairs.

By Mrs. UNSOELD:

H.R. 3431. A bill to improve the effectiveness of international environmental programs by coordinating international trade policy and efforts to enforce measures to protect national and international resources and the environment, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. BONIOR, Mr. PANETTA, and Mr. DARDEN):

H.R. 3432. A bill to provide assistance for workers and communities adversely affected by reductions in the supply of timber from Federal lands and to provide for ecosystem conservation of Federal forest lands in the Pacific Northwest; jointly, to the Committees on Education and Labor, Agriculture, Banking, Finance and Urban Affairs, Ways and Means, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mrs. MORELLA:

H.R. 3433. A bill to amend title 5, United States Code, to grant to the widow or widower of a Federal employee or annuitant whose health insurance coverage would otherwise terminate because of such employee's or annuitant's death the right to elect the same temporary extension of coverage as is available to certain former spouses; to the Committee on Post Office and Civil Service.

By Mr. INHOFE:

H.J. Res. 337. Joint resolution providing for the designation of chili as the official food of the United States; to the Committee on Post Office and Civil Service.

By Mr. HERTEL:

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress in support of Taiwan's membership in the United Nations and other international organizations; to the Committee on Foreign Affairs.

By Mr. KANJORSKI (for himself and Mr. KLECZKA):

H. Con. Res. 211. Concurrent resolution to call on the President to take all available actions to encourage a lasting cease-fire in Yugoslavia and the initiation of negotiations for the long-time resolution of the conflict in Yugoslavia; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS of California:

H.R. 3434. A bill for the relief of The Umbrellas: Joint Project for Japan and U.S.A. Corporation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 118: Mr. THOMAS of California, Mr. CRANE, Mr. CARPER, Mr. JACOBS, Mrs. KENNEDY, and Mr. ARCHER.
 H.R. 145: Mr. REGULA and Mr. HOPKINS.
 H.R. 150: Mr. McMILLAN of North Carolina.
 H.R. 193: Mr. MARTINEZ.
 H.R. 444: Mr. HOBSON and Mr. HAYES of Louisiana.
 H.R. 608: Mr. LEWIS of Georgia and Ms. OAKAR.
 H.R. 650: Mr. JONTZ.
 H.R. 722: Mr. KILDEE, Mr. MARKEY, Mr. KOLTER, and Mr. EVANS.
 H.R. 723: Mr. KILDEE, Mr. MARKEY, Mr. KOLTER, and Mr. EVANS.
 H.R. 815: Mr. LEHMAN of Florida.
 H.R. 872: Mr. DARDEN and Mr. JONES of Georgia.
 H.R. 875: Mr. FAZIO and Mr. CONYERS.
 H.R. 941: Mr. FAZIO.
 H.R. 945: Mr. EWING, Mr. BARNARD, Mr. EDWARDS of Texas, Mr. CLEMENT, Mr. SKELTON, Mr. JONES of Georgia, Mr. ORTIZ, and Mr. STEARNS.
 H.R. 951: Mr. SWETT, Mr. ROSE, Mr. MOLINARI, Mr. SANGMEISTER, Mr. MCCREERY, Mr. CARDIN, Mr. HATCHER, and Mr. YOUNG of Florida.
 H.R. 967: Mr. DOOLEY.
 H.R. 997: Mr. CONYERS.
 H.R. 1064: Mr. IRELAND and Mr. FAWELL.
 H.R. 1115: Mr. CAMPBELL of California, Mr. GUARINI, and Mr. RITTER.
 H.R. 1145: Mr. ANDERSON, Mr. DICKS, Mr. CONYERS, Ms. PELOSI, Mr. LAGOMARSINO, Mr. WILSON, Mr. MILLER of Washington, and Mr. McNULTY.
 H.R. 1161: Mr. BACCHUS and Mr. ROYBAL.
 H.R. 1300: Mr. DICKS and Mr. EDWARDS of California.
 H.R. 1318: Mr. MCCLOSKEY and Mr. DWYER of New Jersey.
 H.R. 1330: Mr. ROTH and Mr. MILLER of Ohio.
 H.R. 1345: Mr. GILLMOR.
 H.R. 1348: Mr. OXLEY and Ms. ROSELEHTINEN.
 H.R. 1482: Ms. SLAUGHTER of New York, Mr. MILLER of Ohio, Mr. SPRATT, Mr. JEFFERSON, and Mrs. MINK.
 H.R. 1483: Mr. GORDON.
 H.R. 1523: Mr. GILCHREST.
 H.R. 1527: Mr. BILBRAY.
 H.R. 1570: Mr. AUCOIN, Mr. CLINGER, Mr. GIBBONS, Mr. RAY, Mr. BRYANT, Mr. GRADISON, Mr. McDERMOTT, Mr. WALSH, Mr. BARNARD, Mr. HOUGHTON, Mr. EWING, Mr. DURBIN, Mr. PETERSON of Minnesota, Mr. ARCHER, and Mr. SAVAGE.
 H.R. 1592: Mr. HALL of Texas, Mr. BRYANT.
 H.R. 1608: Mr. TOWNS and Mrs. PATTERSON.
 H.R. 1633: Mr. HAYES of Illinois, Mrs. PATTERSON, Mr. SYNAR, Mr. TOWNS, and Mr. VALENTINE.
 H.R. 1662: Mr. KLECZKA.
 H.R. 1703: Mr. LEHMAN of Florida.
 H.R. 1727: Mr. NEAL of North Carolina.
 H.R. 1733: Mr. SISISKY, Mr. CAMPBELL of Colorado, and Mr. McNULTY.

H.R. 1900: Mr. PAXON, Mr. McCANDLESS, and Mr. DeFAZIO.
 H.R. 2008: Mrs. BYRON.
 H.R. 2083: Mr. SKAGGS, Mr. CONYERS, Mr. SCHUMER, Mr. EVANS, and Ms. SLAUGHTER of New York.
 H.R. 2089: Mr. LANCASTER and Mr. CONYERS.
 H.R. 2222: Mr. RINALDO.
 H.R. 2298: Mr. RAY.
 H.R. 2333: Mr. POSHARD.
 H.R. 2336: Mr. ACKERMAN.
 H.R. 2358: Mr. NEAL of North Carolina.
 H.R. 2374: Mr. DELLUMS and Mr. FORD of Tennessee.
 H.R. 2499: Mr. ARCHER, Mr. ATKINS, and Mr. FORD of Michigan.
 H.R. 2565: Mr. MARKEY, Mr. ESPY, Mr. KOPETSKI, Mr. EVANS, and Mr. HERTEL.
 H.R. 2682: Mr. BACCHUS, Ms. SLAUGHTER of New York, and Mr. NEAL of Massachusetts.
 H.R. 2763: Mr. NEAL of North Carolina, Mr. VALENTINE, and Mr. BERREUTER.
 H.R. 2798: Mr. HAYES of Louisiana, Mr. BROWDER, Mr. COLEMAN of Missouri, Mr. GOODLING, Mr. OWENS of Utah, and Ms. NORTON.
 H.R. 2832: Mr. TORRES, Mr. VANDER JAGT, and Mr. MFUME.
 H.R. 2860: Mr. GILMAN.
 H.R. 2872: Mr. LANCASTER.
 H.R. 2891: Mr. LANCASTER, Mr. NEAL of North Carolina, and Mr. DWYER of New Jersey.
 H.R. 2898: Mr. SOLARZ and Mr. KOLTER.
 H.R. 2906: Mr. KLECZKA.
 H.R. 2923: Mr. FORD of Tennessee, Mrs. UNSOELD, Mr. HALL of Ohio, Mr. JONES of Georgia, Mr. GORDON, Mr. MINETA, Mr. HORTON, Mr. FAZIO, and Mr. LIPINSKI.
 H.R. 2964: Mr. GALLEGLY.
 H.R. 2966: Mr. McDADE, Mr. SOLOMON, Mr. WISE, Mr. JACOBS, Mr. EVANS, Mr. VALENTINE, Mr. NEAL of Massachusetts, Mr. SLATTERY, Mr. KASICH, Mr. McMILLAN of North Carolina, Mr. SIKORSKI, Mr. HAMMERSCHMIDT, and Mr. MCCLOSKEY.
 H.R. 3002: Mr. WALSH and Mr. FROST.
 H.R. 3026: Mr. PETERSON of Minnesota, Mr. DYMALLY, Mrs. ROUKEMA, and Mr. CONYERS.
 H.R. 3048: Mr. KILDEE.
 H.R. 3049: Mr. LOWERY of California.
 H.R. 3056: Mr. COSTELLO, Mr. VENTO, Mr. JONTZ, and Mr. LANCASTER.
 H.R. 3070: Mr. BERMAN, Mr. JONTZ, Mr. COMBEST, Mr. MINETA, Mr. PICKETT, Mr. PARKER, Mr. OLVER, and Mr. WAXMAN.
 H.R. 3071: Mr. LAGOMARSINO, Mr. SPENCE, Mr. PICKETT, Mr. PANETTA, Mr. CRAMER, Mr. GOODLING, Mr. BACCHUS, Mr. COLEMAN of Texas, Mr. CAMP, Mr. BROWDER, and Mr. OWENS of Utah.
 H.R. 3112: Mr. ANDREWS of Maine, Mr. JONTZ, and Mr. PANETTA.
 H.R. 3121: Mr. MACHTLEY and Mr. HOCHBRUECKNER.
 H.R. 3130: Mr. KLUG, Mr. ZIMMER, Mr. LEWIS of Florida, Mr. SOLOMON, and Mr. PAXON.
 H.R. 3142: Mr. RICHARDSON, Mr. TAUZIN, Mr. GINGRICH, Mr. LEACH, Mr. ROE, Mr. HALL of Ohio, and Mr. PENNY.
 H.R. 3207: Mr. DELLUMS, Mr. DIXON, and Mr. MATSUI.
 H.R. 3216: Mr. PETERSON of Minnesota, Mr. RAY, and Mr. STALLINGS.

H.R. 3221: Mr. MARTINEZ, Mr. QUILLEN, Mr. FAWELL, Mr. JENKINS, and Mr. KOLBE.
 H.R. 3256: Mr. McDERMOTT, Mr. HORTON, Mr. JONTZ, and Mr. KLECZKA.
 H.R. 3280: Mr. SCHUMER, Mr. ROSE, Mr. PORTER, Mr. FALCOMA, Mr. SMITH of Florida, and Mr. MINETA.
 H.R. 3293: Mr. YATRON, Mrs. MINK, Mr. HORTON, and Mr. YATES.
 H.R. 3302: Mr. NAGLE, Mr. JOHNSON of South Dakota, Mr. STALLINGS, and Mr. ENGLISH.
 H.R. 3354: Mr. JONTZ.
 H.R. 3372: Mr. HORTON.
 H.R. 3373: Mr. COYNE, Mr. DWYER of New Jersey, Mr. BEVILL, Mr. PICKLE, Mr. FRANK of Massachusetts, Mr. JACOBS, and Mr. PERKINS.
 H.R. 3376: Mr. RAVENEL, Mr. ZIMMER, and Mr. FAWELL.
 H.R. 3405: Mr. McDERMOTT.
 H.J. Res. 21: Mr. McMILLEN of Maryland.
 H.J. Res. 22: Mr. JOHNSON of Texas.
 H.J. Res. 81: Mr. TAYLOR of North Carolina and Mr. BARRETT.
 H.J. Res. 84: Mr. BENNETT.
 H.J. Res. 153: Mrs. BYRON.
 H.J. Res. 156: Mr. YOUNG of Florida.
 H.J. Res. 177: Mr. SCHAEFER, Mr. MCCLOSKEY, Mr. TAUZIN, Mr. WELDON, Mr. BLILEY, Mrs. KENNEDY, Mr. RHODES, Mr. GILCHREST, Mr. MONTGOMERY, and Mr. ROYBAL.
 H.J. Res. 243: Mr. YOUNG of Florida.
 H.J. Res. 293: Mr. WEBER, Mrs. COLLINS of Michigan, Mr. GORDON, Mr. MARTIN, Mr. MFUME, Mrs. JOHNSON of Connecticut, Mr. RITTER, Mr. KENNEDY, Mr. STENHOLM, Mr. KOLTER, Mr. CAMPBELL of Colorado, Mrs. MORELLA, Mr. OBERSTAR, Mr. LIGHTFOOT, Mr. DeFAZIO, Mr. GEREN of Texas, and Mrs. MINK.
 H.J. Res. 304: Mr. KOPETSKI.
 H.J. Res. 318: Ms. NORTON, Mr. McMILLEN of Maryland, Mr. GRANDY, Mrs. ROUKEMA, Mr. GORDON, Mr. SLATTERY, Mr. LENT, Mr. OWENS of Utah, Mrs. LOWEY of New York, Mr. FRANK of Massachusetts, Mr. ANNUNZIO, Mr. JACOBS, Mr. PURSELL, Mr. EDWARDS of California, Mr. BERMAN, Mr. FAZIO, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. SOLARZ, Mr. JOHNSON of South Dakota, Mr. CLEMENT, Mr. McNULTY, Mr. HARRIS, Mr. GRADISON, Mr. HUGHES, Mr. GONZALEZ, Mr. WAXMAN, Mr. ERDREICH, Mr. ESPY, Mr. LEVINE of California, Mr. RAVENEL, Mr. MILLER of California, Mr. TALLON, Mr. GUARINI, and Mrs. BOXER.
 H. Con. Res. 65: Mr. GILLMOR.
 H. Con. Res. 168: Mr. CONYERS, Mr. SANDERS, and GRANDY.
 H. Res. 130: Mr. LIPINSKI and Mr. CONYERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

[Omitted from the Record of September 25, 1991]
 H. Res. 194: Mr. DYMALLY.

SENATE—Thursday, September 26, 1991

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

*But after thy hardness and impenitent heart treasurest up unto thyself wrath against the day of wrath and revelation of the righteous judgment of God * * * .—Romans 2:5.*

Eternal God, Judge of all the Earth, help us comprehend where we are in history. Help leadership—in Government, business, industry, the professions, education, labor, and the church to interpret the frightening symptoms—financial corruption, dysfunctional families, teenage pregnancies, chemical abuse, crime, violence, murder in our streets, personal freedom become moral anarchy, soaring debts, national, private and corporate, crises in the Middle East and Europe. Conditions are not improving despite all our efforts; they are worsening.

Gracious Father, divert our headlong plunge to destruction. "The gay nineties were followed by recession and World War I. The roaring twenties were followed by the Great Depression and World War II." Moses warned, "Beware, lest you forget the Lord your God * * * when you have eaten and are full, when you have built goodly houses and live in them, when your herds and your flocks increase, when your silver and your gold increase, when all that you own increase. Beware, lest you forget the Lord your God * * * ." (Deuteronomy 8) Awaken us to the peril in prosperity. Like the little boy who, when the grandfather clock chimed "13," rushed to his parents crying, "Mommy! Daddy! It's later than it's ever been before." It is later than it's ever been before. Forgive our hedonism, materialism, narcissism. God of mercy, save us from playing fiddles while the Nation burns.

In the name of the Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL 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. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein. The Senator from Washington [Mr. ADAMS] is permitted to speak for not to exceed 10 minutes; the Senator from Texas [Mr. GRAMM] is permitted to speak for not to exceed 5 minutes; the Senator from Colorado [Mr. BROWN] is permitted to speak for not to exceed 5 minutes; the Senator from Alabama [Mr. HEFLIN] is permitted to speak for not to exceed 15 minutes.

In my capacity as a Senator from the State of Wisconsin, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF CLARENCE THOMAS

Mr. KOHL. Mr. President, when a vacancy develops on the Supreme Court, there is always a flurry of talk about what standards the Senate ought to use as it discharges its advice and consent responsibilities. That theoretical discussion, however, soon submerges when the name of the nominee is announced by the President. Then we forget theory and turn to speculation about what the nominee's record tells us about his or her views and what the prospects are for confirmation.

In my opinion, Mr. President, we would be better served if we engaged in that process from the perspective of some clearly articulated standards of judgment.

The Constitution allows each Senator to apply any standard they wish. My standard is simple: judicial excellence. In my judgment, any nominee to the Supreme Court of the United States—the Court which interprets our Constitution and protects our liberty—must be exceptional.

When a President nominates someone to serve in the executive branch, we owe some deference to his desires. Absent compelling evidence to the contrary, the President is entitled to have the people of his choice serving in his administration and implementing his policies. But the Supreme Court represents a coequal and independent branch of Government. It is not an extension of the executive or the legislative branch. It serves neither; it applies the Constitution to both. Therefore, a President's nominee has no presumption operating in his or her favor; instead, the nominee accepts a burden of proof—a burden to demonstrate to the Senate that he or she ought to sit on the Supreme Court, that he or she deserves a lifetime appointment.

Over the past 43 years, Clarence Thomas has demonstrated many admirable qualities. He has demonstrated that he is a man of great character and courage. He has demonstrated that he has the strength to triumph over adversity. He has demonstrated that he has retained his sense of humor and that he deserves the respect and admiration of his many friends.

In my judgment, however, Judge Thomas has not demonstrated that he ought to sit on the Supreme Court. Let me tell you why.

First, Judge Thomas lacks a clear judicial philosophy. Less than 2 years ago, when Judge Thomas was nominated to serve on the appeals court, he told us that he did not have a fully developed constitutional philosophy. That did not disqualify him for a low court, which is required to follow precedent. But the Supreme Court creates precedent—it interprets the Constitution in which we as a people place our faith, and on which our freedoms as a nation rest. So it was my hope that during the hearings, Judge Thomas would articulate a clear vision of the Constitution—ideally, one that included full safeguards for individuals and minorities, and which also squared with his past positions. Unfortunately,

after spending 5 days listening to Judge Thomas testify, I was unable to determine what views and values he would bring to the bench.

Second, Judge Thomas demonstrates selective recall. Judge Thomas asked us to heavily consider his experiences as a young man while at the same time he asked us to discount views he expressed as an adult. He told us that his musings about natural law, his endorsement of treating economic rights on par with individual rights, and his dismissal of almost all forms of affirmative action as a remedy for discrimination were not relevant. These policy positions, he asserted, would have no impact on his decisions on the Court. In fact, he suggested a judge should shed his views just as a runner sheds excess clothing before a race.

This approach troubles me. In my opinion, it is totally unrealistic to expect that a Justice will not bring his values to the Court. Presidents nominate candidates based on their values and the Senate must consider them as well. As Chief Justice Rehnquist wrote:

Proof that a Justice's mind at the time he joined the Court was a complete tabula rasa [blank slate] in the area of Constitutional adjudication would be evidence of lack of qualification, not lack of bias.

I agree with the Chief Justice: Either we judge Clarence Thomas on the complete record or we do not look at the record at all.

Third, Judge Thomas engages in oratorical opportunism. Judge Thomas crafted policy statements apparently tailored to win the support of specific audiences—and then later repudiated these very same positions. For example, when speaking to the Federalist Society, he said that the natural law background of the American Constitution provides the only firm basis for a just, wise, and constitutional decision. Yet during the hearings he steadfastly maintained that natural law played no role in constitutional adjudication. He told another audience that Lew Lehrman's article opposing abortion was a splendid application of natural law. Yet at the hearings he said he had only skimmed the article and never endorsed Mr. Lehrman's conclusions. I find this disturbing.

Fourth, Judge Thomas' lack of legal curiosity is troubling. Judge Thomas told the committee that *Roe versus Wade* was one of the two most significant decisions handed down by the Supreme Court in the last 20 years. Yet he also told the committee that he had never discussed that decision, either as a lawyer or as an individual, and had no views about it. If we accept that claim, it raises unanswered questions about the depth of his interest in legal issues.

Fifth, Judge Thomas demonstrated limited legal knowledge. When asked questions of law, many of his replies were disappointing—whether involving

antitrust, the War Powers Act, freedom of speech, the right to privacy of habeas corpus. In contrast, at his confirmation hearings, Justice Souter displayed a wealth of constitutional understanding in all of these areas. Judge Thomas lacks this depth of judicial knowledge. But that is not surprising for, after all, he has been an appellate court judge for less than 2 years and prior to that he was a policymaker. While his level of expertise is acceptable for an appellate court, it is not sufficient to meet the demands that are made of a Supreme Court Justice.

Frankly, I expected Judge Thomas to resolve my concerns during the hearings. But, for whatever reasons, he was extremely guarded in his appearance before the committee. His answers were less than forthcoming and often not responsive to the questions he was asked. Judge Thomas did not—and should not—tell us how he would rule on *Roe* or any other case. But he could and should have told us how he would approach those cases. Judge Thomas had a full opportunity to tell the committee, the Senate, and the country why his professional qualifications—as opposed to his personal accomplishments—justified his elevation to the Supreme Court. He failed to do that. He failed to discharge his burden of proof. He failed to demonstrate the level of judicial excellence which ought to be required on the Supreme Court, and as a result, he has failed to win my consent to his confirmation.

However, I expect that he will win the approval of a majority of my colleagues. Their support for his nomination will, I suspect, be based on the hope that Judge Thomas will continue to grow as a jurist and develop as a person. I may not share their vote, but I do share their hope. Clarence Thomas is a man with the ability to inspire in even those who will not vote for him the hope that he will, if confirmed, become what we all want him to become: an outstanding Justice.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama to speak in morning business, for a period of time not to exceed 15 minutes. The Senator from Alabama, Senator HEFLIN.

Mr. HEFLIN. First, Mr. President, I have been asked by the leadership to ask unanimous consent that Senator CRANSTON be recognized for up to 5 minutes to speak during morning business today.

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

THE CONFIRMATION OF JUDGE CLARENCE THOMAS

Mr. HEFLIN. I rise to express my views on the "advise and consent" responsibility of the U.S. Senate concerning Judge Clarence Thomas to be

an Associate Justice of the Supreme Court of the United States.

I think it is clear that Judge Thomas will be confirmed by the full Senate. In my discussions with Senators, I do not think there are many doubts that he has the votes to be confirmed when the full Senate acts on his nomination.

However, I have an individual responsibility to make up my mind and vote the dictates of my conscience guided by a profound respect for our Constitution and Bill of Rights which have governed our Nation for over 200 years.

First let me say, I support a conservative court; my votes for Chief Justice Rehnquist and Justices O'Connor, Scalia, Kennedy and Souter support my basic philosophy in this regard. However, I am not for an extremist right wing court that would turn back progress made against racial discrimination as well as the progress that has been made for human rights and freedoms in recent years.

I entered the hearing with an open mind, as I have in all of the judicial confirmation hearings in which I have participated; not as an advocate, but as a judge. I try to be fair to the nominee, to the President, to the nominee's opposition, and to the American people.

Judge Thomas' history revealed that he has an admirable record of coming from a disadvantaged background to success through a history of perseverance and hard work. He has suffered the ravages of segregation and racial discrimination. With the guidance of a strong grandfather and the discipline instilled in him by the nuns who taught him at an all-black parochial school in Savannah, Clarence Thomas was determined to succeed. He ultimately graduated from Yale Law School of whose preferential admissions policies he was a beneficiary.

Judge Thomas has over the last decade written and spoken extensively on a wide variety of legal issues. My review of his writings and speeches raised questions in my mind that he might be part of the right wing extremist movement.

During the course of the hearing, Judge Thomas' answers and explanations about previous speeches, articles and positions raised thoughts of inconsistencies, ambiguities, contradictions, lack of scholarship, lack of conviction and instability. During the hearing I expressed that such created an appearance of confirmation conversion—a term used by Senator LEAHY in the Bork hearing—and that he was an enigma because of his puzzling answers and explanations.

One of the most troubling areas of the law was his frequent reference to an adoption of the theory of natural law, which is a "higher law" of "right and wrong" existing essentially outside the Constitution.

In speech after speech, Judge Thomas has referred to the theory of natural law as follows:

The higher law background of the American government, whether or not explicitly appealed to or not, provides the only firm basis for a just and wise constitutional decision.

Then in testimony before the committee he disavowed those statements made repeatedly over the past decade as having been made "in the context of political theory" by a person who he self-describes as a "part-time political theorist," and he articulated the position that natural law should never be used as a basis for constitutional adjudication.

In a speech to the Pacific Research Institute in 1987, Judge Thomas stated:

I find attractive the arguments of scholars such as Stephen Macedo who defend an activist Supreme Court that would strike down laws restricting property rights.

Modern constitutional jurisprudence has reversed holdings of the Lochner era which relied on natural law, and the law is well settled that economic rights are not held to the same high standards as personal or individual rights. Now, for many decades the Supreme Court has recognized that Congress has broad powers to regulate commerce in order to protect public safety, health, welfare and the like; otherwise, there would be no minimum wage laws, no occupational safety and health laws, no environmental protection laws, nor laws providing for Federal inspection of aircraft or food and meat products.

Judge Thomas' explanation of his position on natural law gave me concern on whether he had changed his position for expediency's sake. My position on natural law should not be misunderstood: I believe there is a danger that the loose application of natural law can be employed as support for any desirable conclusion, thus making it possible to invalidate established holdings or laws on the authority of a "higher law." However, I believe that concepts of natural law do have a role in construing the language of the Constitution, but not in superseding it.

Judge Thomas' explanation of his criticisms of the opinion in *Brown versus the Board of Education* raised concerns in my mind.

I have reservations about his commitment to judicial restraint as evidenced in his words of support of Justice Scalia's dissent in the case of *Johnson versus the Transportation Agency of Santa Clara County*—an employer discrimination case upholding a lower court interpretation that title VII of the Civil Rights Act of 1964 allowed an employer to adopt a voluntary affirmative action plan to bring equally qualified women into the work force that had been exclusively male in the past. In a 1987 speech to the Cato Institute, Judge Thomas said he hoped Justice Scalia's dissenting opinion would help provide guidance for lower courts and a possible majority in future decisions.

Judge Thomas' words of support of Justice Scalia's lone dissent in the case of *Morrison versus Olson* upholding the appointment of a special prosecutor to investigate alleged wrongdoing in the executive branch of Government also troubles me. Justice Scalia's dissent used natural law to argue against the constitutionality of the statute authorizing the appointment of a special prosecutor. In a 1988 speech, Judge Thomas cited the dissent as "How we might relate natural rights to democratic self-government and thus protect a regime of individual rights."

Judge Thomas' answer that he failed to read the report of the White House working group on the family when he had signed off on such report as a member of the group raises basic questions of his lack of thoroughness and circumspection.

Judge Thomas' answer that he had never discussed the case of *Roe versus Wade* with anyone is simply hard to comprehend. How could any lawyer not have, at some point in his or her career, at least discussed this well-known and controversial Supreme Court decision?

In his 1987 speech to the Pacific Research Institute, Judge Thomas states that he finds attractive arguments of the libertarian philosopher Stephen Macedo that an activist Supreme Court should strike down laws restricting property rights. The content of this speech, in general, evidences to me a tendency of Judge Thomas to harbor a libertarian philosophy.

Judge Thomas' responses to the questions about Oliver Wendell Holmes, a great Justice, continue to linger in my thoughts. In a speech to the Pacific Research Institute in 1988, Judge Thomas said this about Holmes:

The homage to natural right inscribed on the Justice Department building should be treated with more reverence than the many busts and paintings of Justice Oliver Wendell Holmes in the Department of Justice. You will recall Holmes as one who scoffed at natural law, that "brooding omnipresence in the sky." If anything unites the jurisprudence of the left and right today, it is the nihilism of Holmes. As Walter Berns put it in his essay on Holmes, most recently reprinted in William F. Buckley and Charles Kesler's "Keeping the Tablets": " * * * 'no man who ever sat on the Supreme Court was less inclined and so poorly equipped to be a statesman or to teach * * * what a people needs in order to govern itself well.' Or, as constitutional scholar Robert Faulkner put it: 'What (John) Marshall had raised, Holmes sought to destroy.' And what Holmes sought to destroy was the notion that justice, natural rights, and natural law were objective—that they exist at all apart from willfulness, whether of individuals or officials.

However, at the hearing Judge Thomas stated this about Holmes: "he was a great Justice. * * * obviously now he is a giant in our judicial system."

During the hearing, Judge Thomas stated that later, after reading a biography of Holmes and other writings

about Holmes, he developed a praise worthy view of the judicial career of Holmes. However, his remarks about Holmes in his speech indicate a lack of scholarship and objectivity when he used dogmatic words in harshly attacking Holmes before a receptive audience.

It is interesting to note that his criticisms of Justice Holmes were because Holmes took the same position that he, Clarence Thomas, now takes; that is, that natural law should not be used as a basis of constitutional adjudication. Adding to his previous inconsistencies on the doctrine of natural law, Judge Thomas' responses suggest to me deceptiveness, at worst, or muddle headedness, at best.

I came away from the hearings with a feeling that no one knows what the real Clarence Thomas is like or what role he would play on the Supreme Court, if confirmed. I want to give him the benefit of the doubt because of the well-deserved success he has achieved in overcoming the bonds of racial discrimination and poverty to become one of our Nation's top Federal officials in both the executive and judicial branches of government and because his presence would continue a well-needed diversity on the Court.

The Senate Judicial Committee hearings have revealed to me many inconsistencies and contradictions between his previous speeches and published writings and the testimony he gave before the committee. His testimony before the committee in several instances contained outright disavowals of previous statements and positions, further obscuring his constitutional philosophy.

I stated at the onset of the hearing that Judge Thomas' own testimony could remove, clarify, decrease or increase any doubts which we in the Senate might have about his nomination. Most of these doubts still remain along with newly created doubts.

Should I therefore follow the old adage "when in doubt—don't" or on the other hand, because of his accomplishments under adverse circumstances, give him the benefit of the doubt?

Our Nation deserves the best on the highest court in the land and an error in judgment could have long lasting consequences to the American people. The doubts are many. The court is too important. I must follow my conscience and the admonition "when in doubt—don't."

I will respectfully vote against the confirmation of Clarence Thomas to become an Associate Justice on the Supreme Court of the United States.

Mr. ADAMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The chair recognizes the Senator from Washington.

THE NOMINATION OF CLARENCE
THOMAS

Mr. ADAMS. Mr. President, on July 1, President Bush announced he was nominating Federal Appeals Court Judge Clarence Thomas to succeed retiring Justice Thurgood Marshall on the U.S. Supreme Court. The President described Judge Thomas as "the best man for the job."

The day following that announcement, I happened to be meeting in my Seattle office with a group of women's rights activists and supporters of an initiative that will appear on the ballot in the State of Washington in November. The subject of our meeting was to be initiative 120—an effort to set into State law the abortion rights enunciated in *Roe versus Wade*, a decision handed down by the Supreme Court in 1973.

Our meeting quickly became a discussion of the Thomas nomination and what it represented for America, what it represented for the direction of the Court and the rights of women in society. And as I spoke with this group, which included African-American housewives, activists, and many others representing a diverse cross section of our community, including Kathleen O'Connor, Lucinda Harder, Esther Alley. Ms. O'Connor said to me: "I am more disturbed than I have been in a long time. I am afraid this man is being thrown up because he is black and conservative, so he can further divide this country."

Lucinda Harder then said, "I am disheartened by what has happened, and I feel helpless."

I promised the group I would carefully follow the Thomas confirmation process, and that I would make a visible and vocal stand at an appropriate time.

Mr. President, that time has come. I followed the hearing process. I have reviewed the testimony on natural law. I have listened, read, and watched. All of us have come to know the inspiring story of Clarence Thomas' journey from rural poverty in Pin Point, GA, to graduation from Yale Law School, and later appointment to chair the Equal Employment Opportunity Commission, and to be appointed to the U.S. Court of Appeals. But now the President asks the Senate to confer upon Judge Thomas as a lifetime appointment to the highest Court in the land. I stress this is not an appointment to an executive branch post, where the argument can be made that the President should be given some deference in forming his cabinet. This process involves the creation of the third branch of our government under the Constitution, a coequal branch and, therefore, must be treated much differently than a nomination to the executive branch.

At the relatively young age of 43, Judge Thomas would be called upon to interpret our Constitution and the laws

of our land well into the 21st century. He could affect, in particular, the individual rights of Americans, and the proper relationship of the awesome power of government to attack those fragile individual rights that are the essence of a democratic society. This confirmation process should be directed to discovering where Judge Thomas stands, rather than on retracing the road he has traveled.

Unlike the most recent nominee, Judge Souter, this nominee has a well-documented, conspicuous public record during the past decade as a Federal official in several positions. He has given numerous speeches, expressed a variety of opinions on a number of topics, and made decisions that have affected the rights of thousands of Americans. That public record is more relevant to the proper exercise of our advise and consent responsibility than are the many other laudable aspects of the life of Clarence Thomas.

As chairman of the Subcommittee on Aging, I am particularly interested in his actions regarding our senior citizens. While serving as Chairman of the EEOC, Clarence Thomas disregarded the Federal authority to bring age discrimination cases, the statute of limitations ran out, and as a result, thousands of cases were dismissed. Behind that sad record of neglect, and the statistical number of case dismissals, were thousands of individual citizens who were denied their day in court. One of them, for example, was a citizen from my State named Ray Albano. Ray was a student at the University of Washington, several years behind me, and I remember him as a first-class tennis player. But after suffering from degenerative arthritis, and a hip socket replacement, Ray found himself in a hostile, discriminatory work environment. So he went to the EEOC in February 1985, and filed an action.

Because the Seattle office was just following the directives coming from EEOC headquarters, Ray Albano's case was neglected and then dismissed. Thanks to legislative relief, and a reinstatement by the Federal appellate court in San Francisco, Ray Albano at last says he has a day in court coming after 7 years of seeking relief from the agency Clarence Thomas was then heading. On September 19, Ray Albano, a strong Republican, flew to Washington to personally express to me his opposition to the Thomas nomination.

Mr. President, I ask unanimous consent that the text of his testimony be printed in the RECORD following my comments.

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

(See exhibit 1.)

Mr. ADAMS. Mr. President, I urge my colleagues to read his statement. It is a compelling recitation of what can happen to a single individual when

those charged with upholding the law fail, or refuse to carry out the law.

Last week I was visited by the Pacific Northwest regional director of the NAACP, together with the director of the organization's Washington Bureau. Throughout my nearly 30 years of public service, I have maintained great respect for the work of the NAACP in helping forge the nonpartisan coalition that has moved our society forward, particularly in the area of civil rights. Those individuals reminded me of a time when the NAACP asked that I oppose the nominations of Robert Bork, and David Souter. They said it would have been inconceivable that their organization would hold an African-American nominee to a lesser standard. The NAACP, after long and difficult reflection, has chosen to oppose Judge Thomas's nomination to the Supreme Court. I was asked to hold this nominee to the same standard I applied to Judges Bork and Souter, both of whom I opposed. I shall do so.

In reviewing the testimony Judge Thomas presented before the Judiciary Committee, I noted once again the irony of hearing another male nominee to the court willing to discuss his views on the constitutionality of the death penalty, and other constitutional questions, while refusing to admit to even having any views on the constitutionality of the privacy rights of women to decide, free of Government interference, whether to have an abortion. Judge Thomas claims to have never discussed *Roe versus Wade*, or to have formed an opinion on the ruling, despite the fact that this landmark decision was rendered while he was a student at Yale Law School.

Mr. President, another Supreme Court appointment that pushes the Court farther to the right, out of the mainstream of contemporary society's view on the rights of women, and the indifference shown to senior citizens, is a dangerous step in the wrong direction.

Because I fear that Judge Clarence Thomas, by his record of public actions, writings and comments, coupled with his refusal to admit to ever having even given the matter of the privacy rights of women any serious thought, and to have stated and done what he did as chairman of the EEOC, in the exercise of my individual responsibility under article 2, section 2, of the Constitution of the United States, I will vote no on the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

I yield the floor.

In closing, Mr. President I wish to pay tribute to the staff members who accompanied me to the floor today.

For nearly 3 months, a member of my staff worked full time reviewing the Thomas record and researching the numerous speeches articles, and opinions Judge Thomas has authored. I want to

express my deep appreciation and gratitude to Ms. Tracey Eloyce Rice, a third-year student at the Georgetown Law Center from Seattle, WA, for her outstanding staff work on this nomination.

EXHIBIT 1

STATEMENT OF RAY ALBANO ON THE CONFIRMATION OF JUDGE CLARENCE THOMAS TO THE SUPREME COURT, SENATE JUDICIARY COMMITTEE, SEPTEMBER 19, 1991

My name is Ray Albano. I'm 60 years old, and I live in Seattle, Washington. I would describe myself as politically conservative. I have never voted for a Democrat for President, and the only Democrat I ever did vote for was Scoop Jackson. I have served as leader of the 21st District Republicans in Snohomish County, and as a Lynwood City Council member.

Seven years ago, I became the victim of age discrimination. What happened to me at the EEOC under the direction of Clarence Thomas is why I oppose his nomination to the U.S. Supreme Court. The EEOC did all it could do to *not* to help me. The agency did everything possible *not* to enforce the very law that it was charged with enforcing. In fact, the EEOC let the statute of limitations run on my claim, and it is only because of a special act of Congress and my own persistent efforts that I have gotten anywhere. And I know that my experience was not unique.

From 1973 to 1985, I worked as a sales representative for a major corporation. In 1983, I found out that the company had a plan to force out its older workers. Their plan became very real to me when I was denied a promotion. I was the most qualified candidate for the job, and the person selected was not even 25 years old. I asked to be considered for another position, but was told that this was not a possibility either. I was told that both jobs were "young men's jobs."

I have degenerative arthritis, and in 1984 I had my hip replaced. For about two weeks, I was in the hospital, and I was on medical leave from October 1984 until January 1985. During this time, my employer expected me to carry a full workload. In fact, the day after I was released to return to work, my supervisor put me on probation, citing poor performance. He also moved several of my key accounts and reduced my commissions. He told me that I would now have to call on retail stores, and I would have to help build displays for these stores. This meant carrying and lifting heavy cases—work that was very painful and difficult for me because of my surgery. I was told that I had to do it—I had no choice—if I wanted to keep my job. It seemed that my employer was trying to get me to quit. I was so scared and upset that I would go home at night and cry. I couldn't afford to lose my job, and I tried to do the best I could, but every day, my supervisor would find something else wrong with my performance. Finally, I decided that I had no choice but to file an age discrimination charge.

I went to the EEOC in February 1985. I told them about the promotions I had been denied and why I believed it was because of my age. I told them about the company's plan to get rid of its older workers. I told them about my surgery and the pressures placed on me during my medical leave. I told them about being placed on probation and my commissions being reduced the day after I came back to work. I told them that I had been given a job assignment that I found almost physically impossible to do, and that I had a doctor's letter confirming this. I told them

that I believed that my employer was harassing me to make me quit my job.

Despite all this, all the EEOC would do is to put a claim of a denied promotion in the charge. They told me that I would be assigned an investigator and I could tell the investigator about all the harassment. I tried to discuss it further, but got nowhere. I was told to sign the complaint as it was drafted, so I did.

In late February 1985, I tried to discuss the harassment with the EEOC investigator. In fact, conditions at work had gotten worse. I was told, however, that I could not amend my claim.

Finally, all the abuse at work took its toll. I couldn't handle it any more—either physically or emotionally—and so I left my job on March 1, 1985. A few weeks later, I called the EEOC to tell them what had happened. I again asked if the charge should be amended to reflect the harassment. I was told that was not necessary.

Altogether, I had about 14 conversations with the EEOC. I had to initiate every call; they never contacted me. In many of these conversations, I tried to discuss the harassment and whether I needed to amend my complaint. Each time I was told no. I never received anything in writing from the EEOC telling me what was happening with my case. Finally, in February 1987, the EEOC told me that they were not going to do anything about my charge, and that it was too late to file suit.

I didn't do anything after that, because I thought there was nothing I could do. Then, I heard on the news that Congress had extended the statute of limitations for Age Discrimination claims. So, I found a lawyer, who filed suit for me in federal court. I lost. One of the reasons was that the statute of limitations had run.

I appealed my case to the Ninth Circuit Court of Appeals, where I finally won. On August 30, 1990, the court ruled that my suit could go forward. Finally, I have a trial date set for next April. The Ninth Circuit ruled that I had done all that could reasonably be expected to protect my rights, and that the EEOC had been at fault.

I flew here from Seattle because I think I have an important story to tell. I know that what happened to me at the EEOC was not isolated or unique. In fact, one of the EEOC case workers told me that they simply were following policy from Headquarters. They had received memos from Washington, D.C. telling them to get rid of their cases as fast as they could. And I was one of the many victims. As head of the EEOC, Clarence Thomas tried to gut the very law he was charged with enforcing. His record makes me question his respect for established law that may be at odds with his personal beliefs. I am here to oppose his confirmation to the U.S. Supreme Court.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California for 5 minutes, and Senator BROWN for 5 minutes, and then Senator BUMPERS.

NOMINATION OF CLARENCE THOMAS

Mr. CRANSTON. Mr. President, I spoke out against the nomination of Judge Clarence Thomas to the Supreme Court while I was in California last Sunday. As the first Senator to oppose the nomination I want briefly to state my reasons now to the Senate.

I was one of only nine Senators who voted against the appointment of Justice David Souter to the Court last September. This time I expect I will be joined by a far larger number of Senators in opposing the confirmation of Judge Clarence Thomas. I am delighted that the distinguished Senator from Washington has just now taken that position.

Most of all, I am encouraged by the courageous statement of opposition made a few moments ago by the distinguished Senator from Alabama, HOWELL HEFLIN.

Mr. President, this nominee is not—I repeat, not—assured of confirmation.

I doubt that anyone in the country believes President Bush's statement that Judge Thomas is "The best man for the job." Certainly no attorney in our country believes that.

I have a number of reasons for voting against Judge Thomas, not the least of which is his refusal to reveal his views on the fundamental issue of a woman's right to choice. Judge Clarence Thomas has embraced the Souter syndrome of silence in response to important questions, the answers to which the Senate has a right to know. Ironically, he did so after asking the Senate to ignore his past written statements and to judge him solely on his testimony. I am deeply disturbed by Judge Thomas' easy disavowal before the Judiciary Committee of positions he strongly held and publicly proclaimed upon previous occasions.

I am disturbed also by this: Judge Thomas benefited from an affirmative action program at Yale Law School but now opposes affirmative action for others. And this concerns me: I wondered about the idea that Thomas' personal experience of poverty, pain, and discrimination and certainly in his life he has suffered from all of those and more, but wondered about the notion that that suffering, that experience, would make him compassionate about injustices to others, when I heard of his ridiculing his own sister for being on welfare.

Mr. President, recognizing the long-term impact that Justices would have on the life on the Nation, our Founding Fathers wisely placed the power to select Justices not in the hands of a single man, the President, but equally in the hands of the Members of the U.S. Senate. The Constitution is explicit about this coequal responsibility.

For a nominee to win my vote, he or she must manifest a basic commitment to and respect for the individual rights and liberties inherent in the fabric of the Bill of Rights. The burden of proof is on the nominee to convince the Senate that he or she has such a commitment. Judge Souter shunted that burden aside. So did Judge Thomas.

Both nominees took the position that the Members of the U.S. Senate are not entitled to know their views, or under-

stand what type of legal reasoning they would apply, in the critical area of a woman's right to choice in matters relating to abortion.

Judge Souter told us he had thought about the issue but he declined to share those thoughts with us. Judge Thomas, for his part, says he has never even discussed his views or Roe versus Wade with another person. That statement defies belief.

I find it impossible to advise and consent to a nomination when the nominee is not forthcoming during the very process which the Constitution says we in the Senate must carry out.

In the case of Justice Souter I did not, and in the case of Mr. Thomas I will not, vote to confirm a Supreme Court nominee who refuses to reveal his views on the legal doctrines involving one of the most important constitutional issues of our time.

I yield the floor, Mr. President.

UNEMPLOYMENT

Mr. PELL. Mr. President, yesterday while the rain fell in sheets in the city of Warwick, RI, nearly 8,000 Rhode Island residents stood in line, some of them for hours, waiting their turn to receive a bagful of Federal surplus foods.

According to news reports, these people—including the jobless, those on welfare, retirees—all of them needy, began lining up 2½ hours before food distribution was to begin.

Mr. President, the demand for this surplus Federal food stunned local officials. It is, however, one more indication that despite all the optimistic words to the contrary, our economic situation is bad and getting worse.

This saddening evidence of human need deepens my conviction that the administration and the Congress must recognize now the economic reality of a continued and worsening national economic recession and take action. We should act now to relieve the misery of the victims of this recession; we should act now to stimulate the economy, and to restore economic health and jobs.

And one of the first things we should do is to enact at once an extension of unemployment compensation for the long-time jobless. I have lost patience with those who contend that our Government should do nothing; with those who say the recession is short, shallow, and over. I have totally lost patience with those who say we cannot afford to extend unemployment compensation benefits to those who have been hit hardest and longest by this recession.

Mr. President, those who were lined up in the rain in Warwick, RI, were not lining up to just show concern. They were lined up because they need help, they need it now, and they need it badly.

As a retired truck driver told a news reporter: "It's either stand in line or go hungry. I'd rather get wet and eat."

I would note that the unemployment rate in Rhode Island has climbed steadily for months and now stands at 9.1 percent. Because of its high jobless rate, Rhode Island is now the only State in which the long-term jobless are eligible for extended unemployment compensation payments. And unless Congress acts, and the President acts, another 5,500 Rhode Islanders next week will lose their extended benefits. Then they too can go and stand in line for food to feed their families.

Mr. President, I urge the Congress to act swiftly to send an extended unemployment pay bill to the President, and if he vetoes that bill to override the veto at once.

I ask unanimous consent that an Associated Press report on the food distribution in Warwick, RI, be printed in the RECORD at this point.

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

HARD TIMES FOUND ON FOOD LINE

WARWICK, RI.—The depth of Rhode Island's recession can be found among the more than 7,800 people who lined up in the rain for a distribution of surplus food.

"I am stunned," Joseph Trainor, associate director of Warwick Community Action said as he stuffed canned goods in bags on Wednesday. "The economy is in the toilet. That's all I can say."

Social-service workers point to Rhode Island's 9.1 percent unemployment rate for August and the continued banking crisis that has left \$1 billion tied up in frozen accounts.

Similar distributions of the free federal food have been held or are planned around Rhode Island. One earlier this week in Newport drew several Navy wives who said their husbands' paychecks were insufficient to live in this expensive area.

Social-service agencies say they expect to give out 1 million pounds of food this week, twice what was handed out during a similar distribution in March.

To get the food, people must show a state Human Services Department voucher. The vouchers most commonly go to those on welfare or those receiving disability or heating assistance.

A retired truck driver who would not give his name summed it up as he waited on line outside the Warwick Knights of Columbus Hall.

"It's either stand in line or go hungry," he said. "I'd rather get wet and eat."

People started lining up at 7:30 a.m. even though the hall's doors didn't open until 10 a.m. By the end of the day, the community action agency had distributed 58,000 pounds of food.

Typically a family of four gets two jars of peanut butter, two boxes of raisins, two cans of pork, four cans of green beans, two 5-pound bags of flour or cornmeal, a 5-pound block of American cheese and four 1-pound blocks of butter.

"I had no choice but to stand there," said Tina Perry, who receives welfare to support her family of four. "I need this."

She said she had little food, macaroni but no sauce, bread but no cheese.

"You have to understand how bad the economy is for them to suffer through this,"

said a woman, the single mother of three children, as she stood in line. "I think it's indicative of the situation of the economy, and it's causing people to come out no matter what the weather is."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate was supposed to resume consideration of H.R. 2521 at this time.

Mr. INOUE. Mr. President, the committee is prepared to proceed on the debate on the MX missile, but I have been advised that two of my colleagues wish to be heard on other matters.

So, if I may, I ask unanimous consent that 10 minutes be set aside, to be shared equally by Senator BROWN and Senator BUMPERS to speak as though in the morning hour and we will proceed thereafter and vote at 10:30.

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

The Chair recognizes Senator BROWN for 5 minutes and Senator BUMPERS for 5 minutes.

Mr. BROWN. I thank the Chair, and I extend my thanks also to the distinguished Senator from Hawaii whose kindness has allowed us to proceed.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. BROWN. Mr. President, I rise to address the decision before the Senate in this coming week with regard to Judge Thomas and his ratification or lack thereof for the Supreme Court of the United States.

Mr. President, this is the first such deliberation I have participated in as a Member of the Senate, and as the newest member of the Judiciary Committee, it has been a fascinating experience. It is one that I think is, if nothing else, thorough in its focus. And I must say I believe the Senate has chosen wisely in conducting this kind of indepth investigation.

It is quite true that the phenomenon of delving into, over a period of several weeks, the background of a Supreme Court nominee is relatively new in our country's history. The fact is, most nominees in the history of this Nation have not been called on to respond to questions in depth, have not had their backgrounds gone over with a fine tooth comb. But I believe it is a wise policy to do so.

I think the hearings, while frustrating at times for the participants on both sides of the aisle, have been fruitful and beneficial to this Nation. This nomination will end up influencing the

judiciary of the United States for decades to come. If Judge Thomas serves as long as his predecessor in that office, he will serve four decades. Whether it is that 40 years or a lesser term, in the event he is confirmed, he will have a profound impact on the Nation's future and its judicial system.

So I think the time that the Senate has spent, while extensive, has been worthwhile and helpful. Judge Thomas over the years' service in both public and private has written and spoken widely on wide range of topics, many of them hot politics. And so the scope of the inquiry involved not only his background but a wide range of public writings and speeches. It promised, at least at first, to be a hot hearing, one that would deal with lively subjects, that would involve a give and take and a strong exchange.

For those who hoped for that, at least in the 5 days that the judge was testifying, they had to come away a bit disappointed. I think it is fair to summarize the result of the sessions as ones of interest but not ones that broke new ground in terms of judicial discussion.

The fact is, on the subject of natural law, the judge spoke out unequivocally in stating that he would not use natural law to interpret the Constitution. He did so under oath. And when questions were raised about that because of his previous writings, a search of the record revealed that he had made precisely the same statement when he was confirmed for the Circuit Court of Appeals. Judge Thomas at least in this regard has been 100 percent consistent with his past record. What he says now is exactly the same thing that he said when he came up for the Circuit Court of Appeals.

One, of course, should not stop with simply those statements but look at the record. But a review of his record on the circuit court of appeals indicates a very thorough commitment to that thought. He has not used natural law in interpreting the cases before him on the Circuit Court of Appeals. The simple fact was many of the hot topics we thought they would get at in the Judiciary Committee turned out to not be so.

Judge Thomas simply said, in many hot areas, that he had no quarrel with the way the court rules now. In the area of Roe versus Wade, he was asked his feelings with regard to that case in every conceivable way I know that an attorney could approach it. At last count, the questions had exceeded 70.

The characterization of his response I think has been accurately reported here on the floor. The fact is Judge Thomas did not give us a clue as to how he will rule on a review of Roe versus Wade.

Now he did indicate he believed in the right to privacy, which, in many of the cases, has been the fundamental in

reviewing that decision. So at least as far as the basis of that decision, he has committed to this Senate to honor the right to privacy.

But I think any fair observer has to come away from the hearings saying, "Frankly, we don't know how he is going to rule on Roe versus Wade and, frankly, we don't know how he is going to rule on many of the topics that will come before him." That perhaps is in line with the canon of ethics in the legal profession. It perhaps is in line with regard to the process that we have gone through for previous judges. But the simple fact is we come to the floor without being able to report to you precisely how the judge will rule on a variety of cases.

Mr. President, I think we have to look from there to his qualifications. The Bar Association has stated their review thoroughly.

The Bar Association has reported to this Chamber that they find that Judge Thomas possesses the highest levels of professional competence, judicial temperament, and integrity. His background I think comes to this Senate as a thorough and broad one, with a wide range of experiences.

I think the bottom line question though has to be what kind of values he will bring to the Supreme Court. Each of us has our own values that we will judge that measure by. But as I look through the judge's record and the testimony, this series of questions stood out in my mind.

Senator SIMON asked Judge Thomas this question:

I see two Clarence Thomases: one who has written some extremely conservative and I would even say insensitive things * * * and then I hear the Clarence Thomas with a heart. * * * which is the real Clarence Thomas?

Judge Thomas responded this way:

Senator, that is all a part of me. You know, I used to ask myself how could my grandfather care about us when he was such a hard man sometimes. But, you know, in the final analysis, I found that he is the one who cared the most because he told the truth, and he tried to help us to help ourselves. And he was honest and straightforward with us, as opposed to pampering us, and he prepared us for difficult problems that would confront us.

Mr. President I believe that Judge Thomas has the values of hard work and integrity, of perseverance, that this country honors and respects. I believe he has those values that will reflect well for the future of this Nation.

Martin Luther King said it best. He said:

My dream is that my little children will grow up in a world to be judged on the content of their character, rather than the color of their skin.

If we judge Judge Thomas on the content of his character, I believe he should be confirmed by the U.S. Senate and rise as an Associate Justice of the Supreme Court.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1755 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending April 30, 1992, and for other purposes.

The Senate resumed consideration of the bill

Pending:

Division 2, to reduce the amount provided for the rail garrison MX missile program, of Sasser Modified Amendment No. 1193.

Mr. INOUE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The vote will occur at 10:30. There are 14 minutes to be evenly divided.

Mr. INOUE. Mr. President, I ask unanimous consent that 16 minutes be added to make it a total of 30 minutes, equally divided, and at the expiration of the 30 minutes the vote will commence.

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

COMMITTEE AMENDMENT BEGINNING ON PAGE 34, LINE 10, AS AMENDED

Mr. INOUE. Mr. President, I ask unanimous consent that the committee amendment on page 34, line 10, as amended by the Levin amendment, be adopted and that the committee amendment, as amended, be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by agreeing to this request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DIVISION 2, AMENDMENT NO. 1193, AS MODIFIED

Mr. SASSER. Mr. President, how much time is now remaining?

The PRESIDING OFFICER. There are remaining 14 minutes and 20 seconds on your side.

Mr. SASSER. Mr. President, I relinquish 10 minutes to the distinguished Senator from Nebraska, and additional time if he should need it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. EXON. Mr. President, I rise in support of the amendment to eliminate \$251 million in wasteful spending under the Rail Garrison MX Program. This is the amendment I offered on August 2 of this year during consideration of the fiscal year 1992 Defense authorization bill. That amendment was unfortunately defeated by one vote, 49 to 48. I support the amendment to terminate the Rail Garrison MX Program because the events of the past 2 months in the Soviet Union only strengthen the case against this unwarranted program.

The Defense appropriations bill that is now before the Senate contains \$21 million in research and development funding for the Rail Garrison MX Program. This \$251 million includes \$20 million for the completion of critical design reviews and \$231 million to build one operational model rail garrison MX train of seven cars and two locomotives, a procurement which will ultimately cost taxpayers a total of \$600 million, and fire one test missile from this train. It is this \$251 million and the follow on spending which should be deleted as unnecessary.

There are no plans within the Pentagon to ever deploy the mobile rail garrison MX system. This is important for Senators to understand. The present Department of Defense plan is to close out the research and development effort under the program and mothball the system for at least 6 years, most likely permanently. The intent behind purchasing this expensive train was originally to conduct a flight test of only one MX missile from the operational train. Yet, the Senate adopted a fiscal year 1992 Defense authorization bill in August which wisely prohibits the firing of the single test flight to avoid having the MX missile designated as a mobile missile. Designating the MX as a mobile missile even though it will remain in silos may undercut a promising option for the START 2 negotiations: That being the offering of a ban on mobile MIRV'd ICBM's as an interim step toward a ban on all land-based MIRV'd ICBM's. The Air Force itself has testified that one flight test, though prohibited by the Senate Defense authorization bill, is statistically insignificant toward proving the systems operational capability.

Then why spend \$251 million in fiscal year 1992 funding—and a total of \$600 million—to build and maintain one train only to place it in storage? The Air Force has conceded that if the United States was to determine at some future date that the rail garrison MX had to be brought out and deployed, a minimum of five verification test flights would have to be conducted and numerous production trains would have to be procured, requiring 3 to 5 years—thus making the rail garrison

MX system irrelevant in any sort of so-called crisis scenario.

More than \$2 billion has already been spent on the rail garrison MX Program. The administration, in its budget request, plans to take \$170 million in fiscal year 1991 funding and combine it with \$231 in fiscal year 1992 and \$100 million in fiscal year 1993 to buy a \$495 million train which will be immediately mothballed. The administration then plans to spend an additional \$102 million between fiscal years 1994 and 1997 to maintain this train in mothball status, bring the total cost of this cold war museum piece to \$600 million. The political and budgetary reality, though, is that the MX missile is never going to be redeployed from silos to trains.

When the events in the Soviet Union over the last 2 months are considered, the prototype train becomes an even greater relic of the cold war. The political, economic and, most importantly, military reorganization of the Soviet Union is still in a state of flux. But it is clear that the metamorphosis of the Soviet state toward a loose confederation of republics and democratic rule will have profound effects on the Soviet military, its strength and its posture. The rail garrison MX was designed to address a threat that no longer exists; it was designed to face off against an enemy now more concerned with preventing economic collapse and Federal disintegration than world dominance. To spend an additional \$251 million this upcoming fiscal year—and a total of \$600 million—for one operational train, only to immediately mothball it, will not enhance our national security. At a time when our Federal debt continues to mount and worthy programs are being cut, it would be irresponsible to allow this wasteful spending.

I have talked to two of the three Senators who, unfortunately, were absent and were not in a position to cast that vote against the bill. They will this time, which means we start out this morning with enough votes, if those who voted against this on August 2 maintain their position, as I hope and think they will, to defeat this program.

Mr. President, once again I wish to thank the members of the Subcommittee on Appropriations with regard to national defense for the good job that they did across the board.

Indeed, in this my 13th year in the U.S. Senate, this may be the first time that this Senator, who has pretty good credentials as a pro-defense Senator, has stood up on the floor of the U.S. Senate and said that the Appropriations Committee, in this instance, made a terrible error. I think probably as much as anything else, it is a situation where we look at things like this is only a \$225 million program for the next fiscal year and, yes, it is going to

become a \$600 million program unless it is stopped now in its tracks.

But just maybe somewhere along the line there is a thought that regardless of the reduced threat from the Soviet Union, that we are carrying on with this mania that continues to drive us that if the Soviet Union has a mobile rail system, then we have to have a mobile rail system, whether we need it or not. It is that tit-for-tat attitude, and it has to stop.

If, for example, the administration was saying, yes, we want to move ahead with this because we want to have an operational rail garrison system, then it would make some sense, although not very much. But the facts are that the administration has clearly said that we are not going to have one.

This proposition simply said that we are going to spend over \$600 million, in my view needlessly and for no good reason, to build a train for the MX missile. We are going to drive that train around a few miles and maybe launch not more than one test firing, which from any measure of standard, one test firing is meaningless, as was testified to in the Armed Services Committee by the Chief of the Air Force.

Then, after they do that, their stated plan is to put this in mothballs, to put it in storage for some possible unknown, undescribed, and undefined future use. Nonsense. This is a \$600 million boondoggle to carry out a few jobs possibly in the Pentagon with no redeeming feature whatsoever—not one—with regard to the total national security interest of the United States.

I cannot imagine how anyone could try and make the case on the floor of the U.S. Senate that such a program should not be canceled right now, for the obvious reasons, for those of us, I think, who understand it know fully it is nonsense.

There is not one red cent of the \$600 million that would be spent under the program unless we kill it this morning; not one red cent would help in any imagined or even fantasylike threat that would face our country in the future that the MX rail garrison would help one bit.

Therefore, I do hope and I plead with the Senate once again to reverse the terrible mistake that we made on August 2, and go ahead and kill this program outright, as it should be.

I do hope that some of the Senators who voted against two programs that we argued and debated at great length—and indeed, there are questions with both the B-2 program and there are questions about SDI, but at least in those cases there was room for debate—I hope that none of the Senators who voted against the B-2 or the SDI Program will now feel a good defense vote would be to come back to moderate their position and somehow vote for the extension of the rail garrison MX proposal.

Mr. President, I do hope and I do expect that the Senate will return to reason and will indeed knock out the MX rail garrison program, which is meaningless as far as national defense is concerned.

I reserve the remainder of my time.
The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Committee on Appropriations recommends this proposal because of the following reasons: First, it is the recommendation of the Armed Services Committee, the committee on which my dear friend from Nebraska serves as a great member. The Armed Services Committee, by an overwhelming vote, recommended this action. In so recommending this final development project for the rail mobile ICBM, it set aside the so-called small ICBM because it was felt that the small ICBM would have a bow wave effect and cost much more, approximately \$30 billion, down the line.

And so it is an issue that has been discussed very thoroughly by the Armed Services Committee, and we took that recommendation very seriously, also.

Second, it was noted that while we are debating whether we should or should not have this final test, it is not to procure any ICBM's, but just to test. The Soviets already have over 250 rail mobile ICBM's roaming the Soviet Union. This is not a tit for tat. This is an affordable program. We wish to have this final test, and then set it aside so that if, God forbid, there should be an occasion where this must be revived, we will be ready.

The rail mobile is like the submarine on land. The submarines are very difficult to locate under the sea. This rail mobile will be difficult to locate on the surface of the ground. So I hope that my colleagues will give this matter serious consideration.

I have, Mr. President, a letter from the Chief of Staff of the Air Force. I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, August 2, 1991.

HON. DANIEL K. INOUE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The article on Peacekeeper Rail Garrison Funding, as it appears in the 29 July issue of Defense News, is not an accurate representation of my views on the Peacekeeper Rail Garrison program.

I fully support the President's Budget position on Peacekeeper Rail Garrison research and development. I believe it is essential that all Peacekeeper Rail Garrison research,

development and testing be completed to hedge against future uncertainties. Once tested, we can put this technology on the shelf with confidence that the United States possesses a mobile option, one that can be quickly fielded, should the need arise.

Sincerely,

MERRILL A. MCPHEAK,
General, USAF, Chief of Staff.

Mr. INOUE. In this letter it says that the Air Force fully supports the President's budget position on the rail garrison research and development.

Mr. WARNER addressed the Chair.
The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask the Senator if he would yield me a minute.

Mr. INOUE. I am pleased to yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I wish to commend the distinguished chairman of the subcommittee. We have already, am I not correct, I ask the Senator, invested \$2 billion in the program, and for this comparatively smaller sum we will be able to determine the viability to this option and to store it as insurance, indeed, as a cornerstone of our policy of deterrence? Am I not correct on that?

Mr. INOUE. The Senator is correct. This is part of a program that was adopted several years ago. This is the last phase of the R&D program.

Mr. WARNER. Mr. President, I thank the distinguished chairman for referring to the work done in the Armed Services Committee. Indeed, it did carry in that committee, and it is my hope that the Senate will affirm the recommendation of the chairman of the subcommittee.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. I am pleased to yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. SIMPSON. Mr. President, I thank my senior colleague from Hawaii, probably one of the most respected men in this body. When he speaks, we should listen. I have learned that in my 13 years here. This is another example of that. It matters not what the issue might be. The Senator from Hawaii is deeply respected and admired and should be heeded.

It just does not make any sense to kill the MX rail garrison program when we have not yet deployed a mobile missile. In a world that is constantly changing and in view of what is happening in the Soviet Union—or what was the Soviet Union and is now the Soviet dis-union, and we know not what that is in truth—we should not forget that, mathematically, the Soviets have a decided advantage in this area, and we have to ensure that our missiles are as survivable as that of any potential adversary. Despite the

failure of the coup in the U.S.S.R., we do not know what the future will hold there or in the rest of the world, and we have a responsibility to ensure that our deterrent strength is preserved.

What the Senator from Hawaii and the Senator from Alaska, the justifiably respected Senator STEVENS, are telling us, we should listen to and heed so carefully. We do have the MX missiles in fixed silos, but they are not survivable as a mobile missile. We, hopefully, will never have to deploy rail garrison, but we expended, as the Senator from Virginia says, nearly \$2 billion developing the MX and rail garrison. It just does not make any economic sense to pull the plug on the program now. The START Treaty limits warheads on mobile missiles to 1,100, and that is just dandy except for the fact we do not have a mobile missile to deploy. So potential adversaries may be able to field over 1,000 warheads on mobile missiles while we sit around and argue about whether we should develop a small mobile or rail garrison.

There is one person the two Senators from Wyoming know well—and that is Secretary Dick Cheney. We served with him for 10 years in the Congress. MALCOLM WALLOP and I know in this town, Dick Cheney is known as a thoughtful, pragmatic, and prudent fellow, and he has strongly supported the rail garrison program. He has done that for a very good reason. He knows that intelligent defense planners must plan for worst-case scenarios. We should not look at strategic planning through rose-colored glasses. It is essential we have a land-based missile leg of the strategic triad that is mobile. The rail garrison concept is absolutely unique because it involves placing a missile on a train instead of on roads throughout the United States. We know that those mobile missiles deployed on trucks are more expensive and that the impacts on public lands are even greater.

Many efforts at formulating the best plan were made. Some were scoffed at. This was settled upon. It is a good proposal. We do not know how many mobile missiles we are going to deploy in the future, but if we do not finish the development of an operational train, we will be placing ourselves at a disadvantage in the future.

Contrary to the arguments of its detractors, the MX will greatly contribute to American security, and we ought to continue with this very vital program. We just do not have any idea what the future will hold regarding potential threats to our security, and we cannot predict with certainty who will have control of the nuclear capabilities of other countries. That is a basic concern of all of us right now. Who holds the black box in the Soviet Union is a concern to all of us.

So we would like to believe the world is totally safe, is getting safer, and everything is all right. Unfortunately, we

are not there yet. But I would listen to Dick Cheney and Colin Powell. I think they know more about those issues than any of us here—other than the managers of the bill—and we do not need those people telling us we do not need strategic systems or SDI. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I see the distinguished Senator from Illinois on the floor. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, this dog is dying, and let us do the humanitarian thing and kill it. Our friend from Nebraska said correctly, this is a \$600 million boondoggle.

Let me give you a brief history. When I was in the House, I led the fight against what then was going to be 100 square miles in which we were going to send these things around on a specially developed rail system. We were able to delay it, and then President Reagan did the sensible thing and he killed it. Then all of a sudden it came up, we were going to hide these railroads in tunnels, only it developed that to get these railroads out of tunnels would take many, many hours. Well, that was great if the Soviet Union sent us a post card and said we are going to send our missiles over; they go in 25 minutes.

So finally that has died or come near death, and now we are down to one train. We still have the triad system. We still have submarine-launched missiles. We still have missiles that can go by air. We have them all over the land. But we cannot let this dog die, so we have one train we are going to send around.

Well, whatever enemy emerges—the present threat has virtually collapsed—if they cannot find this train, they are not a very powerful enemy. Let me tell you, this thing just does not make sense. Let us save the money. Let us give this dog a nice burial, but let us bury it.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I am pleased to yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. WALLOP. Mr. President, I thank the Senator from Hawaii.

Mr. President, I rise with a certain weariness in opposition to this amendment that would strip the remaining funds from the MX Rail Garrison ICBM Program. I say weariness because we have already debated this issue at considerable length in floor action on the defense authorization bill. This Senator, and many others, can be forgiven for believing the Senate had expressed itself.

I must give Members on the other side of this issue some credit. They are persistent, if nothing else. I only wish their military judgment and their knowledge of the issues matched their persistence; for frankly I have seldom heard on this floor such a tissue of distortions, flawed logic, and just plain wrong information as I have heard today and yesterday in consideration on the three divisions of the Sasser amendment. But since those who would virtually scrap our strategic capabilities seem willing to persist, this Senator and others who believe the Nation must remain strong, will also be persistent.

Mr. President, no one could be more delighted than I with the demise—permanent and final, I hope—of Marxist-Leninism and the Soviet empire it created. I do not want to see a perpetually militarized United States, or a permanent condition in which arms eat up a substantial portion of our national wealth. But let me make two points to the supporters of this amendment.

First, I agree emphatically with the distinguished Senator from Georgia and chairman of the Armed Services Committee. The Soviet threat has indeed undergone a dramatic change; it has diminished by an extraordinary degree. But the change has occurred at the level of conventional war, not the strategic level. The U.S.S.R. continues to build new and more deadly ICBM's. They continue to field two types of mobile ICBM's while we have no mobiles at all; and in fact stand on the threshold, with this amendment, of canceling the one program that would at least give us the potential of having one if future events should so dictate.

Second, Mr. President, I want to make sure the welcome events in the Soviet Union are truly irreversible. In other words, I want to seal and secure the victory over communism, to make sure the hardliners of the KGB and military never have the boldness to try again what they tried in August. Or that if they do try again, they will not find a disarmed America confronting them, but an America still alert and vigilant, and still prepared to defend ourselves. Only by remaining strong for a few more years can we ensure the culmination of the victory. Otherwise we may find ourselves like the legendary Trojans, having stacked their arms and retired from the battlements just a little too prematurely, woke up to find the war lost just as they thought it won.

Mr. President, \$225 million is not too much to spend to bring the MX Rail Program to a logical stopping point. This expenditure will not deploy an operational ICBM on rail cars, nor should it. All it will do is bring us to that critical design review point to validate and evaluate the basing mode, the one thing it can do that cannot otherwise be done. You can test some-

thing in a couple of minutes. It takes years to validate the command and control systems. That is what this amendment is about. It will be of absolutely no purpose for the United States not to know how to control such a thing.

It will carry out the congressional mandate of previous legislation. It will allow us to put the system in a standby mode, and give us the best return for the money already spent, without either wasting that investment, or requiring us to lay out additional money.

TEST COMMAND AND CONTROL

Mr. President, the proponents of the Sasser amendment have made a great show of their concern with the national deficit, and with saving money. I wonder why it is that some Senators are never, never heard from on behalf of cutting spending and saving money except when national defense is before the Senate. I want to save money and cut the deficit too, but not at the expense of freedom and security. Let us remember that government is created first and foremost to defend our people and safeguard our freedom and security. All the other things that government does in the social arena—most of which it does poorly, by the way—must be secondary to its primary mission.

I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes, 2 seconds.

Mr. SASSER. I yield 2 minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I listened very carefully to my friend and colleague from Wyoming. One of the closing statements was that there are an awful lot of people in this body who want to cut out everything for national defense.

I do not know whether he has any time left. He is leaving the floor. I certainly say to the Senator from Wyoming, before he walks out the door, that I hope he is not excluding the Senator from Nebraska in his broad brush comment about voting against everything for national defense. He shakes his head affirmatively. I think that is true.

First, let me correct an impression that was, I am sure, stated by the chairman of the Appropriations Subcommittee because he may not have had the true facts. The statement was made that this was overwhelmingly approved in the Armed Services Committee. It was approved on a vote of 11 to 9. I think that is not overwhelming.

I would also point out that as the chairman of jurisdiction of the Strategic Subcommittee, I did have the votes to kill this in the subcommittee. My esteemed colleague decided to take it up with the full committee so everyone

could have a hearing. It is true we lost 11 to 9.

The statement has just been made with regard to somehow in the future we have to have this system that was originally designed for 25 trains ready to go in case we have a change in the Soviet Union.

Mr. President, let us assume that 5 years from now the Soviet Union returns to the cold war, but say it returns to what we have been fighting for 10 years. At that time then the President of the United States could make a determination if he wanted, even if the \$600 million is squandered, that we need to go back into the rail garrison production. It would take 3 to 5 years to do that. Therefore the program makes no sense.

I yield the floor.

Mr. SASSER. Mr. President, I yield myself such time as I may consume.

Mr. President, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, stated before the collapse of the Soviet Union, "I am running out of enemies. I am running out of villains. I am down to Castro and Kim Il-sung." So said the Chairman of the Joint Chiefs of Staff, prior to the dissolution of what we used to call the Soviet Union.

President Bush said, after the collapse of the Soviet Union, "The changes in the Soviet Union offer an opportunity for a vastly restructured national security posture."

So said the President of the United States.

The Secretary of Defense, Mr. Richard Cheney, said, after the collapse of the Soviet Union, in the Washington Post September 11, 1991:

The prodemocracy forces in the Soviet Union have never been stronger than they are today. The Communist party is discredited. The KGB is now run by a reformer. The old guard has been swept out of the defense ministry.

So said the Secretary of Defense.

As a result, Cheney also said in this same article that Soviet military spending, force levels, and weapons buying are clearly in a downward spiral and that it is immune to further pressure from the Communist Party and the military bureaucracy.

Quoting him further—this is a direct quote:

The basic trend is there. There just is not any way that even the Soviets are going to be able to insulate their military industrial complex from the collapse of their economy.

So said the Secretary of Defense on September 11, 1991.

How did we respond to that? How did the administration respond? How did the Defense Appropriations Committee respond? There were no new cancellations or deferrals of major weapons systems in the fiscal year 1992 defense budget, not a single one.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I ask unanimous consent I be allowed to continue for another moment.

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

Mr. SASSER. No changes were made in the United States force structure from the plans that were set forth 2 years ago before these momentous events in the Soviet Union. There were no changes in defense spending requests. The 1992 budget before us, the first since the cataclysmic events in the Soviet Union, would actually increase defense spending over the 1991 level. The 1992 defense request totals roughly \$291 billion, a \$2 billion increase over the 1991 level.

So, despite the collapse of the Soviet Union, despite the collapse of the world's other superpower, the administration currently plans to spend for defense more in 1992 and to maintain defense spending at the 1992 levels up to 1995.

Mr. President, that just does not make sense when we are sitting here looking at a \$350 billion deficit. For those who want to pin on themselves the medal, I am strong on defense, I would say that medal is becoming somewhat tarnished and antiquated and an anachronism. That medal will not ride with the medal that I am also concerned about, the deficit, and I want to reduce the deficit.

The distinguished Senator from Nebraska has offered a commonsense amendment today. Surely we can reduce this defense appropriations bill by the infinitesimal amount, relatively speaking, of \$225 million for this rail garrison train that is going to be built and then put into sheds to gather dust for posterity, to look at and wonder about in future generations.

Mr. President, my time has expired. I yield the floor.

Mr. LEVIN. Mr. President, we have more than enough reasons to eliminate the funding in this bill for continued research and development on the MX rail garrison basing mode.

If we do not buy this one sample train now, and we do not conduct one test firing of a missile from the train, then we decide at some point in the future to bring the MX rail garrison system out of mothballs—it would take 56 months, over 4½ years, to get the system going and certified.

If we do buy this one train now, that same process will take us 48 months—4 years.

That is the difference. That is what we are being asked to spend \$200 million for—so we could bring a system out of mothballs in 48 months instead of 56.

And again, the Air Force has no plans to bring this system out of mothballs. We are not going to see MX rail garrison built to be deployed.

There are other reasons to save this money. The Air Force has stopped ar-

guing silo-based, ballistic missiles are vulnerable to surprise attack, and no longer argues that MX in silos is a source of instability. That is also reason enough to stop funding MX rail garrison research.

The fact that the START Treaty has just been signed is reason enough not to build one rail garrison train before mothballing the project. The Senate, in the Defense authorization bill, agreed with the Armed Services Committee that we should not flight test an MX missile from a rail car. If we flight test it, the missile could qualify as a mobile missile under the terms of the START Treaty. It is pointless to proceed with one test only—the Air Force says a minimum of four more would be needed to certify the system, and a test firing has implications for the MX rail garrison counting as one of our mobile missile systems under the START Treaty. We made that argument in August, and now we offer the Senate another chance to follow through on that logic, and save a quarter of a billion dollars of appropriations, including money in this bill for that flight test.

We have all of those reasons to stop funding research and development on MX rail garrison. We have to stop spending money on systems we have no intention of producing or deploying. In a time of severe pressure on the Federal budget overall, rising budget deficits, and level or declining military budgets, Congress cannot afford to spend \$200 million on a piece of a system that is going directly to mothballs. I urge my colleagues to support this amendment.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. What is the time situation?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes, 19 seconds.

Mr. INOUE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. LIEBERMAN). The question is on agreeing to division 2 of the amendment of the Senator from Tennessee. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—67

Adams	Baucus	Biden
Akaka	Bentsen	Bingaman

Bond	Ford	Metzenbaum
Boren	Fowler	Mikulski
Bradley	Glenn	Mitchell
Breaux	Gorton	Moynihan
Bryan	Graham	Packwood
Bumpers	Harkin	Pell
Byrd	Hatfield	Pryor
Chafee	Hollings	Reid
Coats	Jeffords	Riegle
Cohen	Johnston	Robb
Conrad	Kassebaum	Rockefeller
Cranston	Kasten	Sanford
D'Amato	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Simon
DeConcini	Kohl	Specter
Dixon	Lautenberg	Wellstone
Dodd	Leahy	Wirth
Domenici	Levin	Wofford
Durenberger	Lieberman	
Exon	Lott	

NAYS—33

Brown	Heflin	Roth
Burdick	Helms	Rudman
Burns	Inouye	Seymour
Cochran	Lugar	Shelby
Craig	Mack	Simpson
Dole	McCain	Smith
Garn	McConnell	Stevens
Gore	Murkowski	Symms
Gramm	Nickles	Thurmond
Grassley	Nunn	Wallop
Hatch	Pressler	Warner

NOT VOTING—0

So, division 2 of amendment No. 1193 was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 4, LINE 5, AS AMENDED

Mr. INOUE. Mr. President, I ask for the adoption of the committee amendment appearing on page 4, line 5, as amended.

The PRESIDING OFFICER (Mr. LIEBERMAN). If there is no further debate, the question is on agreeing to the committee amendment, as amended.

The committee amendment on page 4, line 5, as amended, was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENTS ON PAGE 43, LINE 1; PAGE 43, LINE 2 THROUGH LINE 25 ON PAGE 44; PAGE 130, LINE 16 THROUGH LINE 22

Mr. INOUE. Mr. President, I ask unanimous consent that the committee amendments on page 43, line 1; page 43, line 2 through line 25 on page 44; and on page 130, line 16 through line 22, be considered and agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The excepted committee amendments on page 43, line 1; page 43, line 2 through line 25 on page 44; and on page 130, line 16 through line 22, were considered and agreed to en bloc.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to en bloc and I move to lay that motion on the table.

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

The motion to table was agreed to.

ORDER OF PROCEDURE

Mr. INOUE. Mr. President, I ask unanimous consent that the following 15 minutes be set aside as though in the morning hour to permit three of our colleagues to speak on the Thomas nomination, and it will be 7 minutes for Senator HARKIN, 5 minutes for Senator THURMOND, and 3 minutes for Senator BREAUX.

The PRESIDING OFFICER. Is there objection?

Mr. KASTEN. Reserving the right to object. I wonder if the Senator could include 5 minutes for me as part of this package.

Mr. INOUE. Mr. President, I amend my unanimous-consent request to make this a 25-minute time period, 5 minutes for Senator GRASSLEY and 5 minutes for Senator KASTEN.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Under the previous order, the Chair recognizes the Senator from Iowa [Mr. HARKIN].

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. HARKIN. Mr. President, on June 27, I was saddened by the decision of Justice Thurgood Marshall to resign from the Supreme Court. On the Senate floor at that time, I expressed my feelings about Justice Marshall's distinguished career as an attorney and judge. I also expressed my hope that the nominee to replace Justice Marshall be a person who would follow in the path blazed by Justice Marshall.

After the nomination of Clarence Thomas, I openly stated one issue that I particularly wanted the nominee to address, and which would be instrumental in deciding my position on this nomination. That is the question of the fundamental right to privacy in the Constitution.

The right to privacy—the right of each person to decide personal family matters free from government intrusion—is fundamental to our free society. A nominee's view of the right to privacy is a telling indication of his entire approach to constitutional adjudication. A nominee with a broad view of the right to privacy is more likely to vindicate the rights of individuals from

governmental excess in other areas. Such a nominee would understand the role of the Supreme Court, in our system of checks and balances, as the last resort for citizens to vindicate their rights. Too often in recent years, the Court has been a rubberstamp to affirm laws and regulations which trample the rights of Americans. Just as I would not vote for a nominee who did not openly support the right to the free exercise of religion or the right to free speech, I cannot support a nominee who does not unequivocally support the fundamental right to privacy.

With this in mind, I have watched the nomination of Clarence Thomas with great interest. I had hoped that a man of his background, who had climbed the ladder of opportunity despite the withering force of racism, a man who benefited from programs and policies intended to redress that discrimination, would grasp the role of the Supreme Court as a bastion of individual freedom. I had hoped that Judge Thomas would understand that the protection of the Court is essential for others to climb that ladder. Unfortunately, it seems likely that Judge Thomas would pull the ladder of opportunity up after him.

Judge Thomas' tenure at the EEOC and his writings on natural law raise serious questions of his commitment to protecting individual rights. I was particularly concerned about his endorsement of Lewis Lehrman's article which would have destroyed the right of privacy with regard to abortion, and would in fact make abortion illegal, even in the case of rape or incest. It would impose a rigid system of Government imposed morality upon women, rather than trusting the wisdom and morality of the women of this country.

He also dismissed Justice Goldberg's analysis of the ninth amendment as a mere invention. That echoes the words of one of the dissenters in the case of Griswold versus Connecticut, which guaranteed the right of married couples to use contraceptives. If Griswold were overturned, the Government could even reach its hand into the bedrooms of married couples. Thomas now says he accepts the right to privacy which was controlling in Griswold. His abrupt change of views at the hearings raises the question in my mind if this is not just a confirmation conversion.

Judge Thomas' testimony before the committee did not dispel my concerns. Thomas apparently repudiated his views of natural law and his endorsement of the Lehrman article, but his wholesale rejection of beliefs which he had repeatedly stated for years is troublesome. Are Thomas's real views the ones he stated in his committee testimony, or are they the ones he stated in years of writing and speaking?

At least as troubling is his refusal to discuss any of the issues which would show how he would approach the criti-

cal right of privacy. Despite his willingness to comment on a variety of other issues, including issues which are in controversy before the Court in the next term, he flatly refused to give the Senate any insight into his thought process regarding privacy. He would not even acknowledge that unmarried people have a privacy right to use contraceptives.

Judge Thomas acknowledged that the case of *Roe versus Wade* is among the most important cases decided by the Supreme Court in the last 20 years. Yet he claims that he has no personal opinion on the decision in *Roe versus Wade*. He claimed that he has not discussed this issue in private, even with his wife.

This statement begs credulity. It indicates to me that he does not have the coherent understanding of the Constitution that the American people have the right to expect in a person nominated to the Supreme Court.

I take the responsibility to advise and consent on nominees to the Supreme Court very seriously. This body has a coequal role with the Executive in the process of appointing members of the third branch. The Founders gave this power to the Senate as a check on the power of the Executive to appoint Supreme Court Justices. I believe we have the duty to exercise that power to ensure that the Court remains a bulwark against the violation of the rights guaranteed for each and all Americans by the Constitution. Because I do not believe that Judge Clarence Thomas has the necessary qualifications for this important post, and because the views he has expressed on the constitutional right to privacy are contradictory and muddled, I cannot consent to this nomination. Therefore, I will cast my vote against this nomination of Clarence Thomas to be a Justice of the Supreme Court.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I am about to ask that action be taken with respect to a measure dealing with the power of Indian tribes to exercise criminal jurisdiction over Indians. I am advised that the matter has been cleared.

Mr. INOUE. Mr. President, it passed unanimously.

EXERCISE OF CRIMINAL JURISDICTION OVER INDIANS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 972.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 972) entitled "An Act to make permanent the

legislative reinstatement, following the decision of *Duro* against *Reina* (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Miller of California, Mr. Richardson, and Mr. Rhodes be the managers of the conference on the part of the House.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendments, agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer (Mr. LIEBERMAN) appointed Mr. INOUE, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. CONRAD, Mr. REID, Mr. SIMON, Mr. AKAKA, Mr. WELLSTONE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, and Mr. NICKLES conferees on the part of the Senate.

Mr. MITCHELL. Mr. President, I move to reconsider the action by the Senate.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. I thank my colleagues for their courtesy in this matter.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I wish to announce that the conference just referred to in the motion will be held at 12 noon in Senate Russell 485.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from South Carolina [Mr. THURMOND].

THE NOMINATION OF JUDGE CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. THURMOND. Mr. President, tomorrow, the Senate Judiciary Committee will consider the nomination of Judge Clarence Thomas for a position on the Supreme Court. I rise today to voice my strong support for President Bush's nominee to be an Associate Justice of the Supreme Court of the United States.

The Judiciary Committee conducted thorough and extensive hearings which lasted 8 days. Judge Thomas testified before the Committee for almost 25 hours, longer than any other Justice confirmed in the last 10 years. We heard testimony from approximately 100 outside witnesses. I was most impressed by those who personally knew Judge Thomas and who could attest to his outstanding qualities.

Mr. President, a nominee to the Supreme Court must have the ability to master the complexity of the law.

Judge Thomas clearly has the intellectual capacity to sit on our Nation's highest court. The American Bar Association's Standing Committee on the Federal Judiciary carefully scrutinized the professional competence, integrity, and judicial temperament of Judge Thomas. The ABA found Judge Thomas to be "qualified," defining that standard as follows: "The nominee must have outstanding legal ability and wide experience and meet the highest standards of integrity, judicial temperament, and professional competence." In addition, the ABA noted that Judge Thomas' "wide set of life and professional experiences * * * suggest a special capacity for personal growth and professional wisdom."

Mr. President, we are all aware of Judge Thomas' background. He has overcome difficult circumstances he faced early in life—both the anguish of poverty and the humiliation of discrimination. I believe that Judge Thomas' background gives him the sensitivity to understand the impact of his decisions on those parties before the Court. His life experience shows he is a man of courage who will bring an added dimension to the Supreme Court.

In summary, Judge Thomas has been thoroughly scrutinized by the Judiciary Committee. Throughout Judge Thomas' testimony, I believe he demonstrated that he possesses the attributes of a Supreme Court Justice: A keen understanding of the law, the intellectual capacity to deal with complex issues, fairness, patience, and a willingness to be openminded.

I am convinced that Judge Thomas will make an outstanding addition to our Nation's highest court. Mr. President, I will vote in favor of this nominee for a position on the Supreme Court.

I hope the entire Senate will vote to confirm this splendid man.

CLARENCE THOMAS NOMINATION

Mr. BREAUX. Mr. President, the hearings on the confirmation process of Judge Clarence Thomas are now completed. We have heard from the nominee. We have heard from those who are in opposition to his confirmation. And we have heard from those proponents who are supportive of his confirmation.

It is now time for us, as the full Senate, to decide what our position is going to be.

I plan to vote to confirm Clarence Thomas' nomination to the U.S. Supreme Court. I have met with Judge Thomas in my office privately, and I have listened to the extensive hearings conducted by Senator BIDEN and Senator THURMOND and the other members of the Judiciary Committee.

I am convinced that following all of this material, Judge Thomas is a person who will remember not only the law, but will also remember where he

has come from and what he has been able to achieve and how he has been able to get where he is today, when he applies the law.

I have been impressed, in my conversations, with his intention to be his own man as a member of the Nation's highest Court. Some have suggested that when he was head of the EEOC, he did not do enough. I would only respectfully remind them when he was head of the EEOC he worked for Ronald Reagan and he was required to carry out that administration's policy, not the policies of Clarence Thomas.

As a Supreme Court Justice, he will have the opportunity and, indeed, the obligation to carry out the laws of this country as he feels they should be applied. He will not be an employee of any administration, but he will be a free man, able to exercise his best judgment.

Some argue that he is not the best choice. But I would remind them that it is the President's nominee that we are considering, and I am willing to confirm that choice based on my best consideration of how he will serve our Nation.

I wish him the very best in his upcoming duties following his confirmation.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Iowa [Mr. GRASSLEY].

NOMINATION OF JUDGE CLARENCE THOMAS

Mr. GRASSLEY. Mr. President, tomorrow the Judiciary Committee will be considering the nomination of Judge Thomas for the Supreme Court. And at tomorrow's hearing, I will elaborate on my reasons for supporting his confirmation, even though I have already, earlier this week, announced my support for Judge Thomas.

In the meantime I want to take issue with some of my colleagues who have announced that they will vote against Judge Thomas. We had, Mr. President, as you recall, 8 days of committee hearings, and 5 of these days, Judge Thomas testified on his own behalf. He showed himself, as I remember those 5 days of hearings, to be one well versed in the law; to be thoughtful; to be honest; and most importantly, to be open-minded.

He talked about the countless speeches that he had given as a policymaker and articles that he had written during his 10 years of service in the executive branch.

Even after all this, some of my colleagues seem to continue to be troubled by those articles and by those speeches. They disagree with what he wrote as a policymaker.

Certainly, they have every right to disagree with what statements he made as a policymaker that they might dis-

agree with. But the question has to be: Do the views that he articulated as a policymaker indicate any lack of regard for the Constitution of the United States, that he will take an oath, and has taken an oath, to uphold?

I submit, this nominee, Judge Thomas, has a deep and abiding respect for the Constitution. His record as a Federal appeals court judge demonstrates his fidelity to the law.

I would like to address something my colleague from Iowa just stated on the floor of the Senate. I think that my colleague is simply wrong about Judge Thomas' record. Take the issue of privacy. Judge Thomas said the Constitution protects the fundamental right of privacy. I heard it myself, Mr. President, and in response to a written question to Senator BIDEN, Judge Thomas said the Eizenstat case, finding the right to privacy extends to single persons, was properly decided on equal protection and privacy grounds. That, Mr. President, is a clear and unambiguous statement supporting the right of privacy.

I sat through all the hearings, and perhaps if colleagues who are coming out against him had the privilege, as I do, of sitting on the Judiciary Committee, they would have a fuller appreciation of Judge Thomas' record.

It is an interesting dilemma, Mr. President, because Judge Souter was accused of being a stealth nominee because he had no paper trail. Now we have a nominee who has been deeply engaged in public policy debate, and that appears to disqualify him for the high court, in the opinion of some of my colleagues.

Judge Clarence Thomas is a worthy nominee for the Supreme Court. He was sometimes a combative bureaucrat and an advocate for certain policies, but he has already shown himself to possess the qualities of a judge. When he puts on the robes of an empire, then he leaves his advocacy behind him. He has done it on the appellate court for the last year and a half, and I am confident that he will continue to show such discipline, as he has called it, on the Supreme Court.

For my colleagues who have not yet made up their minds on Judge Thomas, I urge them to review the transcripts of the hearings and to take a look at a few of his 18 legal opinions, read his discussions with so many of us on the important topics like the role of President, the separation of powers issue, natural law, and affirmative action. And if my colleagues do this, I am very confident, Mr. President, that they will find a nominee who knows the law, understands his role as a judge within our democratic system of government, and one who will be an asset to the Supreme Court of the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. KASTEN].

IN SUPPORT OF JUDGE THOMAS

Mr. KASTEN. Mr. President, one of the most important duties of a U.S. Senator is to exercise vigilance over the quality of appointments to the Supreme Court. I am proud to announce that in carrying out this duty I have determined that Judge Thomas is eminently qualified to serve on the U.S. Supreme Court as an Associate Justice.

The Supreme Court is the chief guardian of the liberties of the American people. Without the checks that it provides in our system of checks and balances, individuals would be under constant threat of having their liberties eroded by uncontrolled majorities. A democratic society needs this check on the majority if the rights of all citizens are to be protected.

The full Senate will soon decide whether to offer its advice and consent to the nomination of Judge Clarence Thomas to the Supreme Court. After studying his record, and the testimony before the Senate Judiciary Committee, I am convinced that he will do honor to the Court—and I will vote to confirm his nomination.

The background of Judge Thomas has made him an ideal candidate for service on the Court. He has the intellect and varied experience that will serve him well as a Supreme Court Justice.

As a young man, he experienced discrimination. He saw black citizens—including members of his own family—denied their rights by white majorities. He saw the instruments of governmental power used against the human dignity of citizens—just because they were black. This is a man who has personally experienced injustice.

But young Clarence Thomas—faced with this extreme adversity—did not despair of the American system. He believed that if only we would apply the idealistic roots of our Declaration of Independence—of our Constitution and its Bill of Rights—we could reform the system and protect the rights of all Americans.

Some have insisted on knowing how Judge Thomas would rule on various specific issues. I suppose a number of us would like that, but I do not believe that such questions are appropriate. Instead, he has been forthright in his answers, he has not prejudged the issues he will hear, and he will set his personal views aside as a member of the Court.

Most important, I believe he will bring to the Supreme Court his considerable intellect, his independence, and his integrity.

Judge Thomas believes in the system of liberty under law. He recognizes, and spoke to, the different functions of our three branches of Government. He has served in all three branches, and understands that the role of the judiciary is to interpret the laws, not make the laws.

Clarence Thomas overcame adversity and graduated from Yale Law School, one of this Nation's preeminent legal institutions. He has served in both the public and private sectors with distinction. Judge Thomas was confirmed by this body for what most believe to be the second highest court in the land, with only two Senators expressing their disapproval.

I hope that our vote on his Supreme Court nomination will be equally overwhelming, because Clarence Thomas is truly an outstanding nominee.

This is a man who knows about injustice. This is a man we can trust to protect the liberties of the American people as an Associate Justice of the U.S. Supreme Court.

Mr. INOUE. Mr. President, I ask unanimous consent that the Senator from Connecticut [Mr. LIEBERMAN] be permitted to speak for 5 minutes as in morning business.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CRIME IN OUR STREETS

Mr. LIEBERMAN. I thank the Chair particularly for his normal graciousness.

Mr. President, this past weekend, more people were murdered by criminals in the streets of American cities than were killed in the Yugoslavian civil war. The scale of bloodshed is almost beyond belief. I rise to speak this morning because it has hit close to home in the State of Connecticut. Right in my hometown, New Haven, last Saturday night alone, thugs drove by a popular New Haven diner in which 200 people were sitting and sprayed semiautomatic gunfire into a crowd of 50 people standing outside. Two people were killed and one was wounded. A robber at a convenience store was killed on that same night and two store employees were wounded. Three other young people were shot at different places in New Haven on that same night.

Mr. President, it is sadly telling that this kind of carnage has become so commonplace that it does not merit more than a mention, if that, in our national newspapers. Can we really have become so numb to this kind of violence and terror that drive-by shootings are now a routine part of our national landscape?

Consider this almost unbelievable tale of recent crime in New Haven: Two

people in a New Haven church are kneeling in pews, peacefully praying. In walks a man who pulls a gun and robs them. And then there is my neighbor who lives just down the street, four houses away from me in New Haven, who 2 weeks ago was held up at the point of a gun in his own house in the middle of the night, held as a captive, as a hostage, for an hour.

Everyone nowadays personally knows someone who has been a victim of a violent crime, and soon enough, I fear, all of us may become victims ourselves. In a sense we already are. We are victims when we are afraid to go out of our homes at night or to venture out of our neighborhood. We are victims when we are afraid inside our homes and have to invest money in all sorts of locks and burglar alarm systems to make us feel safe.

We are victims already when we pay the price for prisons, prosecutors and police to keep up with the spiraling demand for justice.

What can the Federal Government do about this growing and terrible problem of crime in our country? How should we in Congress address this very real concern?

Well, it is true that the front lines in the war on crime are at the local level. That is where our system of justice must first confront the criminals on the street. But the Federal Government can and must do more to beef up America's criminal justice system, commit more resources to Federal prosecutions and prisons, promote new efforts to attract people into the police profession and streamline and toughen laws so that justice works for victims, not just for criminals.

Here in the Senate, we passed a good crime bill last July. It contained some very powerful weapons that can be used in the war on crime. It authorized funding for 10,000 new local law enforcement officials; it provides for the construction of 10 regional prisons to contain 8,000 drug offenders who are so much a part of crime on our streets today; it calls for the conversion of 10 closed military bases into prison boot camps for criminals.

Our crime bill includes some tough sentences for those who commit violent crimes using guns. It sets out stiff mandatory sentences for those convicted of murdering or injuring anyone in a drive-by shooting, and it includes a ban on the manufacture, sale and possession of especially deadly assault weapons. It also includes other measures designed to keep guns out of the hands of criminals.

Our Senate crime bill reforms habeas corpus to prevent prisoners from making a mockery of our courts by filing one frivolous appeal after the other. And the crime bill creates a Police Corps, which is a scholarship program for students who agree to serve for a minimum of 4 years in a State or local police force after graduation.

Mr. President, it appears, unfortunately, that this crime bill passed by the Senate is bogged down in the other body. That is the last thing my constituents or any people in America want or need. We cannot become so used to crime, so blinded by its prevalence that we shy away from tough, hard solutions. The crime bill must not languish while society suffers, for violent crimes harms more than its victims. It tears at the fabric of our society. It pulls us apart, instills fear and despair, and it is a destroyer of hope for our children and their future. It afflicts everyone, rich or poor, white or black, young or old, city resident or suburbanite.

Mr. President, what more important responsibility does Government have than to maintain that minimum degree of order without which there cannot and will not be real freedom and to ensure that people can live their lives without the constant nagging fear of violence? It is a responsibility, a sacred responsibility which we are entrusted to fulfill. Therefore, Mr. President, I rise this morning to urge quick and positive reaction, action by the other body and then by the full Congress, on a strong and effective crime law, anticrime law, before it is literally too late for America.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 100, LINE 4 THROUGH LINE 9

Mr. INOUE. Mr. President, I believe the next order of business is the committee amendment appearing on page 100, lines 4 through 9. Am I correct?

The PRESIDING OFFICER. The Senator is correct. The pending question is on the committee amendment on page 100, lines 4 through 9.

Mr. INOUE. I ask unanimous consent that that committee amendment be temporarily set aside to permit consideration of the McCain amendment on the SSN-21, the Seawolf.

I ask unanimous consent that the Senate set aside 75 minutes for this debate to be equally divided, and that at 1 o'clock p.m. this afternoon a vote be held.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, to further clarify the unanimous-consent request, may I request that this quorum call be divided equally to the time allotted.

The PRESIDING OFFICER. Under the previous order, the time would not begin running until the amendment is offered by the Senator from Arizona, unless the Senator from Hawaii wishes to suggest the time run from this moment.

Mr. INOUE. I ask unanimous consent that a second-degree amendment not be in order on the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. This would be a 75-minute debate? I apologize to the distinguished manager.

Mr. INOUE. Yes. We will have a vote at 1 o'clock, the time before then to be equally divided.

Mr. DODD. And no second-degree amendments—

Mr. INOUE. Be in order.

Mr. DODD. Be in order. I thank the manager.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. INOUE. I also ask unanimous consent that the time begin running at this moment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1206

(Purpose: To terminate the Seawolf (SSN-21) class submarine program and to reallocate the amount otherwise made available for such program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. ROTH, proposes an amendment numbered 1206.

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

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

The amendment is as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. . (a) Funds appropriated by this Act may not be obligated or expended for the construction of any Seawolf (SSN-21) class submarine.

(b)(1) Of the amount appropriated in title III under the heading "SHIPBUILDING AND CONVERSION, NAVY," \$1,803,200,000 shall be available for the following purposes:

(A) Payment of termination costs of the Seawolf (SSN-21) class submarine program.

(B) Construction of a new SSN-688 class submarine.

(C) Research, development, test, and evaluation for an advanced follow-on submarine.

(D) Improvement of sea lift and amphibious capability.

Mr. MCCAIN addressed the Chair.

Mr. STEVENS. Mr. President, will the Senator yield for a moment?

Mr. MCCAIN. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, what is the situation regarding control of time under the amendment?

The PRESIDING OFFICER. The Chair advises the Senator that 75 minutes were allocated for debate, the vote to occur at 1 p.m., time to be equally divided, and the time began to run from the moment of the unanimous-consent agreement.

Mr. INOUE. Am I correct that at this moment each side would have 33 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUE. On each side?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUE. May I request that the time be managed by the Senator from Arizona and the Senator from Hawaii?

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

Mr. INOUE. And in my absence, the Senator from Alaska.

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

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, let me summarize the amendment and what it would do. It would cancel the Seawolf program, which is authorized at \$1.8 billion, and end any appropriations for fiscal year 1992. It would give the Department of Defense the ability to transfer these funds to its desired mix of any of the following options: Payment of termination of costs for Seawolf, construction of new SSN-688 submarines, RDT&E for an advanced follow-on submarine like Centurion, or improvement of sealift and amphibious capability.

Mr. President, I do not enjoy presenting this amendment. As my colleagues know, I spent many years in the U.S. Navy. I have the greatest admiration and respect for the views of the mem-

bers of the Navy who made the decision to seek the construction of this very impressive weapons system.

Mr. President, I am also aware that if this submarine is terminated that it will have significant impact on the States and the localities which provide the workers for this project. I am not insensitive to this, Mr. President. I fully appreciate the concerns and commitment of people like my friend from Connecticut, Senator DODD, the President now sitting in the chair, Senator LIEBERMAN, and the others who have steadfastly and strongly supported this very important weapons system.

Then, why am I proposing this amendment? Mr. President, my answer is very simply that we are faced with a weapons system that we simply cannot afford, and no longer have a strategic requirement for.

I recognize the Seawolf is a rapid, quiet, sophisticated, and modern attack submarine. Although I do not think as significant an advance as advertised, I agree that it is an improvement over its predecessor, the SSN-688.

The problem is, Mr. President, the world has changed in the last couple of years. There is no longer a major threat of war with the Soviet Union. The Seawolf, however, was designed to counter the most advanced Soviet submarines that could be deployed in the 1990's and early 2000's. The type of threat that could justify the Seawolf no longer exists, and there is no other nation in the world that is a potential adversary which justifies this level of expense and technology.

In fact, this expense is so great that this one single weapons system consumes 25 percent of the entire shipbuilding budget of the U.S. Navy. In an era of continuing rapid cuts in our defense budget, this expenditure threatens, if not undermines, our ability to fund the naval forces we really need.

During the Persian Gulf war we discovered that there are significant areas in which we need to spend the taxpayer's dollars to improve dramatically in order to be able to respond to crises as they may arise throughout the world. These clearly include sealift capability, and amphibious capability. Our amphibious ships face block obsolescence sometime in the next 10 years. There are other areas like mine clearing carrier forces, and surface escorts that also have a higher priority. In fact, some experts have already made the case that the reason why there was not an amphibious landing in Kuwait was because of our inability to satisfy the concerns of the naval commanders that the mines had been adequately cleared.

The issue at hand is one of strategic priorities. The SSN-21 is overfunded and the programs we need are now seriously underfunded. I am not seeking to cut \$1.8 billion out of the appropriations for defense in fiscal year 1992. I

am seeking, Mr. President, to shift those funds to necessary programs and projects.

Mr. President, I again state that I understand and respect the views of the Navy and the Pentagon who support this program.

Let me point out, however, that long before the end of the cold war, we used our forces primarily in power projection missions. We used our military forces more than 220 times in contingencies in the developing world between 1945 and 1990. We used carriers or amphibious forces in over 70 percent of these contingencies. We needed sea lift capability in virtually every mid-intensity contingency. In contrast, the only recent use of submarines that I can remember is a few SLCM launches in the gulf war—launches that could just as easily have been made from surface vessels. Yes, we do need submarines but we need smaller and cheaper submarines of either the improved SSN-688 or Centurion class. In fact, in the real world, the argument for the SSN-21 is financially suicidal to the submarine force. We can never afford the number of new submarines we really need if we try to fund this project. If we try to make the Seawolf the submarine of the future, its cost will shrink the submarine force, and well below acceptable limits. We will also be unable to modernize our surface fleet, and halt the block obsolescence in our amphibious forces that will occur in the current plans in the midnineties, and provide the modern sealift which was so badly missing in the Persian Gulf.

Mr. President, there are also uncertainties which have arisen about this program in the last months—and I raise this as an issue because I think it is important. First, we learned about cracks in the Seawolf on July 31, on the ship which is now about 15 percent completed. This ship requires a highly sophisticated welding process that uses a new high tensile form of steel known as HY-100. Welding this steel into a 4- to 8-inch hull requires the edges to be beveled, and be preheated, before being welded. This is a highly demanding process and has not been executed before with this steel.

The Navy discovered that there may be more than 21,000 cracks in the ship under construction. These cracks are not detectable through X-ray, but can be found through magnetic inspection. So far, these cracks only affect the rings in the ship, not the modules. Some estimates indicate they affect only about 15 percent of the total hull structure, or about 10 percent of the ship's cost.

The Secretary of the Navy said in July that he felt the problem could be solved at a cost of about \$10 million to \$15 million. The Navy issued a press release that told us that the Navy feels it can solve the manufacturing problem

and anticipates no major program problems. It is now September, however, and we have no convincing evidence that the problems can be solved in a cost-effective way, or what will happen if the Navy goes on, as planned, to use an even more experimental steel, like HY-130.

Mr. President, the men and women who manufacture this weapon system, and who manufactured so many others over so many years, are outstanding people, of which I know we are all proud. But the fact is that, some years ago, we had a similar problem with cracks in a Trident submarine. This problem was at first said to be minor, but it ended up costing literally hundreds of millions of taxpayers' dollars. The costs all had to be laid off on the Navy.

Now we find, according to a press release by the manufacturer, that the taxpayer must again assume the entire cost in repairing these cracks. I am not sure that is fair, and it will at best be a considerable additional expense to the taxpayers of America.

Mr. President, there are further program uncertainties because the SSN-21 is dependent on the development of a new submarine combat system. This system is called the N/BSY-2 or "BSY-2." It is intended to help detect and locate submarines more quickly, allow operators to perform multiple tasks, address targets concurrently, and reduce the time between target detection and weapons launch. It is intended to cost \$280 million, or 15 percent of the cost of the first Seawolf.

However, recent studies by the IDA and GAO raise major questions about the management and effectiveness of this program, the quality of the Navy's effort, and what it will ultimately cost to build and integrate the system, make it combat effective, and take advantage of its ability to use a new generation of weapons. In fact, the Navy has never stated the full cost, including developmental weapons, of the Seawolf—although that could well be billions more over the life of the program.

As for the future, the Centurion represents a much sounder, long-term option than wasting billions on Seawolf. It is the kind of smaller and more viable weapon systems we need in the 1990's and early 2000's. It does not put all the Navy's eggs into one \$2 billion to \$3 billion basket, it can use modular technology and systems like flexible unmanned underwater vehicles to meet our changing mission needs.

Mr. President, I want to say again that I take no pleasure in proposing this amendment.

I understand and appreciate how important this particular weapon system is to the people, and the representatives of those people, who work in the shipyard and companies working on the SSN-21. But we are faced with a

dramatically shrinking defense budget, and every one of us knows that as soon as the so-called budget summit deal expires at the end of next year, we will see further reductions in defense spending. There is no doubt that this will either kill the Seawolf program or leave us without the power projection forces we need.

The question is, will we move ahead toward the forces we need—and a smaller, more affordable, more viable submarine in the form of the Centurion? It is whether we will address the national security requirements that we face through the end of this century and into the next century?

Mr. President, I ask for the yeas and nays on this amendment.

THE PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUE. Mr. President, I yield 6 minutes to the Senator from Virginia.

Mr. WARNER. I thank the chairman.

Mr. President, I say to my good friend and colleague, a very valued member of the Senate Armed Services Committee, that while I am opposed to his amendment, it does, I think, provide a very helpful signal to the U.S. Navy to move along more swiftly in development of the next submarine.

Within this hour, we have seen the U.S. Senate take an investment of several billions of dollars in the MX program and just lose it. We cannot now do the same thing with another major defense program. The American taxpayers will begin to say, hey, wait a minute, you make these decisions year after year and you come to us for the support, and we give the support and then within the space of an hour or so, you vote the program down and terminate it.

The President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Secretary of the Navy, and the Chief of Naval Operations have all carefully considered the Seawolf program. The Senate Armed Services Committee, in subcommittee, full committee, and indeed on the floor of the U.S. Senate, consistently has supported the continuation of this program.

Some might ask why the Senator from Virginia would take a position in favor of the program when his State suffered, really, a very severe setback. The Newport News Ship Building & Dry Dock Co., is one of the two major—and I repeat only two major—submarine contractors left in the United States for new construction, we lost out in the initial phases. Whether or not we will ever be in a part of this program is a question that I cannot answer, because it is basically in the hands of the courts and the Pentagon. I am not here for that purpose.

I am here because we must have consistency and predictability in our de-

fense procurement. We have to support the President, and on this matter, the right decision is to go forward.

The Soviet Union is continuing to turn out new construction submarines in numbers far greater than the United States. Their production has not stopped.

We cannot let the cutting edge of technology slip. Historically, in the times that we have been able, as a Nation, to reduce our defense, we have wisely kept the cutting edge of R&D, the cutting edge of technology, as the highest of priority. In the course of the development and the construction of this class of submarines, tremendous advances in technology have been made, technology which has been applied by the Navy in this submarine today. It will benefit the future, in the follow-on class of submarine. We lose much if this program is dropped abruptly. We cannot in good conscience, within the same morning, slash two major programs and let that technology, as we say in the Navy, go out to sea and be adrift.

I have enjoyed the closest and the warmest of friendships with my colleague. And indeed I do not know whether he mentioned it, but his father was one of the most distinguished officers in the annals of the U.S. Navy and, ironically, he was a submariner. The Senator was an aviator. But he speaks from the heart; he follows his own conscience as to what he believes is in the best interest of the Navy, and I respect him.

But on this subject, I say to my good friend, he is mistaken; we cannot terminate this program at this time and lose the investment the American taxpayers have made in it. Yes, reduce the eventual number we buy; yes, move more swiftly to develop the next class of submarines; but no, do not stop this program at this time and lose the enormous investment that the taxpayers have made for a submarine which this country must have; we still must move to the completion of a certain number of these submarines in order to maintain an adequate deterrent against the Soviet submarine force.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. INOUE. Mr. President, the position presented by my dear friend from Arizona was very carefully considered in the Subcommittee on Defense Appropriations. We also discussed this matter in the full Committee on Appropriations and, if I may, I would like to spend just a few moments advising my colleagues on how we reached our conclusions.

At the present time, there is one Seawolf in trouble because of welding, as pointed out by my colleague from Arizona. But the record should show that this problem is not the cause of the company. It was part of the specifications, naval specifications, and the shipyard carried out ever dotted line and it turned out that the specifications were not quite correct. However, I have been assured that this matter can be resolved and it will be resolved and it should be completed within 10 months.

There is another Seawolf that is presently in court, and I have been assured that this matter will be resolved no later than the first month of next year.

Because of these two problems the committee thought that it might be well to consider, in lieu of the third Seawolf, two 688's, smaller submarines but fine attack submarines. But then it was brought to our attention, first of all, the problem can be cured, and expeditiously done. Second, the court case will be resolved by January. Third, we had already, in a prior proposed measure of last year, appropriated in excess of \$450 million in advance procurement for parts for this third submarine, which is now the subject of discussion here.

If the proposal submitted by Senator MCCAIN is carried out it will cost \$1.8 billion, \$½ billion for one 688, which is admittedly inferior to the Seawolf. It will have a termination cost of at least \$300 million.

The bill that we are considering calls for \$1.5 billion for the Seawolf because we have already had this advanced procurement.

Keep in mind that if the McCain amendment is adopted, in addition to the \$1.8 billion, the question will arise what do we do with the parts that we procured in advance? It is already there. We have spent the money, 450 million dollars' worth.

I have been assured by the Secretary of the Navy that the Centurion, the successor submarine that will come along, which is much, much less expensive than the Seawolf, should be ready about 1997. So we have a new program ahead of us. The Secretary has assured us that he will submit to the Congress a program that will set forth the future of the submarine program, where we are headed for, and what our goals are. And it is about time, we felt, that we should have a definitive, indepth study of our submarine program, keeping in mind the events of this moment.

The SSN-21 is a superior submarine. It will be the flagship of our submarine force. It is truly that it may be an overkill when you consider the times, but from the standpoint of the budget it will not be any savings.

Second, as I have tried to indicate to my colleague, I am concerned about the uncertainty of this day and the instability. Once again may I just remind

my colleagues that in January 1990 my colleagues felt that the millennium was upon us. We were ready to give the pink slip to General Schwarzkopf and the central command. We were planning a trade fair in Baghdad to sell the Iraqis ballistic missile technology, computer technology, and aerospace technology. We had provided Saddam Hussein with over \$4 billion in agricultural assistance, \$200 billion line of credit in the Export-Import Bank. That is how certain we felt of Saddam Hussein. My colleagues here praised him. Today we are poised and ready to go back into Baghdad. That is the uncertainty of these times.

We have just done away with the rail MX missile. The Soviets have 250-plus of them.

I would hope that this Congress will uphold the decision of the Appropriations Committee and let us proceed as planned with the third SSN-21, the Seawolf.

I would feel safer. Furthermore, it will not cost the taxpayers any more money. If we go with the plan of the Senator from Arizona, we will get a smaller submarine for about the same price.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INOUE. So I hope we will defeat the McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I am pleased to yield 6 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 6 minutes.

Mr. DODD. Mr. President, I thank very much the distinguished manager of the legislation, the chairman of the Defense Appropriations Subcommittee.

Let me begin by also restating my respect for my distinguished colleague from Arizona and the sincerity with which he offers this amendment. I have no question or doubt about that whatsoever. In fact, much of what he said I can associate myself with. I agree, that there is a need by the mid-1990's to go to a less costly submarine program, one that I hope will be as capable if not more capable, but one that will not have the same high price tag that we have seen of the recent class of submarines. What he advocates in that particular position in fact argues for what the committee has suggested, that is the modest continuation of the Seawolf program.

I remind my colleagues that when this program was initially proposed the recommendation was that there be some 29 Seawolf submarines to replace the 688 *Los Angeles* class. That number, as a result of changes in the world, has been reduced substantially. The proposed number now of Seawolf submarines to be constructed over the life of the program is somewhere between

six and nine. So we are not talking about a program that originally called for the construction of three Seawolfs every year. Now we are talking about one Seawolf program a year for the next several years as we expedite the construction or the design of the next generation.

I would point out that the Appropriations Committee has, in my view, appropriately included in its package several millions of dollars—and the chairman can tell me the exact number—that would expedite the development of the Centurion submarine, which is far less costly, as I mentioned at the outset.

Let me point out as well to my colleagues there is a suggestion almost implicit in some of these debates that nothing has happened at all in the procurement policies as a result of changes in the world.

I would remind my colleagues that, 5 years ago, at the Electric Boat Division of General Dynamics, which is a major submarine contractor in the State of Connecticut, we were awarded in the very same year the construction of five submarines.

Today, those programs are ending. We are now talking about the construction of one submarine per year, and we are competing between the only two submarine yards left in this country to move ahead with that technology. If we abandon the Seawolf program, there is nothing at all that replaces it. To go back to a 688 program, which is 25- to 30-year-old technology, would in my view be a tragic mistake in light of the tremendous advances that have been made with this technology in terms of this Nation's national security needs.

I remind my colleagues that the Seawolf technology does a number of things which its predecessors do not do. It travels substantially faster. It is much more quiet, which is an essential piece of technology in submarine development. It is a much more flexible system. It allows for great mobility, a chance to respond.

My colleague from Arizona properly pointed out that in fact submarines were involved in Desert Storm, proving the necessity—in fact the value—of having a technology that can move with stealth around the world as we regretfully have to face challenges yet unknown.

There is also an assumption that the world has changed, and certainly one would not argue that the reduction of the threat of a confrontation between the Soviet Union and the United States is true.

But I do not know of anyone who can predict with an absolute degree of certainty what kind of world we are entering, whether it is a world with less predictability. We knew the Soviet Union was our major adversary, we knew the systems that faced each other and we knew the consequences. We now may

face a world where we watch someone like Saddam Hussein, who is willing to allow his own people to be punished unmercifully for his own petty, small, short-term interests, a world of Qadhafis and other such terrorists and terrorist organizations, and groups and nations that have agendas vastly different.

What happens if the Soviet Republics divide and split up? What happens with the ethnic conflicts that go on? I do not know if anyone can tell you what this world is going to look like with absolute certainty. There are those who are saying the world has changed forever; that we can finally disarm ourselves unilaterally and not have to worry at all about the fates we face. I hope they are correct. Nothing would make this Senator more happy than to know that was the case. I guess I do not think anyone can tell you that.

It seems to me, until we are at a moment where we have a better sense of what this world is like, we do not abandon the technology. And that is what we would be doing here, with all due respect to the alternatives being offered, is abandoning a technology that keeps us on the cutting edge.

Mr. President, the Soviet Union is coming undone in many ways. We have seen tremendous changes occurring there. Certainly, I think those are going to continue, although no one can say with absolute certainty what is apt to emerge.

One thing that has not stopped, ironically, in the middle of all of this, is their defense procurement policy. Today, we see in the last year, 10 new submarines launched by the Soviet Union and nine under construction. They have not lost a day's work in these years as they go forward with that technology. I hope that stops in the next year or two.

Certainly, this Senator is not going to be terribly generous when it comes to American taxpayers' money if the Soviet Union continues to spend a significant percentage of its budget on defense procurement. I make that point as strongly as I can. But in the meantime, it does go forward. Now there is a good possibility it may stop.

But is there any Member of this body, on either side of the aisle, who can stand up here this morning and say with absolute certainty that is going to occur, with conviction? I do not believe anyone can.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I ask for 1 additional minute.

Mr. INOUE. Mr. President, I yield 1 additional minute.

Mr. DODD. Mr. President, so what I am suggesting here to my colleagues is that we have reduced substantially; we no longer build Tridents. That was going to be 24 ships. We stopped at 18. That was a difficult decision for us to

explain to our constituents, but I think the decision was correct. We did not need 24.

We had a program, as I said a moment ago, of 29 Seawolfs. We are down to six or nine. That is a difficult decision to tell our 10,000 people in that industry who are losing their jobs. But I think it makes sense, frankly, that we do not need that kind of a number; that we can now move forward and look at the next generation of technology.

So we are not beginning at a base of zero, in a sense here, considering the first changes. But to abandon this technology—last evening, Mr. President, I supported the B-2 program, that I am aware of. But I happen to believe that kind of stealth technology makes sense; whether it is the B-2 or not, we need stealth technology.

I am hopeful we will be able to abandon that program for a less costly program down the road. But I do not believe we can make that decision in this environment and abandon technology which, in fact, made us the success which we were in the Persian Gulf and elsewhere until we have a clearer picture of where we are.

So, Mr. President, with all due respect to my friend from Arizona for the intention and sincerity behind his amendment, I would urge my colleagues to reject this amendment and to support the conclusions reached by the Appropriations Committee on this technology, this scaled-down technology, these scaled-down numbers and a reduced cost, and go forward with this program.

This amendment is nothing less than a hand grenade lobbed right into the heart of our submarine industrial base.

Speaking of submarines some may well think I have a parochial interest in this matter. If so, let me deal with that first.

As recently as 5 years ago our submarine shipyard in Connecticut received contracts for five submarines in 1 single year, one Trident and four attack submarines. Today, we are entering a period when at most one submarine per year will be awarded to our shipyard and that is the most optimistic scenario.

Last year we capped the Trident program at 18 ships even though the Navy's plan for many years had been to build between 20 and 24 Tridents. Nobody in this Chamber ever heard me complain about that, or try to do anything to overturn that decision. I fight for my constituents any day, but I also know when national considerations have to take priority.

The Seawolf program has been scaled back repeatedly in a series of decisions that were just as painful for my constituents as the stopping of the Trident program. Still, I acknowledged them as the inevitable results of the new strategic situation and did nothing to try to overturn those decisions either.

Even with the most optimistic scenario, we are going to lose a minimum of 10,000 jobs in the submarine business in Connecticut and more in other States.

Now, however, the Senator from Arizona seeks an action that goes far beyond a local economic dislocation. The potential effect of his amendment is nothing less than the destruction of our whole submarine industrial base.

Mr. President, at this moment three classes of submarines are being built in our shipyards, the Trident, the *Los Angeles* class, and the *Seawolf*. In a few years, the *Seawolf* will be the only one we build. It will have to carry and preserve our whole knowledge and experience on submarine technology and provide the livelihood of that core group of people whose retention as a working entity is crucial for preserving our ability to build advanced submarines.

Now, my colleague from Arizona may not be very familiar with the submarine business, so let me relate a few facts about it.

Submarine builders do only one thing, they build submarines. Moreover, they do it for only one client, the United States. If we terminate the B-2, and maybe other military aircraft, the F-16 and the F-15, for instance, we will still retain an aircraft industry. It may not be as good as we have now, but our capability to build any kind of aircraft will be preserved.

If we terminate the MX and the Midgetman missiles, we will still retain a capable missile industry.

The future of our whole submarine industry, on the other hand, depends on one product, the *Seawolf*.

Do not be misled by the Senator's generosity to provide new 688 submarines. It is like maintaining the auto industry's competitive edge with the Japanese by returning temporarily to the production of T-models.

The 688 is 30-year-old technology. Although it had been upgraded since that time, in recent years such efforts hit a stone wall as there was simply no physical space in that hull to accommodate improvements necessary to counter significantly greater capabilities by our main adversary.

Moreover, to return to SSN-688 production would be irresponsibly wasteful in terms of alternative. The front end of that line has already closed down. Parts are not being made, vendors turned to other business. It would almost be like a new startup. The first unit off the restarted 688 line would cost around \$1.7 billion, a mere 15-percent less than the *Seawolf*, delivering a fraction of the *Seawolf's* punch.

Let me just give you a few facts about the *Seawolf* in comparison with the 688:

Quieting: The *Seawolf* has 10 times quieter radiated noise, and this is by far the largest improvement in platform quieting ever. Just one compari-

son: the 688 class was merely twice as quiet than the previous 637 class.

Propulsion: The *Seawolf* has a radically new reactor design. It provides 29 percent more horsepower at one third less rpm with only 10-percent weight increase.

Combat systems: The *Seawolf* has 3 times the detection capability of the 688. This factor, coupled with the quieting, doubles the tactical speed at which the ship can prosecute targets.

Weapons systems: The *Seawolf* has eight large diameter torpedo tubes, as opposed to four small diameter ones, providing much increased firepower.

Maintenance: The *Seawolf* requires half the maintenance time of the 688 and 30-percent less costs over the life of the ship.

These are but five facts, Mr. President, which in terms of submarine technology mean at least a generation and a half of advancement. Anyone who thinks that we can afford to divest ourselves of these advancements and can sail by on 30-year-old technology, is just wrong.

As for the diminishing Soviet threat, I am really surprised that we have to repeat endlessly in this Chamber one of the basic truths of our modernization strategy, which is that we arm ourselves against the capabilities of our potential adversaries, not against their presumed or declared intentions, or against their political declarations.

I am just as astonished about the collapse of communism as anybody, but those Soviet submarines are still out there, every one of them. The Soviet submarine shipyards are still working turning out 9 or 10 submarines per year to our 2 or 3. Until this changes, I do not see why we should disarm ourselves unilaterally.

Now, my colleague is right that eventually we will have to go to a smaller, less expensive submarine and that will cover our security needs. However, such a submarine is not even on the drawing boards yet. What we are doing in this bill about a future follow-on submarine is to provide \$50 million for concept studies, designs, technology development, and cost and operational effectiveness analyses for a new design nuclear attack submarine. The report language aims at full lead boat funding in 1998.

Let me ask my colleague, what will happen until then? If we kill the *Seawolf*, what will carry on the knowledge, the skills, the technology to the next generation of submarines? The concept study? Or a submarine which is already almost obsolete? What will those shipyards and those skilled workers do? Does the Senator from Arizona really believe that all this industrial capability can just be canned and kept in cold storage?

What we are talking about here is our whole submarine industrial capability. A good case can be made against

any system we buy in this bill. But if the Senator wants to terminate the *Seawolf*, he better make his case in terms of the closing down of our whole submarine industry.

There are two problems with the *Seawolf* Program at present that need to be addressed. This summer, cracks were discovered in the welds of the first ship, the SSN-21. These were the result of the use of a new welding iron that the Navy ordered. The contractor reported the problem without delay, the method to repair the welds is well known and repairs are underway. Unfortunately, this will delay the lead ship by several months, maybe a year. I remind my colleagues, however, that an extra year was built into the schedule precisely for these unforeseen problems that always accompany the construction of a lead system. In sum, the contractor reported the problem, has nothing to do with its cause, knows how to fix it, and is fixing it.

There is also a lawsuit, in my view a very misguided one, pending against the Navy and the contractor with respect to the awarding of the second ship of the class, the SSN-22. Contrary to some misinformation, that lawsuit has not caused any delay. Based on the court's order, the contractor can do paperwork, buy long lead items, the vendors can manufacture those items, and we fully expect the second ship to remain on schedule.

The *Seawolf* is a wise and prudent investment. For many years we will continue to see serious potential submarine threats on the high seas and we must remain capable of meeting those threats. I can assure my colleagues that the submarine industry is being hit very hard by the cutbacks I mentioned at the beginning of my statement. The question is simply whether the time has come when we can let this crucial technology and this crucial industrial base just wither away.

The *Seawolf* is just that: The embodiment of everything we know about submarines. Now, how can we preserve all that, by continuing the program, or by closing the shipyards, let the engineers and workers scatter, and then try to put the whole thing together again in 5 or 10 years? I am sure that, upon reflection, my colleagues will realize that we continue to need a submarine capability. I urge them to vote against this amendment.

I ask unanimous consent that an article entitled "Cutting *Seawolf* Program Wasteful, Unwise," dated September 24, 1991, be printed in the RECORD.

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

CUTTING SEAWOLF PROGRAM WASTEFUL,
UNWISE

(By Vice Adm. Roger F. Bacon)

I first met James J. Kilpatrick when he visited our aircraft carrier USS John F. Ken-

ned during Mediterranean exercises in 1987. He was enthusiastic about seeing our 18- and 19-year-old sailors engaged in complex and dangerous flight-deck operations at night. The thousands of all-American bluejackets he saw that day inspired him to write a stirring column.

His genuine friendship and rapport with sailors aboard USS John F. Kennedy, and his strong support of our Navy, have made me one of Jack Kilpatrick's admirers. I respect his views, but his recent column on the Seawolf submarine deserves a response. He would expect that of me.

As the naval officer with more years of recent operational command of submarines than anyone else on active duty, let me explain the operational art of submarine warfare. It is a one-on-one event, involving technology and people—the same 18- and 19-year-old sailors which inspired Jack Kilpatrick in 1987. But, most of all, undersea warfare is stealth—the ability to operate a submarine for months in ocean depths—without detection. With true stealth, you will win. Without it, you lose.

Submarine crews are continually trained in the first principle of the art of submarine warfare. Submarines must maintain stealth and surprise until ready to yield it. Submarine commanding officers and crews must keep the initiative to shoot first, undetected, and make each shot count.

Our capability to win in undersea warfare is a product of our people and technology. But the margin of superiority has been drastically reduced by major improvements in the stealth of potential adversaries. In fact, our remaining edge is more the performance of our people than the state of our technology.

"Kill the Seawolf": It seems simple enough to Jack Kilpatrick, calling for an end to a decade of research and development of the next generation of U.S. attack submarines. But does he realize, if we take his advice, the United States will surrender leadership in submarine warfare, for little, if any, real savings? Indeed, we will threaten ourselves with becoming a second-rate submarine force, incapable of building modern submarines.

Mr. Kilpatrick's argument is rooted in weeks-old Soviet developments which, he says, have made the threat non-existent. But we have yet to observe any changes in Soviet submarine operations. As he seems convinced we will never again be threatened undersea, he must be clairvoyant.

If we kill Seawolf, what kind of submarine force will we have? Today, our mainstay Los Angeles class is the best in the world, despite its 25-year-old design. This is because we have stretched its capabilities since it first went to sea in 1976.

Why not scrap Seawolf and restart the Los Angeles class? Having stretched the class to the limit, there is no room for further technological growth. It is as good as it will ever be—we can't count on it being "good enough" a decade from now.

What would we really save? The last Los Angeles-class sub was ordered two years ago. If we ordered one in Fiscal Year 1992, it would cost only 15 percent less than the budgeted Seawolf—while providing one-third less war-fighting capability. And we'd still be contractually obligated to pay for the first Seawolf, plus cancellation penalties. There are no savings; canceling Seawolf would cost more.

The Navy and the submarine force have already been affected by changes in the communist world. A year ago, when change

seemed inevitable and our country needed a more affordable defense, Seawolf submarine procurement was cut from three to one per year. In 2004, the Los Angeles class will begin leaving service at the rate at which they were built—three per year. So, with Seawolf, we will have a net loss of two submarines from the force each year.

A submarine study project named "Centurion," is already addressing that eventuality. But submarine development takes 10-13 years. Today, the "Centurion" project is where Seawolf was over a decade ago. By the next century, "Centurion" can produce an advanced submarine in numbers to maintain our submarine force. However, if, in the meantime, we have lost our technological and industrial capability to build submarines—the Los Angeles may be our last submarine class. This is the real cost of canceling Seawolf.

American submarine-builders, a very specialized breed, are employed by only two shipyards. If there is a hiatus in construction of high technology submarines, they will have to find work in other industries, and there will be no incentive for a new generation to learn the skills. If we stop building Seawolf, we risk losing our submarine industrial base. This would also remove competition as a factor in the price of submarines—and then we will certainly know real "sticker-shock."

To be comfortable with Mr. Kilpatrick's vision of the future, I would like to be sure the Soviets will stop modernizing their formidable submarine force. In 1990, they launched 10 submarines and continue quiet submarine production. I would like proliferation of advanced submarine technology and the construction of capable diesel-electric submarines in the Third-World to stop.

Today, 39 non-U.S./Soviet countries operate about 400 diesel-electric submarines worldwide, and significant advances in quieting, endurance and combat-system capability are expected in the future. I would want a guarantee no future power will seek to control access to the sea lanes which are essential to the economic and political survival of the United States, our allies and friends. And finally, Americans would have to be confident that their defense is secure—without a high-quality submarine force.

The construction of Seawolf is in the last stage of a decade of development and investment in a submarine which will enable the United States to maintain a clear technological edge well into the next century. If we scrap it now, we will risk our national security against the hope that the geopolitical currents remain flowing in the direction they seem headed today. If they ebb, as well as flow, we will hedge our bets with the hope today's undersea technology is "good enough" in the 21st century.

Much has changed in the world since Jack Kilpatrick sailed with us in the Mediterranean. But Soviet submarines are still there, and they are a generation better. Certainly, Jack Kilpatrick understands my goal of providing our submarine sailors with the winning advantage. Anything less is wrong. Desert Storm taught us we should provide the best technology to America's sons and daughters who will go in harm's way to defend the vital interests of the United States. Seawolf is that technology, and it is needed now.

Mr. DODD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I am pleased to yield 6 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I might say that the sponsor of this amendment is clearly one of the most respected Senators here in the Senate. He is the possessor of a magnificent Naval record, and is a man who knows what he is talking about. He has given long service, not only to the country in the Navy, but also, of course, in the Senate on the Armed Services Committee. So when anybody gets up to oppose him, we do so with some trepidation.

However, I must say I think in this instance he is clearly wrong, and I just am not able to follow his thinking. Because this amendment cancels the Seawolf and transfers the money to provide for the construction of a 688 class submarine, which is 20-year-old technology.

Now, there are all kinds of problems with doing that, because we have not provided for 688's in the budget for 1989, 1991, or 1992 except for this change that the Senator is making. So essentially, the line has been closed out.

That does not mean that every 688 that has been ordered has been delivered, but they have moved through the production line. In my State, we do the early part of the construction of these submarines before they are shipped down by barge to Groton, CT. So we have finished most of the early part of the construction, in connection with the 688 class, and are now working on the Seawolf.

So to go backward from a technology point of view makes no sense. The Senator from Arizona proposes to suddenly change from the most modern, fastest, quietest, submarine that the world has ever built or seen to a 20-year-old design, and I find it very difficult to follow the reasoning.

But more important than that, you might say, well, probably there is a financial reason; but there is not. It should be noted that we have already invested nearly \$500 million in the lead items for the Seawolf, and this would have to be discarded. The provisions that he has made in this bill for the purchase of a 688 class submarine, then, end up just as expensive as if we went ahead with the Seawolf.

Now, there is a suggestion we ought to go get on with the newer design, the Centurion class submarine. Again, I have great difficulty following that rationale. Yes, we want to get on with the latest design, the Centurion. But that is just a concept. There are no plans drawn up for that. And those who are familiar with this, namely in the Navy, have said that at the earliest, we can start production of a Centurion in the last part of this century, 1997 and 1998.

I think it is very popular now to dismiss threats from abroad. But it is important—and I would reiterate the

point that my distinguished colleague from Connecticut made—for reasons we cannot entirely fathom, the Soviets are continuing to build submarines at the rate of about nine a year.

Now, that is way beyond anything we are producing in this country. We are really recognizing now that we are going to produce one attack submarine a year, one attack submarine.

Assuming that at best a submarine will last 25 years in service in the Navy, that means we will have a maximum of 25 attack submarines in our Navy once this program gets going.

Yes, the world has changed and we are glad of that. But who knows what is going to come out of these disparate Soviet republics? By the way, just because a country is named a republic does not mean it is a democracy. What is going to become of those various entities that are fleeing off from the central unit? We hardly know.

The point has been made that we need sealift, that is, we need greater capacity to carry troops, ammunition, supplies. That is something we lacked in the Persian Gulf effort. But already it has been pointed out to me that there are some \$1.3 billion appropriated from previous years that has not been spent on sealift. Furthermore, in the 1992 appropriations bill, there is an additional—mind you, there is \$1.3 billion out there not spent and an additional \$2 billion for sealift. It is my understanding from the Navy that they have not yet even come forward with a plan for enhancing our sealift capacity. They have not decided exactly where they want to go.

I support the \$2 billion for the sealift. I think it is right. But when you take \$2 billion plus the \$1.3 billion unspent, that is \$3.3 billion, which is a lot of money to be spent on sealift, and I think it is proper.

Therefore, for these various reasons I am strongly opposed to the amendment by the Senator from Arizona. First, he reverts back to a 20-year-old technology. Second, the cost savings are zero. He achieves no cost savings. Third, he presses forward with work on a new submarine design, and rightfully so, but, at the earliest, it can be produced in the latter part of this century.

Mr. President, I strongly urge my colleagues to join us in the defeat of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. I yield 6 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 6 minutes.

Mr. LIEBERMAN. Mr. President, I rise to oppose the McCain amendment. Am I influenced by the fact that some of these boats may well be built in Connecticut? We hope they all will. Of course, I am. We are proud of the extraordinary skill with which the work-

ers at Electric Boat have constructed the nuclear submarine fleet for the United States of America. This is one of the reasons we won the cold war. Is this important to our economy? Will it hurt Connecticut if the Seawolf is not built? Of course, it will. And we worry about those jobs, particularly at a time when our economy is suffering already from other causes.

But I believe strongly that what is good for the workers in Connecticut and the economy of Connecticut is even better for the security of the United States.

One thing no one disagrees with, not the Senator from Arizona or anyone else I have heard from today, is that the Seawolf will be the best submarine in the world. The question is, Do we need it? But there is no doubt about its extraordinary capabilities. It is going to be faster and stealthier, if I can use that word, than any current submarine. It will have twice the tactical speed of the I-688. Its sensors will have three times the detection capability. And its propulsion system will be 10 times more quiet, which is an extraordinary advancement over previous submarines. It is a boat that will have a remarkable range of capabilities, project American power into conflicts around the world without being detected and without risk to American personnel.

So I do not think anyone can argue about the superiority of the Seawolf. The question is, do we need it in a changed world?

My colleagues who have spoken before me have spoken about the changes in the Soviet Union. I cannot add to that except to say that the Soviets are turning out this year 9 or 10 new subs while we are building only 1. Those numbers speak for themselves.

But regardless of the Soviet threat, for a moment, let us just acknowledge the fact that a critical element of our national military strategy has always been and must continue to be the maintenance of maritime superiority. After all, we are in island nation. We depend heavily on dominance of the oceans for, not only military security, but for the health and well-being and existence of the extraordinary amount of seaborne commerce on which our Nation depends.

We are entering a new period in world history. Some call it a new world order. It is clear that Third World conflicts will play an ever larger role, as we saw in the Persian Gulf, in the maintenance of our security.

Let me just talk about the submarine capacity of other countries, particularly in the Third World. Forty-one other countries besides the Soviet Union are operating over 350 submarines today. And they are all capable of interdicting American commerce or military efforts.

Moreover, it is our superiority under the water's surface that allows us, and

will continue to allow us, to protect naval operations, such as the Persian Gulf. Eighty-five percent of the equipment we used during Desert Shield was moved by sea. One enemy submarine under water would have required a diversion of significant naval forces, and would have hampered our buildup.

Some talk about the Seawolf as if it is only being built to counter the Soviet threat. We can argue about what the Soviet threat is and what it will be tomorrow. But let me just say clearly the Navy has built multimission capabilities into this ship which can effectively be used in regional crises. Besides being able to sink enemy submarines and ships, Seawolf will be capable of covert intelligence collection, mine warfare, inserting and recovering special forces, and launching cruise missile attacks, as it did in the Persian Gulf and Desert Storm, all while remaining completely undetected.

The cost of the Seawolf has also been criticized. But the cost is largely a function of how many ships are moving down the assembly line. Higher volume production cuts unit cost; low volume production raises it. Seawolf is a program that already has been radically cut back by the Navy, from 29 subs to perhaps 9. But we will have the same cost problem if we went back to producing I-688's, a design that is 25 years old. It is not even certain that going back to the I-688 would save money.

At a procurement rate of one boat per year, with very limited economies of scale, the I-688, which was last ordered in 1989, is no longer an \$800 or \$900 million submarine; the Navy says the next I-688 will cost \$1.7 billion, if not more. We would have to halt Seawolf production, thereby ruining the vendor base that is now participating in this program and reopen the 688 line. The capacity to machine complicated submarine parts would have to be reestablished among suppliers, many of whom have already gone out of business. Workers would have to be retrained. Termination costs would have to be covered. After all this is taken into consideration, the I-688's cost would probably approximate the Seawolf's. We would get a lot less submarine at about the same price.

Senator MCCAIN has mentioned the Seawolf's welding problems. This is a legitimate matter of concern. The new high-strength steel used in Seawolf turned out to require more advanced welding specifications than the Navy anticipated. But the Navy has assured the Appropriations Committee and me that revised procedures have been developed and that Electric Boat is again making crack-free welds. A 2-year gap was inserted between the first Seawolf and the second so that issues like the welding problem could be redressed. The welding problems, therefore, will not delay the program.

Some have argued that we should cancel the Seawolf and build a new, smaller submarine, the Centurion. But the Centurion is only in the early conceptual phases of design. It could not enter production until the end of this decade. If we delay any new submarine production until then, we will not have a modern submarine technology base to build any new submarine, including the Centurion.

In closing, Mr. President, I believe that we need the Seawolf because the United States is a maritime nation and a robust submarine force, as embodied by the Seawolf, is part of a maritime strategy. In a post-cold war world, we can—and should—debate procurement rates of new weapons, but we really should not be debating about whether to build the best weapons. If we are going to build new submarines—and few dispute the need to retain a submarine-building capacity—we should build the best.

The Seawolf is the best because it represents a breakthrough in high technology. If the gulf war has taught us anything, it is that our comparative military advantage lies in hi-tech. Ask the men and women who risked their lives in the gulf. They know that technology counts. The alternatives to Seawolf—a return to a submarine class with a 25-year-old design that will cost about the same, or ceasing our ability to produce submarines altogether—are not acceptable. And so, Mr. President, I urge support for the committee's position on the Seawolf because I believe that America needs a strong defense and that America, therefore, needs the Seawolf.

Mr. President, I ask unanimous consent that a letter from the Secretary of Navy endorsing the Seawolf be printed in the RECORD.

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

THE SECRETARY OF THE NAVY,
Washington, DC, September 25, 1991.

HON. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: I would like to take this opportunity to reiterate my firm support for the SEAWOLF submarine program. SEAWOLF is absolutely vital to maintain our nation's technological superiority in undersea warfare. SEAWOLF's technology is twenty years newer than the submarines we have at sea today, and will guarantee our ability to effectively respond to any crisis in the future. Although some have questioned the need for this submarine in light of recent developments in the Soviet Union, proceeding with SEAWOLF at this time is the best choice to be prepared for any uncertainty.

Sincerely,

H. LAWRENCE GARRETT III.

Mr. INOUE. I yield the remainder of my time to the Senator from Rhode Island.

Mr. PELL. Mr. President, I understand I have 1 minute left. There are

really two arguments why this amendment should not be agreed to.

The first is that technology is being developed here that is superior to any other around the world in the development of submarines. Development of this technology would be hampered if this amendment is agreed to.

The second and even more important reason, in my mind, is that I have always supported the submarine fleet not just because the submarines are built in Connecticut and Rhode Island, but, more important, they have the least destabilizing effect of any of the strategic weapons systems. Submarines are less likely to be involved in an accidental launch, less likely to initiate an exchange. I think that is the truly important national interest reason why it is important that this submarine technology be continued.

In supporting the Seawolf, I acknowledge that recent historic changes in the world balance of power have placed us in a paradoxical situation. We embrace the prospect of a world no longer polarized between East and West, but we still feel the need to provide for national security in an unpredictable future.

Within the last few hours many of us have voted in support of proposals to terminate the B-2 program, curtail the SDI program and cancel the rail deployment of the MX missile.

I would be the first to acknowledge that many of the arguments that were used against these programs could certainly be marshaled against the Seawolf program. The threat which this submarine was designed to combat no longer exists in the form it assumed when the program began.

But having said that, I think we must recognize that when we come to the Seawolf program other factors must be taken into consideration.

The fact is that submarines are enormously complicated mechanism which require long lead time to plan and longer times to produce. As a result the creation of a new fleet incorporating new technology is a ponderous process.

Specifically, our current fleet of attack submarines, the SS-688, will begin leaving service in 2004 at the rate they were built, three per year. Even with the Seawolf as presently planned, we will have a net loss of two submarines from the force each year. If we have no Seawolf, we will be vulnerable to a greater degree than may be acceptable.

There is one further factor, and that is the industrial base. I would be the last to argue that this factor alone should dictate our defense requirements, but here again the particular nature of the submarine industry invites special consideration.

The fact is that there are only two companies which build these vessels and if we lose their capability, it cannot be duplicated. One of them, the

Electric Boat Co., employs many of my constituents, and I know at first hand what a loss it would be to the Nation, as well as to our State's economy, if this highly skilled work force were allowed to wither away.

Finally, Mr. President, I would only asset that the recent problems which have afflicted the Seawolf—legal challenges and technical production problems—have been somewhat overstated and will not impact the production of the third Seawolf.

The Seawolf should be sustained and I urge my colleagues to oppose the amendment.

I understand my time has expired. I thank the Chair.

THE PRESIDING OFFICER. The time of the Senator from Rhode Island has expired as has the time under the control of the Senator from Hawaii.

The Senator from Arizona controls 20 minutes, 58 seconds.

Mr. MCCAIN. Mr. President, I yield myself 1 minute. Before I sum up, and the Senator from Mississippi speaks, I want to reiterate my respect for the arguments made by the distinguished chairman, Senator INOUE, Senator LIEBERMAN, and Senator DODD, as well as my former boss, Senator CHAFEE, who I was very privileged to serve under. They have made strong arguments. I will try to respond to some of them, but I want to make it clear that I appreciate the eloquent and knowledgeable information that they brought to this debate.

Mr. President, I yield 5 minutes to the Senator from Mississippi.

THE PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. LOTT. I thank the distinguished Senator from Arizona for yielding me this time. Mr. President, to blow and swallow at the same moment is not easy, according to Plautus in the year 200 B.C. Here is my point: Here on the floor we at one moment are saying, let us cut defense spending, and right at the same time saying, but not here. It is hard to blow that air out and at the same time swallow.

I have never in my 19 years in the Congress, House and Senate, risen to speak against a single weapon system, but I cannot restrain myself today. It is very difficult because over the years I have worked very closely with the Navy. I have the greatest respect for the Senators who are speaking in behalf of this submarine. But the Seawolf is a classic cold war weapon. It is overdesigned for a post-cold war defense posture. We do need additional submarines, but we do not need this submarine—especially when it jeopardizes the meager shipbuilding program which we have left now. This one ship would take approximately 25 percent of our total ship construction funds. It is not wise to put all our eggs in this one basket.

This bill places too much emphasis on the Seawolf to the detriment of a lot of other Navy programs.

I commend the Senator from Arizona for what he has done. He is a Navy man. It is not easy for him. I have discussed this with the Chief of Naval Operations. It is not very pleasant standing toe to toe with a submariner who knows his business arguing with him over a submarine. But the cost of this Seawolf has just gotten totally out of control. I wish we could build three or four of them, but we cannot afford that. Now we are faced with building one. But because we are building only one, the cost is approaching \$2.5 billion a copy. We just cannot afford that.

I think this amendment approaches it properly. It cancels the Seawolf and allows the Department of Defense to transfer the funds to four possible places: to pay for termination costs for the Seawolf; construction of a new 688 submarine which would give us that submarine while we get ready for the next generation; it would allow for it to go to research and development for an advanced follow-on submarine; or improvement of sealift and amphibious capability.

We found out in the recent conflict in the Persian Gulf that we badly need increased sealift capability. We talk about force projection and the ability to get our military equipment and men to be where they need to be. We need sealift and amphibious capability. When we are spending \$2.5 billion on one submarine, there is not enough to go around. This amendment does, I think, the right thing.

I urge my colleagues to think about the facts. This boat is too big. They have added an additional deck to put additional weapons on it. I am not sure how much I can say on the floor, but we know it has been enlarged to put more weapons on it. For what? Do we have that many more targets?

We heard the speeches yesterday on the B-2. According to some, we do not need it any more. At least it has a conventional capability. How can we argue that on this submarine, though? The boat is designed to be more stealthy at much higher speeds, and yet I am skeptical about how successful it will be. It is pretty hard to be stealthy when you are going fast and you are firing multiple weapons. You fire one and you are not stealthy any longer.

There have been problems with it, welding problems. I am satisfied, after talking with the Chief of Naval Operations, that most of those can be taken care of. And maybe, like a lot of this sort of thing that gets in the press, it is being overblown. But there is no doubt there have been problems with it.

The main thing though is it just eats up too much of our budget. I remind my colleagues we had a lot of discussion about this in the Senate Armed

Services Committee. We had a vote to knock it out at the Armed Services Committee level. We did not do it. I did not press the point, and I am hesitant to do it here, but there is a lot of doubt about this program.

I also remind my colleagues, if you did not know it, maybe it has already been discussed this morning, the Defense Appropriations Subcommittee, as I understand it, was prepared to cancel it 1 day last week, and because of convincing arguments, I am sure, the next day came back and said, oh, well, OK, we will put it back in.

This is one weapon system we cannot afford, we can do without, and I urge that the Senate vote for the McCain amendment. Thank you, Mr. President.

THE PRESIDING OFFICER. Who yields time?

MR. MCCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, there are many commentators and columnists who give us their views and opinions on the issues of the day. One I have grown to admire and respect enormously over the years is Mr. James J. Kilpatrick. Mr. Kilpatrick, wrote a column on September 18, which I ask unanimous consent to be printed in the RECORD.

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

CONGRESS SHOULD SINK NAVY'S \$2 BILLION
BABY

(By James J. Kilpatrick)

WASHINGTON.—Just before Congress began its August vacation, Sen. John McCain of Arizona brought a notable amendment to the floor. He proposed to kill the Navy's \$2 billion baby, the submarine Seawolf. It was one of the two best ideas put before Congress this year.

The other superlative idea was to kill the Space Station Freedom, the \$30 billion baby of the space program. Regrettably, the space station survived. Regrettably, under pressures of the rush to recess, Sen. McCain withdrew his amendment. Nevertheless he was right on target.

A good deal has happened since Sen. McCain made his aborted effort on Aug. 2. A group of hard-line Communist conspirators attempted to overthrow Mikhail Gorbachev. The coupe failed. Responding in outrage, the Soviet parliament voted in effect to dissolve itself. The Soviet empire lies in autonomous pieces. The power of the Communist Party has been smashed. Leningrad will be known again as St. Petersburg. Otherwise it was a quite vacation.

Meanwhile, here at home, the Electric Boat Division of General Dynamics, builders of Seawolf, has had to begin dismantling the partly assembled hull. Hundreds of cracked welds will have to be replaced at a cost running into tens of millions of dollars. The taxpayers will have to pay for the company's mistake.

Sen. McCain has the right idea. Instead of throwing good money after bad, let us stop now. At a certain stage in the funding of any major federal project, a point of no return is reached. The project gains an unstoppable momentum, but Seawolf is not yet at that point.

The Arizona senator cannot be brushed aside as a know-nothing peacenik. He is a

graduate of the Naval Academy, a distinguished and courageous officer, the holder of every medal short of the Medal of Honor. As a combat pilot, captured in Vietnam, he spent six years in a Communist prison. If any member of the Senate has good reason to advocate a strong national defense, it is John McCain, last of the Cold Warriors.

Why does he want to sink Seawolf? In his view the supersub is not needed, and the mind-boggling expenditure is not necessary. "We do not need to spend 25 percent of the Navy's shipbuilding budget on a ship that is designed for threats to this nation's vital security interests that no longer exist."

It would be far better, in Sen. McCain's view, to invest the Navy's available funds in airlift and sealift improvements. Our amphibious forces verge on obsolescence. We especially need improvement in countermeasures against mines. For the foreseeable future, Sen. McCain sees no threat from a dismembered Soviet Union. Threats will come from other directions entirely.

"The Seawolf-class submarine does not reflect these realities or the lessons of the gulf war. It is a class of submarine which is designed to counter a very sophisticated Soviet submarine and naval threat, which none of our potential adversaries in the developing world possess."

In testimony before the Senate Armed Services Committee on June 7, spokesmen for the Navy attempted to make a plausible case for saving Seawolf. It was a lame effort. Rear Adm. Raymond G. Jones, deputy chief of naval operations for undersea warfare, described his baby as "the key, the blue chip," to maintain undersea superiority. Seawolf can dive deeper, lie quieter and carry more armament than any submarine every built.

The role of submarines is growing, Adm. Jones said, and not diminishing. Thirteen submarines participated in Desert Storm, and several of them fired Tomahawk missiles. They also conducted surveillance operations and provided "valuable, real-time tactical intelligence while supporting the U.N. embargo against Iraq."

Vice Adm. James D. Williams, deputy chief of naval operations for naval warfare, told the Senate committee that many countries are striving to acquire a submarine force. He mentioned China, North Korea and India. These provide "a significant threat." While the U.S. submarine program barely coasts along, the Soviet Union is launching nine or 10 excellent submarines a year. It is imperative, said Adm. Williams, that the United States keep ahead of the Soviets in both strategic and attack capability.

Not surprisingly, Connecticut's Sen. Joe Lieberman supports Seawolf; his Groton constituents at Electric Boat are building it. John Chafee of Rhode Island also defends the project, but other senators have expressed strong misgivings.

Since the heyday of Adm. Hyman Rickover, the submarine service has functioned as the most powerful, privileged and promoted branch of the Navy. This overblown role never has been justified. Congress could begin to restore a better balance by killing Seawolf, a submarine whose time has passed before it began.

MR. MCCAIN. Mr. President, I will not read the entire column, but I would like to read the last paragraph. It says:

Since the heyday of Admiral Hyman Rickover, the submarine service has functioned as the most powerful, privileged and promoted branch of the Navy. This overblown role has never been justified. Congress could begin to restore a better balance by killing

the Seawolf, a submarine whose time has passed before it began.

Mr. President, let me now sum up by responding to several of the points that were made by my colleagues in the debate.

The first, as my colleague from Mississippi just mentioned, is that the lesson of the gulf war is that we need power projection forces, not submarines. We are facing block obsolescence of our amphibious capability. We needed every bit of that amphibious capability during the Persian Gulf war. And the primary reasons why that capability was sufficient was because there were some 32 airfields in Saudi Arabia and the gulf which could take a lot of this equipment by air, and because we had 6 months of free access to major ports.

A cursory glance at the globe, Mr. President, convinces us that there is literally no other place in the developing world that has the capability to absorb massive airlift and conventional sealift in the way that we were able to transport men and equipment during the Persian Gulf conflict. In the future, we will inevitably be even much more reliant on amphibious forces.

Yet, we face block obsolescence and a steadily dropping number of amphibious forces. We are ignoring the threats to the U.S. national security interests throughout the world that are really important, although our ability to combat them will directly rely on our ability to project power, and we cannot project power to most parts of the world without enhanced amphibious capability.

As for the sea-launched cruise missile, the SSN-688 has superior or equal cruise missile launch capability, relative to the Seawolf. If we are basing our argument for the Seawolf on the ability to launch cruise missiles, I suggest that the 688 can do an equal or better job.

I recognize the Soviet submarine threat, but most existing Soviet submarines are far less capable than the SSN-688. I think it is also important to recognize that in the last 4 to 5 years, the operating tempo of the Soviet fleet in general, and their submarines in particular, has dwindled to very low levels. As we see their GNP continue to fall, and significant and dramatic reductions in their defense budget, this threat is likely to diminish even more dramatically.

Mr. President, let us also go back to the mission of the Seawolf, and why this particular weapons system was placed into production, proposed by the Pentagon, approved by the Senate, and funded to the tune of at least two ships.

At that time, Mr. President, the primary threat to our national security was the threat of a war in Europe. We had to have the capability to protect massive movements of men and equip-

ment, and the sealanes across the Atlantic between here and Europe.

Mr. President, the Warsaw Pact is now dead! Is there anyone in this body who believes that any time soon we are going to have a war in Europe which requires the massive transport of men and equipment across the Atlantic? Is there anyone who is unaware we are rapidly cutting such forces out of our force structure? I do not think so.

I do think my colleagues from Connecticut, as well as my colleagues from Rhode Island, make valid points. We cannot just say the cold war is over, and that there are no further threats to the United States national security. In fact, new threats are emerging threats. But, we must fund the forces necessary to meet these threats, not the remote threat of a fighting battle of the Atlantic and of revisiting the early years of World War II.

This is why funding the Seawolf takes money away from precisely the forces we need to fight the real threats. It is why our having spent \$450 million does not justify wasting \$1.5 billion more in fiscal year 1992. The basic rule of defense planning, which I think we have already violated far too many times in the past, is that we should never reinforce defeat by sending good money after bad.

As far as the Navy's cost estimates for the SSN-688 are concerned, I think we should show great caution in believing that new SSN-688's would cost as much as the Seawolf. With all due respect for my friends in the Navy, we do find from time to time that they make some fairly inflated cost estimates to justify the expenditure of funds. My sources indicate that the Navy is focusing on a worst-case estimate of the cost of the first new SSN-688. In the real world, the worst case cost of a new SSN-688 might be \$1.5 billion, and it might well be less.

I think the key point is that follow on SSN-688's may cost no more than \$950 million per ship over the life of the program—which is substantially less than half of the Seawolf. Improved SSN-688's could keep our industrial base alive until a follow-on submarine like the Centurion is proven necessary and proven cost effective. My amendment would give the Navy both funds for an SSN-688, and the R&D funds it now lacks for the Centurion.

Mr. President, I want to restate my reluctance to bring up this amendment. I believe that the likelihood of its adoption is poor, given the eloquent and formidable opposition to the amendment from my colleagues, not the least of which is my friend and comrade from Hawaii. But, I think it is important that we bring this issue to the floor, get it ventilated and debated, and send a message that we have to make some significant changes in our submarine plans. We simply cannot afford to spend 25 percent of a continu-

ously shrinking shipbuilding budget on one weapon system whose time is past, and ignore our Nation's true defense needs.

Mr. President, I have no more requests for time and I am willing to yield back the remainder of my time, although I understand a vote was—I guess it is past time for a vote. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has yielded back the remainder of his time.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending matter be set aside until 1 p.m. when the vote is to be taken.

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

AMENDMENT NO. 1207

(Purpose: To provide \$50,000,000 in fiscal year 1992 for the Strategic Environmental Research and Development Program)

Mr. INOUE. Mr. President, I send to the desk an amendment on behalf of Senator NUNN and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. NUNN, for himself, Mr. WARNER, Mr. GORE, Mr. WIRTH, Mr. THURMOND, and Mr. DIXON, proposes an amendment numbered 1207.

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

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

The amendment is as follows:

On page 130, strike out lines 16-22 and insert the following in lieu thereof:

SEC. 8096. (a) In addition to the amounts appropriated elsewhere in this Act, \$50,000,000 is appropriated for the Strategic Environmental Research and Development Program to remain available for obligation until September 30, 1993.

(b) In addition to the amounts appropriated elsewhere in this Act, \$835,000,000 is appropriated for environmental restoration to remain available for obligation until September 30, 1994: *Provided*, That such funds shall be available only for the actual reduction and recycling of hazardous waste and cleanup of Department of Defense sites.

Mr. NUNN. I am offering an amendment on behalf of myself, Senator WARNER, SENATOR GORE, Senator THURMOND, Senator DIXON, and Senator WIRTH that would provide \$50 million for the Strategic Environmental Research and Development Program [SERDP] for fiscal year 1992.

The Strategic Environmental Research and Development Program was a new program started in fiscal year 1991. It was designed to harness some of the resources of the defense establishment—the Defense Department, certain elements of the intelligence community, and the national security activities of the Department of Energy—to confront the massive environmental

problems facing our Nation and the world today.

Last year, Congress appropriated \$150 million for the program. I want to thank Senator INOUE, Senator STEVENS, Senator JOHNSTON, and Senator DOMENICI, for adding their support during last year's process. The Department of Defense, the Environmental Protection Agency, and the Department of Energy have worked hard to combine their talents and resources and to identify an exciting slate of environmental research projects. Our committee conducted a detailed oversight hearing on the program as part of our review of this year's budget. While there were some understandable delays in starting this new program, I am pleased to report that the program is now up and running.

Our intent in establishing the Strategic Environmental Research and Development Program was to transform the defense establishment into an environmental research agency. Our intent was to make sure of the unique capabilities and technologies of the defense establishment, particularly the talent and expertise in the Federal laboratories of the Department of Defense and the Department of Energy to address environmental matters. The Department of Defense also has a vast array of military hardware that can address the environmental needs and requirements of the Department of Defense, and that can also address many of the environmental problems of the Nation as a whole.

Destruction of our environment is a threat to national security. This premise was at the heart of the creation of the Strategic Environmental Research and Development Program last year. The purpose of this research and development program is to provide funding to the Defense Establishment to utilize the defense technologies and capabilities to respond to this threat.

The program is divided into three main focus areas:

Environmental data gathering and analysis;

Environmental compliance and advanced energy technologies; and

Environmental cleanup technologies.

Mr. President I would like to describe, in somewhat more detail, each of these areas:

DATA GATHERING AND ANALYSIS

The Strategic Environmental Research and Development Program was designed to be a vehicle to augment the civilian environmental research community in several aspects:

To provide access to data under the control of the Department of Defense that is relevant to environmental matters;

To provide analytic assistance consistent with the military mission, including access to military platforms and computer capabilities, to facilitate environmental research; and

To provide for identification and support for research, development, and application of technologies developed for national defense purposes that have application to such national and international environmental problems as climate change and ozone depletion.

ENVIRONMENTAL COMPLIANCE AND ADVANCE ENERGY TECHNOLOGIES

The Department of Defense and the Department of Energy, like any private entity, must comply with the various environmental laws, such as the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. In addition, the Department of Defense as the largest energy consumer of the Federal agencies, must be a leader in energy conservation. The strategic Environmental Research and Development Program will assist the Defense Establishment to:

Identify energy technologies developed for national defense purposes that might have environmentally sound, energy efficient applications for the Department of Defense and the Department of Energy and that have potential for commercial applications; and

Provide for research and development of technologies that will facilitate waste minimization, particularly the generation of hazardous and radioactive waste; compliance with environmental laws; and development of nonhazardous materials to substitute for hazardous materials currently used.

ENVIRONMENTAL RESTORATION AND CLEANUP TECHNOLOGIES

The Department of Defense and the Department of Energy face enormous environmental cleanup obligations. Just last month the Department of Energy alone indicated that its bill for cleanup and waste management, for just the next 6 years, could be as much as \$45 billion. The Department of Defense has over 1,800 installations that it must clean up. Estimated costs to complete Department of Defense cleanups are \$14 billion and growing. To help address this obligation, the Strategic Environmental Research and Development Program will provide for:

Research and development funds to assist with the development of technologies to reduce the staggering cost of cleanup, through faster contaminant identification and more efficient operations; and

Joint research and development efforts to allow the Department of Defense, the Department of Energy, and the Environmental Protection Agency to work together on joint projects to pool their resources and share their knowledge.

In addition, the Strategic Environmental Research and Development Program will be able to serve as a clearinghouse for the environmental technologies developed by the Defense Establishment that have potential spinoff applications to the private sector. The Department of Defense and the Depart-

ment of Energy are not alone in their efforts to clean up past contamination, to dispose of long-stored hazardous waste, and to reduce the amount of waste generated in the future. Private industry is also subject to the same large cleanup costs and growing environmental compliance obligations, and one of the goals of this program is to transfer these newly developed technologies to the private sector.

One hundred and fifty million dollars was appropriated for the Strategic Environmental Research and Development Program in fiscal year 1991. The Department of Defense, the Department of Energy, and the Environmental Protection Agency reviewed a large number of projects for inclusion in the Strategic Environmental Research and Development Program and have selected \$170 million in projects for funding.

The final step before beginning the research projects is review by the Scientific Advisory Board established to assess the program. Any project above \$1 million must be reviewed by a panel of technical experts to assure the technical quality of the projects and to prevent duplication of research. Although the startup of this program has taken longer than I would like, this last step will begin shortly, and the research efforts funded with the \$150 million in fiscal year 1991 funds should begin in the near future.

Among the projects identified by the Department of Defense, the Department of Energy, and the Environmental Protection Agency for funding under the Strategic Environmental Research and Development Program for fiscal year 1991 are:

New methods to cleanup soil contaminated by explosives;

Demonstration and testing of chemical remediation techniques at Department of Defense and Department of Energy sites;

Advanced monitoring techniques to identify more quickly contaminants and their effects;

Studies on ozone depletion due to rocket motor exhaust;

Methods to identify wetlands in permafrost and seasonally frozen soils;

Methods to assess the impact from stormwater runoff from military installations on marine environments;

Shipboard hazardous materials reduction and waste treatment methods;

Development of geothermal, solar, and other alternative energy sources; and

Collection and access to ice drift data and information from classified sensors.

Mr. President, this list of research projects is long and exciting, but many of these will not be funded without the additional funding for fiscal year 1992 provided by this amendment. There are also many new projects that have been identified since the original list of re-

search proposals was prepared. I would like to describe just one of these projects that would benefit from fiscal year 1992 for the program.

The project, known as the electron dry beam scrubbing system, originated in research conducted by the Defense Nuclear Agency [DNA] to study the effects of nuclear weapons. This scrubbing system removes nitrous-oxide and sulfur-dioxide from emissions from high-sulfur coal-fired facilities. Efficient scrubbing techniques are essential to the commercial viability of high-sulfur coal.

Using electron beams to scrub coal emissions is not new. Several years ago the Japanese proved the technology would work, but it was not economical. The Defense Nuclear Agency has developed an electron beam generator that makes this method of emissions scrubbing highly competitive with conventional scrubbers.

There is an added benefit to beam scrubbing. Conventional scrubbers produce a sludge that must be disposed of as waste. The byproduct of the beam scrubber is fertilizer that can be sold.

As an operator of 28 coal-fired facilities in the 10-45 megawatt range, the Department of Defense will, hopefully, benefit significantly from this research project. Conventional scrubbers for these small to medium facilities are questionable for both technical and economic reasons. The Defense Nuclear Agency's beam scrubbing system appears to be well-suited to these facilities, and, hopefully, will have broad commercial application as well.

This amendment does not add funds to the bill. The \$50 million needed for the Strategic Environmental Research and Development Program has been offset by a similar reduction to the \$885 million increase above the budget request of \$1.2 billion in the committee bill for environmental restoration activities. We hope and expect that diverting a small portion of this proposed increase for environmental restoration for much-needed environmental research and development will improve the Department of Defense's overall environmental efforts. In addition, by developing new technologies it should help reduce the overall need for clean-up funds by existing means.

Mr. President, the Strategic Environmental Research and Development Program is an important and exciting new program that will improve environmental restoration and compliance activities in the Department of Defense and the Department of Energy, and will make a major contribution to our national environmental research effort. I urge my colleagues to support this amendment.

Mr. INOUE. Mr. President, this amendment has been cleared on both sides and we find it acceptable.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1207) was agreed to.

Mr. INOUE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1208

Mr. INOUE. Mr. President, I send to the desk for immediate consideration an amendment offered by Senator WOFFORD of Pennsylvania and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. WOFFORD, proposed an amendment numbered 1208.

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

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

The amendment is as follows:

At the end of the bill insert the following:
SEC. . (a) FINDINGS.—The Senate finds that—

(1) There is a need for tax relief for middle-income families;

(2) for more than a decade, America's working families have been paying an increasing portion of their income for Federal taxes;

(3) during the same period, the vast majority of middle-income families in America have seen their real income decline and the value of their paychecks shrink;

(4) the principles of basic fairness dictate that working people pay no more than their fair share of taxes;

(5) most working Americans are being forced to pay more taxes when they can least afford it and are in dire need of tax relief to improve the quality of their lives and to contribute toward the revitalization of the Nation's economy.

(b) It is the sense of the Senate that the Senate is committed to providing income tax relief to middle-income families and urges Congress to enact legislation providing for such relief.

Mr. WOFFORD. Mr. President, this is a sense-of-the-Senate resolution regarding the need for tax relief for our Nation's middle-income families.

This resolution expresses our sense—and the common sense—that the Congress should move forward to develop and enact legislation that will lower the Federal tax burden on America's working families.

The need should be clear. The Congressional Budget Office recently reported that over the past decade, the wealthiest Americans have become much wealthier.

Since consumer spending drives about two-thirds of our gross national product, it makes good economic sense to spur such spending by putting money back in the pockets of those consumers.

We've all seen the reports showing that consumer confidence is down. But as the Philadelphia Daily News has edi-

torialized, it is not confidence American consumers lack; it is cash. If we give them back some of their hard-earned dollars, they will not lack the confidence to save, spend, and invest it.

My colleagues on both sides of the aisle have introduced legislation that would provide relief to middle-class taxpayers. I anticipate that others may do the same.

But at the same time, the vast majority of middle-income families have been struggling harder and harder to make ends meet.

For three out of four families—virtually all except the poorest fifth and the wealthiest 5 percent—the burden of Federal taxes is now higher than it was in 1977.

In short, most working Americans are being forced to pay more in taxes when they can least afford it. That is unfair and, at a time of national recession, it is also bad economics.

The best way to jump-start this economy and put our people back to work is a tax cut for the middle class. If we put more money in the pockets of families making \$30,000 or \$40,000 a year, they will have more disposable income to spend.

The proposals differ in the type of relief to be offered. Some define how to pay for this relief and others do not.

It is the sense of this Senator that a more progressive tax policy would be the best way to finance a tax cut for working Americans. By closing loopholes and increasing rates on the wealthiest taxpayers, those with joint incomes over \$200,000 per year, we could finance a tax cut for 9 out of 10 American families.

But despite differences in approach, I believe these various proposals reflect the desire of the Senate to provide working Americans with tax relief. I believe that by putting ourselves on the record favoring a middle-income tax cut now, we can take an essential first step toward achieving a plan that will make that relief a reality.

Mr. President, this is an appropriate amendment for the Defense appropriations bill. We need to provide for a strong military defense to protect our national security. But we cannot forget that the reason we do so is to protect our families and our quality of life here at home.

Today, American working families are threatened by the burden of taxation. We need to express our commitment to easing that threat and improving their quality of life.

I urge my colleagues to support this amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, the matter is not germane but I have checked it with Senator PACKWOOD, ranking member of the Finance Committee. He has no objection, so I do not.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1208) was agreed to.

Mr. INOUE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 9, LINE 17

Mr. INOUE. Mr. President, I ask unanimous consent that it be in order to consider further amendment to the committee amendment on page 9, line 17.

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

AMENDMENT NO. 1209

(Purpose: To set aside \$4,500,000 for the Army Environmental Policy Institute)

Mr. INOUE. Mr. President, I send an amendment to the desk by Senator DIXON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii, [Mr. INOUE], for Mr. DIXON, proposes an amendment numbered 1209.

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

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

The amendment is as follows:

On page 9, line 17, before the period at the end insert the following: "Provided further, That, of the amount appropriated under this heading, \$4,500,000 shall be available for the Army Environmental Policy Institute".

Mr. DIXON. Mr. President, my amendment will provide \$4.5 million for the Army Environmental Policy Institute, fully funded from within the Army's operation and maintenance account.

More and more we are realizing the damaging effects of certain military activity on our environment, for which our armed services must be held responsible. Restoring the environment to its prior condition has become an important part of the base closing process. Waste disposal at military installations has become a very real problem which we cannot ignore. Pollution is another pressing issue. These are the problems of today.

While we must work toward the resolution of these current problems, we also must recognize that it is fiscally sound to identify possible future problems and prevent them before they reach a costly crisis level. This is what the Army is attempting to do with the Environmental Policy Institute.

The Army established the Environmental Policy Institute in 1990 in order to assist in the development of proactive policies and progressive strategies to address environmental management issues which might have a

possible impact on our armed services, in the future. Mr. President, so much of our taxpayer's money is spent on Band-aid solutions to crisis situations. This Policy Institute attempts to reverse that trend by providing the Army with environmentally sound strategies that look to the future.

The Policy Institute routinely monitors legislation, anticipates environmental trends, and tracks emerging technologies which might minimize future impacts on our environment. The mission of the Policy Institute includes providing for broad-based academic involvement in which they have worked closely with historically black colleges and universities.

The goal is to focus on tomorrow, and to anticipate and prevent potential problems before they become environmental disasters. The Environmental Institute, in cooperation with the other services, works to identify, through management and policy initiatives, ways to reduce the amount of hazardous waste generated by the military services; to expedite the long and complex process of environmental cleanup, particularly in the context of base closures; and to identify, at the very earliest stages, alternative manufacturing techniques and materials that will eliminate hazardous materials over the life of the military system.

This is a good program, Mr. President. This body recognized the valuable work of the Army Environmental Policy Institute by authorizing \$4.5 million to continue their efforts, not only within the Army but in conjunction with other branches of the military as well. But unfortunately, this program has become an easy target during the appropriations process because it is so easy to say that we always have next year to develop these preventative strategies. Every year funds are identified for the Policy Institute, and every year the funds are snatched away by another program. I think my amendment will finally solve the problem.

Mr. President, we should be promoting this type of preventative thinking rather than making it difficult to initiate. I hope my colleagues will join me in supporting the valuable environmental work which is being conducted at the Army Environmental Policy Institute.

Mr. INOUE. Mr. President, this matter has been cleared by both sides. We find it acceptable.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1209) was agreed to.

Mr. INOUE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

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

The PRESIDING OFFICER. [Mr. AKAKA]. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I note the hour of 1 has arrived.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the question is on agreeing to the amendment by the Senator from Arizona.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 10, nays 90, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—10

Bentsen	Lott	Wellstone
Bradley	McCain	Wirth
Brown	Roth	
Glenn	Simon	

NAYS—90

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Garn	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Nickles
Boren	Gramm	Nunn
Breaux	Grassley	Packwood
Bryan	Harkin	Pell
Bumpers	Hatch	Pressler
Burdick	Hatfield	Pryor
Burns	Heffin	Reid
Byrd	Helms	Riegle
Chafee	Hollings	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Rudman
Cohen	Johnston	Sanford
Conrad	Kassebaum	Sarbanes
Craig	Kasten	Sasser
Cranston	Kennedy	Seymour
D'Amato	Kerry	Shelby
Danforth	Kerry	Simpson
Daschle	Kohl	Smith
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McConnell	Wofford

So, the amendment (No. 1206) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1210

Mr. INOUE. Mr. President, I send to the desk an amendment by Senator

BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BUMPERS, proposes an amendment numbered 1210.

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

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

The amendment is as follows:

On page 44, line 25, before the period, add the following: "Provided further, That of the funds appropriated under this heading, \$25,000,000 shall be available only for development of advanced superconducting multichip modules and diamond substrate material technologies."

Mr. INOUE. Mr. President, this matter has been cleared by both sides. We find no objection to it. We will accept it.

The PRESIDING OFFICER. Is there any debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1210) was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 9, LINE 17

Mr. INOUE. Mr. President, I ask unanimous consent that it be in order to consider a further amendment to the committee amendment on page 9, line 17.

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

AMENDMENT NO. 1211

(Purpose: To set aside \$5,000,000 for the United States Office for POW/MIA Affairs in Hanoi)

Mr. INOUE. Mr. President, I send to the desk an amendment by Senators MITCHELL, MURKOWSKI, MCCONNELL, KERRY, KERREY, MCCAIN, DANFORTH, HATFIELD, LEAHY, CRANSTON, PELL, BYRD, and ROBB, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. MITCHELL, for himself, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. KERRY, Mr. KERREY, Mr. MCCAIN, Mr. DANFORTH, Mr. HATFIELD, Mr. LEAHY, Mr. CRANSTON, Mr. PELL, Mr. BYRD, and Mr. ROBB, proposes an amendment numbered 1211.

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

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

The amendment is as follows:

On page 9, line 17, before the period at the end, insert the following: "Provided further, That \$5,000,000 of the amount appropriated

under this heading shall be available for the United States Office for POW/MIA Affairs in Hanoi."

Mr. MITCHELL. Mr. President, I am pleased to offer this amendment today because it is about an issue of great concern to all Americans: the effort to resolve the search for our POW/MIA's in Vietnam. This amendment will facilitate this important effort.

I am pleased that so many of my colleagues—Senators MURKOWSKI, MCCONNELL, KERRY, KERREY, MCCAIN, DANFORTH, HATFIELD, LEAHY, CRANSTON, PELL, BYRD, and ROBB—have joined in cosponsoring this measure. I believe this speaks to the widespread and bipartisan support for a speedy resolution of the outstanding questions regarding American POW/MIA's.

The United States only recently established an Office for POW/MIA Affairs in Hanoi as part of the ongoing effort to resolve all outstanding casualty resolution cases.

The office is the hub of American activity on the ground in Vietnam. Its personnel are directly involved in searching crash sites, interviewing local people for information about Americans, compiling data from historical archives and other crucial functions.

The new office has many pressing needs, ranging from purchasing transportation and communications equipment, to hiring local translators and other personnel, to importing adequate water purification units. These are essential prerequisites for establishing a rapid and effective capability to answer important questions about American POW's and MIA's in Vietnam.

The current estimated cost of implementing an accelerated 2-year casualty resolution effort in Hanoi approaches \$6 million. Most of that money is needed immediately, to make important equipment purchases to get this effort more fully underway.

This amendment therefore earmarks \$5 million for fiscal year 1992 specifically for this purpose. I believe it is important to ensure that the POW/MIA office in Hanoi receives the resources it needs to accomplish its important tasks.

Some may ask whether this earmark is appropriate given that the Senate Select Committee on POW/MIA Affairs established by resolution in August is only now in the process of organizing and beginning its work.

That committee, under the leadership of Senator KERRY and Senator SMITH, is embarking on an effort to assess the current system, resources and processes for investigating evidence relating to American POW/MIA's from Southeast Asia in light of continuing criticism and controversies. The Senate looks forward to the committee's work and final report.

But while that investigation is underway, it would serve this Nation to

make certain that this office, representing what may be the best new opportunity to resolve this issue in many years, has the necessary resources to carry out its mission.

I believe all Americans will support this important effort to help resolve the question of American POW's and MIA's in Vietnam.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

FUNDING THE U.S. POW/MIA OFFICE IN HANOI

Mr. MURKOWSKI. Mr. President, I rise on behalf of the amendment offered by myself, Senator MITCHELL, and Senator MCCONNELL, to provide \$5 million to the newly opened United States POW/MIA office in Hanoi, Vietnam. Senators JOHN KERRY, BOB KERREY, MCCAIN, DANFORTH, LEAHY, CRANSTON, HATFIELD, BYRD, ROBB, and PELL, join us in this effort.

I understand that the amendment has been accepted on both sides, and I am most appreciative to the floor leaders.

Mr. President, it is appropriate to note that in the past 16 years, Americans have had to live with the heartbreaking fact that nearly 2,300 servicemen remain unaccounted for from the war in Vietnam.

This has been and remains a matter of the highest national priority, perhaps our Nation's very highest priority. These young men went to war to defend America and its principles. Yet, their families and loved ones still remain in the dark about their fate.

The Nation owes these patriotic American families the quickest possible resolution of this issue. That is what our amendment does today.

In July 1991, the United States opened for the first time an office in Hanoi, dedicated solely to the quick resolution of the outstanding POW/MIA cases.

Mr. President, I ask unanimous consent to add Senator CHAFEE's name as a cosponsor to the U.S. POW/MIA amendment, and Senator PRESSLER as well.

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

Mr. MURKOWSKI. Mr. President, I thank the Chair.

I will be brief.

Prior to the opening of this office in Hanoi, the United States was only able to really follow up on live sighting reports and discrepancy cases from outside the nation of Vietnam. We now have a permanent presence inside the country, and we must use it to every advantage.

Mr. President, over the August recess Senators MITCHELL, MCCONNELL and I had staff visit the Hanoi office. Although the U.S. personnel report positively on their work thus far, they are burdened with hardships that are less than fitting for handling a matter of highest national priority. Not only are they saddled with cramped spaces, inef-

ficient electricity, supplies, and difficult living conditions, they are embarrassingly underequipped.

I feel confident in asserting that each and every U.S. Senator has at least 10 times the simple office equipment in his or her personal office that our people have to work with in Hanoi. Their needs are simple indeed, a few copy machines, a fax machine, a water purification unit. In addition there is a need for transportation equipment such as vans, motorcycles, and a helicopter.

LOOKING FORWARD FOR PROGRESS

Mr. President, in the years since the war in Vietnam ended, our Nation has suffered greatly knowing that many of our brave soldiers have never been accounted for. There has been a tendency among Americans to dwell on the past, to continue to look backward for answers which we have been unable to find.

Now we have the opportunity at hand to work for the present and resolve these issues once and for all. We must seize this opportunity and make the most of it. Five million dollars is a very small commitment indeed for an obligation so grave and important.

Mr. President, I wish to thank the cosponsors to this amendment and the bipartisan spirit with which it was received. In addition, I believe we all owe our gratitude to General Vessey and his staff, especially Mr. Bill Bell, the Director of the U.S. POW/MIA Office in Hanoi.

THE MIA OFFICE

Mr. MCCAIN. Mr. President, I am pleased to cosponsor this amendment to provide the U.S. POW/MIA Office in Hanoi with the resources necessary for the full realization of its critically important mission. I am grateful to have the opportunity to join Senators MITCHELL, MURKOWSKI, and the other cosponsor in offering this amendment. I commend them for their commitment to securing the fullest possible accounting of Americans still classified as missing in action or prisoner of war in Vietnam. And I share with them the belief that this office which we are seeking to fund represents one of the best opportunities to significantly advance toward that goal.

Mr. President, this amendment would appropriate \$5 million to the office for its fiscal year 1992 budget. With these funds, the personnel who staff the office will be expected to provide the hard labor and detail work that will, in effect, comprise the substance of our POW/MIA policy. I need not remind Senators that this policy and its objective are expected to be accorded the Nation's highest priority; \$5 million hardly seems excessive funding for a national priority.

Rents for office and living quarters, transportation, the hiring and training of local personnel, helicopters, technical equipment, medical supplies, and

communications equipment are just a few of the services and materials that the office requires to adequately meet its responsibilities.

With these materials, the staff of the U.S. Office for POW/MIA Affairs will be expected to thoroughly research Vietnamese wartime archives and maps for information about our missing in action and prisoners of war; search crash sites and recover remains; investigate live-sighting reports of Americans; and, in general, fill the many gaps in our information about what has become of nearly 2,300 Americans who left their home to faithfully serve their country in Indochina, never to return home, never to be accounted for. The task of the POW/MIA Office is to meet our Nation's commitment to those men, to help bring them home or recover their remains, to provide answers to their families, to close the final chapter of the Vietnam war. This task deserves the full support of the U.S. Congress, for I am certain that it enjoys the full support of the American people.

Mr. President, I strongly supported the establishment of this office. I made my support known to United States and Vietnamese officials. I am very pleased that the office is open and functioning, and I am confident in the ability of our personnel there to shoulder the grave responsibilities with which they are charged. We must not fail to meet our responsibilities to them.

Vietnam has lately shown signs that it is beginning to understand how important this issue is to the American people, and that it will play a central role in our present and future relations. They have agreed to allow this office to function according to our specifications. They have begun providing us with access to military archives and wartime maps. At Senator KERRY's urging they have agreed to allow us to use our own helicopters to search locations where Americans were purported to be identified in live-sighting reports. This last agreement is a very important development, and I commend Senator KERRY for his hard work to secure it.

I hope that we will soon be able to secure Vietnamese cooperation in devising a timetable for the excavations of all remaining crash sites, and their permission to inspect prison facilities and reeducation camps during investigations of live-sighting reports.

In all of these important endeavors, the POW/MIA Office will play the central role. They deserve the full faith and support of the Congress as they do so. Our support of this office is a vastly more constructive channel for our energies than wasting our time speculating about groundless conspiracy theories and personal attacks on the character of U.S. personnel involved in the search for our POW's and MIA's. For in

the end, it will be the staff of the POW/MIA Office, and all the other good men and women who have dedicated so much of their lives to the search, like Gen. John Vessey, who will provide most of the answers we seek.

I urge my colleagues to give them the means to complete their mission by supporting this amendment.

The PRESIDING OFFICER. Is there additional debate? If not the question occurs on the amendment.

Mr. STEVENS. Mr. President, on behalf of the Senator from Hawaii and myself, I want to state that we have reviewed this amendment and it is acceptable to the managers of the bill on this side.

Mr. MURKOWSKI. Mr. President, I thank my colleague, the senior Senator from Alaska.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1211) was agreed to.

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

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

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA, APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. FOWLER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3291.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 3291) entitled "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."

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate recede from Senate amendments numbered 1, 2, and 3.

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

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

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

The motion to lay on the table was agreed to.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. FOWLER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1722.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 1722) entitled "An Act to provide emergency unemployment compensation, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Rostenkowski, Mr. Downey, Mr. Ford of Tennessee, Mrs. Kennelly, Mr. Andrews of Texas, Mr. Archer, Mr. Vander Jagt, and Mr. Shaw be the managers of the conference on the part of the House.

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House, agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The Chair appoints Mr. BENTSEN, Mr. MITCHELL, Mr. RIEGLE, Mr. PACKWOOD, and Mr. DOLE conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued consideration of the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that we set aside the pending amendment in order that the Senator from Colorado may offer an amendment.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the pending amendment is laid aside.

The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, the committee amendment is the pending business; is that right?

My amendment is to the committee amendment.

The PRESIDING OFFICER. The Chair requests that the Senator send a copy of his amendment to the desk so we may ascertain whether or not it applies to the amendment just set aside or to the legislation as a whole.

Mr. STEVENS. Mr. President, if the Senator will yield, it was our understanding that it was an amendment to another part of the bill. I am entirely willing to accommodate either request the Senator from Colorado wishes to make.

It is my understanding this is to the amendment. It had been written to be an amendment to the committee amendment.

COMMITTEE AMENDMENT PAGE 100, LINE 4

The PRESIDING OFFICER. Is there objection to considering the committee amendment on page 100 at this time?

If not, the committee amendment will be the pending business.

AMENDMENT NO. 1212 TO COMMITTEE

AMENDMENT BEGINNING ON LINE 4, PAGE 100

(Purpose: To prohibit Department of Defense contracting with foreign persons that support the Arab boycott of Israel)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. LAUTENBERG, Mr. MACK, Mr. SPECTER, and Mr. WOFFORD, proposes an amendment numbered 1212 to the committee amendment beginning on line 4, page 100.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the committee amendment on page 100, add the following:

SEC. (a) As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

(b)(1) Consistent with the policy referred to in subsection (a), no Department of Defense prime contract in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) may be awarded to a foreign person, company, or entity unless that person, company, or entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) on a contract-by-contract basis when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each calendar quarter, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this paragraph during such quarter.

Mr. WIRTH. Mr. President, I am offering this amendment on behalf of Senator LAUTENBERG, Senator MACK, Senator SPECTER, and Senator WOFFORD. This amendment is designed to tighten existing U.S. antiboycott laws. This amendment is straightforward: it calls upon the Department of Defense to deny contracts to foreign suppliers who adhere to the Arab League boycott of Israel.

Since 1951, the Arab nations have imposed a boycott and embargo against Israel—and an insidious secondary boycott against companies which do not respect the primary boycott. Any company in the world that has trade relations with Israel or investments in Israel is barred from doing any business whatsoever with any Arab country—without the exception of Egypt.

The Arab primary and secondary boycotts have been a shackle on the Israeli economy. Here at home, the boycott has meant suffering and economic losses for any American company that trades with Israel, or has a relationship with another company that itself trades with Israel. In short, the secondary Arab boycott has put American companies refusing to comply with it at a tremendous competitive disadvantage because their foreign competitors are free—and do in fact—comply with the boycott.

Last summer, at a meeting of the Arab League, 100 additional United States companies were added to the blacklist of those that are barred from doing business in the Arab world due to their trade relations—direct or indirect—with Israel.

At a time when our Government is aggressively pursuing a peace process in the Middle East, further expansion of the Arab boycott is pure poison. We should bend every effort to reverse the harmful and unjust economic isolation of Israel. If the State Department is serious about confidence building measures in the Middle East, if the administration is serious about a new world order, they could start by putting the full weight of the United States Government behind the effort to dismantle the Arab League boycott, and that is the purpose of this amendment.

The position of this body on the Arab boycott has been unequivocal. Congress has enacted legislation to prohibit American companies from boycott compliance. The Export Administration Act of 1977 and the Tax Reform Act of 1976 included strict antiboycott provisions.

And almost every Member of this body, Mr. President, is on record with a letter to President Bush dated July 9 asking him to bring up this issue at the G-7 meeting this last summer.

I ask unanimous consent that the full text of that letter and the more than 90 signatures be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, July 9, 1991.

Dear PRESIDENT BUSH: As you prepare for the annual G-7 meeting of major industrialized nations, we urge you to make the Arab League economic boycott a high priority on the U.S. agenda. We urge you to press our G-7 allies in the strongest terms possible to end their compliance with the boycott.

Since the early 1950's, the Arab League has maintained a secondary and tertiary boycott which targets companies that do business with Israel or companies that do business with other companies involved with an Israeli company. This offends the very principles of free and open international trade espoused by the G-7 nations last year in Houston.

While the U.S. has enacted strict laws which prohibit U.S. firms from complying with the boycott, our major trading partners have taken no such action. Accordingly, U.S. firms vying for contracts are put at a competitive disadvantage with foreign companies because of the boycott restrictions. We must implore our trading partners to examine their own policies toward the boycott, and urge them to pass legislation which prohibits private sector compliance.

America and the industrialized nations of the world fought to preserve the national sovereignty of Arab nations faced with Saddam Hussein's aggression. It is inconceivable that they will not trade with companies which have business relations with Israel.

The U.S. cannot unilaterally succeed in this endeavor. In order to effectively stifle

the coercive effects of the Arab boycott, we need the cooperation of our allies. They too should have laws that prohibit their companies from complying with the Arab boycott of Israel. During the war, we witnessed just how powerful the world community can be when it is unified. This issue is no different. It requires cohesion. If the industrialized countries are unified in their approach, the Arab countries can be convinced to lift their boycott against businesses that do have economic relations with Israel.

It is imperative that the U.S. provide the leadership and the vision at the G-7 conference to accomplish this goal. We look forward to working with you on these issues.

Sincerely,

Frank R. Lautenberg, Timonthy E. Wirth, Joseph I. Lieberman, John D. Rockefeller IV, Larry Pressler, Dan Coats, Dennis DeConcini, Connie Mack, Bob Packwood, Charles E. Grassley, Daniel K. Akaka, John McCain, Daniel K. Inouye, Thomas A. Daschle.

Brock Adams, Sam Nunn, John Seymour, Bennett J. Johnston, John Glenn, Alan J. Dixon, Tom Harkin, Donald W. Riegle, Jr., Wendell H. Ford, Claiborne Pell, Alfonse M. D'Amato, Arlen Specter, Bill Bradley, Don Nickles, Jesse Helms, John F. Kerry.

Bob Graham, Howard M. Metzenbaum, Terry Sanford, Daniel Patrick Moynihan, Larry Craig, Conrad Burns, Nancy Landon Kassebaum, Quentin N. Burdick, Herb Kohl, George J. Mitchell, Charles S. Robb, Christopher J. Dodd, Alan Cranston, William S. Cohen, Richard Bryan, Ernest F. Hollings.

Barbara A. Mikulski, Paul S. Sarbanes, Max Baucus, Paul Wellstone, Jim Sasser, Dale Bumpers, Kent Conrad, Harry Reid, Paul Simon, Carl Levin, Lloyd Bentsen, Albert Gore, Joseph Biden, Jake Garn, and Bob Kerrey.

Mr. WIRTH. The amendment offered by Senators LAUTENBERG, MACK, SPECTER, and myself would deny U.S. defense prime contracts in excess of \$25,000 to foreign firms that comply with the Arab boycott. It would require foreign firms bidding for United States Government contracts to certify during the normal application procedure that they do not comply with the Arab boycott. After all, the very Government that enforces antiboycott legislation for its own American companies should not be in the business of rewarding foreign companies that comply with the boycott by allowing them to receive Government contracts.

Mr. President, in deference to concerns expressed by the Department of Defense, my amendment contains a provision allowing the Secretary of Defense to waive this requirement if he deems it is necessary to do so in the national security interests of the United States. Nor does the amendment require the Department to ascertain which foreign companies comply with the secondary boycott of Israel—foreign companies bidding on United States defense contracts must certify that they do not comply with the boycott.

Let me repeat that. Foreign companies bidding on U.S. defense contracts

must certify that they do not comply with the boycott. In other words, they cannot have it both ways. They cannot do business with us and adhere to the Arab boycott of Israel.

Mr. President, this amendment closes a loophole in our boycott laws by focusing attention on foreign companies that are interested in doing business with our Government. It makes clear to European, Japanese, and other defense contractors that they cannot adhere to the boycott and do business with the Pentagon. It makes clear that we will not use American defense dollars to reward foreign companies which refuse to trade with Israel. It helps level the playing field in international trade by denying foreign companies access to United States defense contracts if they maintain trade with Arab States denied to American firms, and, Mr. President, it is a step toward that new world order that we have long been groping for and hoping for.

Finally, and most importantly, Mr. President, this amendment sends a strong and clear message of support to Israel by putting the full weight of our defense procurement establishment behind the effort to end the economic isolation of Israel. I urge its adoption.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I join with my distinguished colleague from Colorado as he announces my cosponsorship of this amendment. I commend the distinguished Senator from Colorado for his leadership on this point.

It is a matter of basic fairness that there ought not to be the kind of boycotts which have been present, exercised by the Arab countries against Israel for more, now, than four decades. The policy of the United States has been directed at fairness and equity in the Mideast, as evidenced by the very substantial support which the United States of America has given to the State of Israel as well as other parties in the Mideast, Egypt specifically, in pursuance of the peace process.

When we take a look at some of the basic facts of life, to deny a country an opportunity to compete and to engage in legitimate economic activities because of the presence of a vicious boycott is just not only fundamentally unfair but counter to the express policies of our Government for more than four decades.

Boycotts are inherently unfair, and when they are based on the kind of prejudice which is present in this circumstance, they ought to be thoroughly condemned. This amendment puts some teeth in the policy of the United States of America to stop these unfair and unjust boycotts. So I join my colleague from Colorado in urging adoption of the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, a similar amendment was adopted at the time of the consideration of the armed services bill authorizing the appropriations that are represented by the bill before the Senate.

On August 2, this year, that amendment was adopted by the Senate. However it is a sense-of-the-Senate provision. I would like to inquire of the Senator from Colorado why, now, we should have just 5 weeks later, an amendment that would become a matter of amendment to the existing law when we have already stated in the bill that is in conference the same provision as part of the armed services bill as a sense-of-the-Senate resolution?

We are prepared to accept a provision without further debate which is similar to that stated in the armed services bill. I am not authorized to accept this amendment and will advise the Senator there will be substantial debate on it if it is to go beyond the provision that is in the authorization bill. This is legislation, then, in an appropriations bill. It is permanent legislation. It goes much further than the provision that is in the bill that will become permanent legislation. And we do not feel we should face that type of legislation in this bill at this time.

If the Senator is prepared to modify the amendment so it is of the same tenor as that contained in the authorization bill, we are pleased and prepared and do support the policy that the Senator outlines.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado, Senator WIRTH.

Mr. WIRTH. Mr. President, I appreciate the comments made by the distinguished Senator from Alaska. The Senator from Colorado at this point is not prepared to modify the amendment. The Senator from Colorado drafted the language that was in the authorization bill. At that point, I was trying to understand all the history of this and the background of the boycott and believed that a sense-of-the-Senate resolution by itself, given the signatures of so many Senators opposing the boycott—that that was as far as I thought we could go last summer.

It is now clear. I have done a lot more homework on this, Mr. President. It is now clear to me that we, in the United States, are in fact following a quiet duplicitous policy ourselves. On the one hand we say we are opposed to the Arab boycott of Israel. We also say we are opposed to this insidious secondary boycott. That is our official policy. We say we are opposed to it. Yet our Defense Department, with its procurement procedure, clearly is going out and doing just the opposite.

It seems to me we cannot have it both ways either, nor should we. It seems to me we should be adhering to our fundamental policy, which is to try to get the Arabs to stop their boycott

of Israel. That is a policy to which we are opposed. Ninety-plus Senators signed a letter to that effect to the President in July. As to the secondary boycott, we should not let companies who are effectively carrying out the Arab boycott of Israel contract with us. It seems to me that that is letting them have it both ways.

What these companies are doing, foreign companies, European companies, Japanese companies, others—what they are effectively doing is the following. They are saying: Uncle Sam, we want to make contracts with you. Thank you very much. We will take those contracts. But by the way we are also involved in this boycott of Israel.

If our policy is that we want to have a new world order, if our policy is that we want to try to get to a peace process in the Middle East, it seems to me we ought to be putting a little leverage into this. We do a lot of procurement coming out of the Department of Defense, and that procurement ought to also be consistent with the foreign policy of the United States.

Finally, this is binding. This is not a sense-of-the-Senate resolution, as the distinguished Senator from Alaska has recognized. But this also provides, through discussions with the Department of Defense, a national security waiver that, if the Secretary of Defense believes that it is in our national security interests to make sure we do a contract, even through the company we are doing a contract with is involved in that secondary boycott, he can waive this.

I appreciate the request of the distinguished Senator from Alaska, but I am not prepared to modify the amendment. I would like to have this amendment become part of the appropriations bill. It is an important thing to do. And I will, therefore, not modify the amendment.

I hope my colleagues will recognize the virtue of this amendment and will support it.

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

Mr. STEVENS. The amendment of the Senator from Colorado demonstrates just totally why amendments of this type should not come before the Senate on an appropriations bill. We are not experts on the Export Administration Act as far as this subject is concerned. Really, it is an amendment to the Export Administration Act. It is applying a special provision to the Department of Defense, that is correct. But this is a subject we had no knowledge was coming. We knew the authorization bill contained the sense-of-the-Senate provision. And I find that the Senator from Colorado is, in effect, trying to put us in a position where, for some reason or another, if we do not support the concept, we should not be fully enforcing opposition to the embargo. I believe we should.

On the other hand, what is going to happen to the people who are over there now, moving into Saudi Arabia? They are making contracts all over the European Community and Saudi Arabia right now, to take care of our people moving in, once again, because of the problem with Iraq. I find it incomprehensible that we would face an amendment now, on this bill, when the Senator offered and was willing to take, just a little bit more than a month ago, a sense-of-the-Senate resolution.

I ask the Senator from Colorado, what has happened since August 2 that requires us to now debate an amendment to the Export Administration Act on this defense appropriations bill at this time? I have no alternative but to suggest the absence of a quorum. I do suggest the absence of a quorum. It will come off when there are enough people from the authorizing committees who will come over here and debate with the Senator from Colorado.

The Senator from Hawaii and I are not prepared to debate this question. It is not our question. And it probably is legislation on an appropriations bill. We will face that later when we see people from the authorizing committees who will answer for the Senate the question of whether this should go on an appropriations bill, legislation on an appropriations bill for the Department of Defense.

I suggest the absence of a quorum, and it will not come off until someone comes over to handle the debate against the Senator.

Mr. WIRTH. Will the Senator withhold his request?

Mr. STEVENS. No.

Mr. WIRTH. All right.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. SPECTER. Objection until Senator STEVENS has heard back.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded for the purpose of addressing the Senate as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized as in morning business.

THE APPOINTMENT OF WILLIAM HYBL

Mr. WIRTH. Mr. President, on Monday of this week, the U.S. Olympic Committee had the very good judgment

on nominating Mr. William Hybl from Colorado Springs to be the acting president of the U.S. Olympic Committee [USOC]. We are all aware of the enormous importance and prestige the Olympic games, and its special form of international athletes competition, brings to our country. We are also aware of how important it is that that effort be conducted carefully and thoroughly, with enormous professionalism and unyielding respect for the athletes themselves, the institutions they come from and for the United States overall.

From time to time, the U.S. Olympic efforts have run into various problems, and we have always managed to get those all sorted out. The U.S. Olympic Committee the day before yesterday had the very good judgment, as I said before, of bringing on board Mr. William Hybl. Mr. Hybl is a resident of Colorado Springs. As you probably know, Mr. President, Colorado Springs proudly has been the center of a great deal of activity related to the U.S. Olympics for many years. With the U.S. Olympic Training Center, the citizens of Colorado Springs and Colorado have spent a great deal of effort and a great deal of money investing in that training facility, and supporting the athletes who practice there.

Mr. Hybl comes to this job with great credentials. I will add however, Mr. Hybl has not been a Wirth supporter, choosing instead to back my opponent in 1986. He is a good Republican and worked hard for the election of President Bush. We have, I believe, great respect for one another, certainly I do for Mr. Hybl, who was one of the best, most reasonable members of the Colorado State Legislature. He has been a major figure in philanthropies in Colorado Springs and elsewhere. As President of the El Pomar Foundation, he is one of the chief operating forces behind the Broadmoor Hotel and that whole complex is very familiar to everybody in the U.S. Senate.

So I want to take this moment, and I thank the distinguished Senator from Alaska for allowing me to continue as in morning business, to commend the Olympic Committee for their decision. They could not have picked a better person.

Mr. President, I ask unanimous consent to print in the RECORD the article from yesterday's New York Times describing a good deal of Mr. Hybl's distinguished background, and an article which appeared in yesterday's Colorado Springs Gazette-Telegraph, as well.

Thank you, Mr. President.

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

[From the New York Times, Sept. 25, 1991]
HYBL APPEARS TO BE JUST THE CANDIDATE
THE U.S.O.C. ORDERED
(By Michael Janofsky)

During his brief career as a White House special counsel in early 1981, a transition pe-

riod from the administrations of Jimmy Carter to Ronald Reagan, William J. Hybl was assigned to handle problems that resulted from the United States' boycott of the 1980 Moscow Olympics.

It was a tedious job in complicated times that largely meant untangling contractual arrangements between American companies and the Soviet government and seeking an appropriation from the Department of Commerce to offset millions of dollars in projected losses.

Yet, it was his ability to sort through issues and bureaucracy that 10 years later helped make him an attractive candidate to lead the United States Olympic Committee through another troublesome period.

WINNING THE APPROVAL

Now a 49-year-old corporate executive in Colorado Springs Hybl (pronounced Hibble) was nominated on Monday to serve the remaining 13 months of Robert Helmick's four-year term.

By winning approval of the U.S.O.C. board of directors through a referendum by mail this week, Hybl could assume office as early as Friday.

Helmick resigned under pressure last week amid questions about his business dealings and possible conflicts of interest. It was the sort of controversy the Olympic committee could least afford with the Winter Games in Albertville, France, less than five months away and the Summer Olympics in Barcelona, Spain, to follow.

The resignation left not only a leadership vacuum but also a degree of uncertainty for the possible impact on fund-raising, public trust and Olympic preparations.

More than anything, the Olympic committee needed a symbol of strength and stability and the more low-key the better. Judging from his involvement with the Olympic committee after his return to Colorado Springs in March 1981, Hybl was an ideal choice.

ARRAY OF POSITIONS

Besides his everyday work as president and chief executive officer of the El Pomar Foundation, the largest foundation in Colorado, he has served the U.S.O.C. in a variety of support positions: as a nonvoting member of the board of directors; the secretary of the Olympic Foundation, helping manage a large investment portfolio, and since 1987, associate counsel to the U.S.O.C., a role that has involved him in the intricacies of the constitution, bylaws and relations among various governing bodies of sports.

He also had a stated lack of political ambition within the Olympic committee, which fulfilled a key requirement for consideration: No former or current officer or anyone with designs on running for a four-year term next year were considered.

"Everyone seems to have the highest respect for him," said George Gowen, the U.S.O.C.'s chief counsel. "Everybody seems to like him."

It was attractive, too, that Hybl has maintained ties to Washington, where the U.S.O.C. often goes in need of presidential or congressional help. Hybl is one of seven members of the Advisory Commission on Public Diplomacy, a panel of Presidential appointees that reviews the work of the United States Information Agency, the Voice of America and other information agencies of the Government.

He was also the Colorado co-chairman of President Bush's election campaign.

Hybl was born in the same city Helmick calls home, Des Moines, but has lived in Colorado for most of his life, receiving a bach-

elor's degree from The Colorado College in 1964 and graduating from The University of Colorado Law School three years later. He and his wife, Kathleen, have two sons, Kyle, 23 years old, and B.J., 20.

DISCUSSED IN QUIET CIRCLES

When Helmick's problems began, Hybl was not among a group of individuals visibly campaigning for the job, including William Simon, a former U.S.O.C. president, and Anita DeFrantz, who, like Helmick, is a member of the International Olympic Committee.

Hybl's viability was quietly discussed among members of the executive committee, and the more they considered him, the better he looked. It was only several days before his nomination was official that he had considered the prospect enough to discuss it with the four other members of the El Pomar board of trustees, whom he found encouraging.

"It came down to a family decision," he said in an interview yesterday. "My wife was supportive and when one of my sons said, 'Go for it,' I decided to do it."

In keeping with his self-effacing nature, he did not want to discuss any mandate until his nomination was confirmed—"If I'm confirmed," he said, reflecting just the kind of caution that will probably get him elected.

[From the Colorado Springs Gazette-Telegraph, Sept. 25, 1991]

FOR THE INTERIM, HYBL WILL FILL THE BILL
JUST FINE

In just three hours Monday afternoon, the U.S. Olympic Committee successfully doused any lingering fears about its public image, fund-raising momentum and leadership stability.

Bill Hybl of Colorado Springs emerged as catalyst and panacea when the USOC executive committee nominated him to replace Bob Helmick as president.

It's an admirable move from every perspective, though few included Hybl on candidate lists after Helmick's resignation. Hybl even said he wasn't interested because he has preferred the background in his USOC roles. Influential but obscure, never political, never flamboyant.

But always highly respected.

Behind the scenes, other USOC people began mentioning Hybl as a possible president more than two weeks ago. When the position was sharply defined as an interim term, excluding any appearance of posturing for re-election next year, Hybl agreed to be interviewed Monday by a nominating committee.

That committee deserves much credit for acting quickly and forcefully. Its first move in seeking Helmick's replacement was to disqualify all past presidents and anyone who might seek the office. That took care of anyone armed with a campaign agenda and/or beholden to any sport, group or faction.

Hybl already had developed broad-based credibility. The organization long has appreciated his effective assistance in Washington, which might become even more useful with the U.S. Skiing Association reportedly pushing for Congress to investigate the USOC.

On the touchy subject of corporate donors, Hybl will ease concerns with his smooth, nononsense manner. He understands sponsors' priorities and knows the legal issues.

But Hybl's most appealing characteristic is his neutrality. He never campaigned for any USOC position. He's not doing this for ego-satisfaction, nor to develop future leverage.

He's doing it because he cares about the Olympic movement and he likes the time limitation.

Being the out-front man, Hybl admitted Tuesday, "is not my favorite way of doing things, but I can do it. And the way they set it up fits in with my program."

Hybl's transition must be instant, by necessity. If the USOC's mail vote approves him by Friday, he will make his first TV appearance Monday on "CBS This Morning." He'll fly Tuesday to Washington for an Olympic dinner, where he merely will introduce President Bush.

In the meantime, Hybl already is enjoying the benefit of being the first USOC president-nominee who can drive from his home to Olympic House in 15 minutes. During a year sure to be crammed with pressing matters, that accessibility will be much better, and far cheaper, than catching flights from anywhere to Colorado Springs.

Let anyone think the opposite, Hybl clearly is thrilled at the prospect of leading the USOC. His words Tuesday were "excited but cautious." Going to the Olympics won't be a new experience, because of his earlier involvements, but Hybl's life changed dramatically during the 1988 Summer Games in Seoul.

One day in Korea, a previously undetected aneurysm hemorrhaged in Hybl's brain. It could have been far worse, even fatal, and the neurological facilities in Seoul weren't exactly ideal. Hybl recovered, and tests since have shown no more aneurysms. He follows an exercise regimen now, with no diet restrictions.

But the scare did affect Hybl.

"You might not guess it from recent events, but I'm more deliberate now," Hybl said. "I'm also a very thankful guy."

As USOC president, he shouldn't be measured in 1992 medals or reaching every fund-raising goal. That would be neither correct nor appropriate.

But as a low-key, purposeful leader, unifying and redirecting, Bill Hybl is the right choice for the U.S. Olympic Committee.

Neither will regret it.

Mr. WIRTH. I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that we continue as in morning business and that I have permission to speak therein.

The PRESIDING OFFICER [Mr. SIMON]. Is there objection? Without objection, it is so ordered. The Senator is recognized as in morning business.

THE BOYCOTT AGAINST OUR FRIEND AND ALLY—ISRAEL

Mr. LAUTENBERG. Mr. President, we have just been discussing an amendment to the defense appropriations bill on the subject of the embargo, the Arab economic boycott, as it is commonly known which was opened by the Senator from Colorado. I am pleased to have the opportunity to join in urging consideration and approval of the amendment.

The legislation is pretty simple. It says that the Pentagon will not award any contracts, behind the size conforming to a small business designation, to any foreign company, entity, or supplier that participates in the boycott against our good friend and ally in the

Middle East, the nation of Israel, and against American companies that do business with or invest in Israel.

It simply puts foreign firms on notice that the U.S. Government is not prepared to continue doing business as usual. Our laws prohibit American companies from complying with the boycott. And for the life of me, I cannot understand why we would want to give defense contracts to foreign firms that participate in the Arab League boycott.

I think it is an appropriate moment. We are discussing appropriations. We are discussing funding of our contracts for our military needs. I think we ought to be very specific and say we are not going to do business as usual with companies, foreign companies, that comply with the Arab economic boycott. We cannot, with a closed eye, continue to comport with the Arab economic boycott.

Now, we are very specific about American companies when we say, no, you cannot do business under Arab boycott terms, and obey the laws of this country. So what happens? Our firms are put at a competitive disadvantage by foreigners, by foreign firms that do comply with the boycott. Our Government ought not to reward these companies; it ought to penalize them, if they comply with the Arab boycott against Israel.

One effective weapon that we have at our disposal is the awarding of Government contracts. That certainly is a tool we ought not to be reluctant to use.

We certainly should not be awarding defense contracts to foreign companies that comply with the boycott that hurts American companies.

Other countries, our allies, our friends, ought to enact tough laws, just like we have in the United States, to ensure their companies will not cave in to the Arab countries' economic blackmail. Unfortunately, most have not. And as long as they do not, as long as foreign companies continue to comply with the boycott, the U.S. Government ought to be tough on the issue and refuse to give these companies our business.

Mr. President, there are certainly questions about whether this is an appropriate time to raise the issue of loan guarantees, and I, for a moment, would like to address this issue. Frankly, I do not think there is a better time.

The United States has suddenly done an about face on the refugee absorption loan guarantees that we intimated, suggested, implied, even recommended, on behalf of Israel so that she could resettle immigrants whose emigration we made possible. We have a window of opportunity, Mr. President, to provide a haven for those refugees from persecution, from harassment, from a long history of second-class citizenship.

As we begin to see the disintegration of the so-called Soviet Union, we see the emergence of various hate groups, of anti-Semitism, of threats to the well-being of these people, and we have made their emigration a major focus of our foreign policy. Now is the change to help complete the cycle, Mr. President. The administration has in advisedly decided to link the refugee absorption loan guarantees with the peace process. These are separate issues.

One of the things I believe the administration should have done as it tried to maneuver a peace conference was to say to the people in the Arab world with whom we do business, people who purport to be our friends, that you ought to lift the embargo against companies that do business with Israel. As a matter of fact, the Arab League goes further than that. It is not just the first level embargo; it is the secondary, tertiary level where you say you cannot do business with companies that do business with companies that do business with Israel. This is a sore point for many of us. The Arab countries have been asked little, if anything, to do their part in arriving at a peace discussion with Israel.

Mr. President, we hope that the loan guarantees will go forward; that the administration will ultimately lend its endorsement; that it will convey to the American public that there is no cost to the American taxpayer as a result of these loan guarantees, unlike, Mr. President, the forbearance on 7 billion dollars' worth of loans that Egypt owed this country. All of us—and I speak for myself—worked very hard to get that forgiveness because we felt it was in the best interests of America's foreign policy. That had a cost for every taxpayer in this country, Mr. President. President Bush knew it and felt it was important, and I went to work as a member of the Foreign Operations Subcommittee of appropriations to turn that into reality.

I wish, Mr. President, that the administration would convey again the message to the American public that these are loan guarantees. Israel has paid every dime she has ever borrowed on time. Her credit rating is excellent. As a matter of fact, her ratio of debt to export is better than some countries, perhaps even including our own.

Mr. President, we must put the pressure back on those who violate the law, people who want to come to the trough to feed on the American opportunity.

So, Mr. President, I hope the amendment that was proposed will get favorable consideration. I think the timing is good. I think the vehicle is appropriate. It is an appropriations bill. It is when we decide how much money we are going to spend, where we are going to spend it, with close to \$300 billion, the largest single item in our budget

save interest on our own debt, debt service.

So this is the opportune time. This is the time to say to the people in Israel, one of our best friends, our staunchest ally in the world, we are not abandoning you; that we object to the embargo that is placed against you, and we resist any opportunities to make that embargo enforceable. It is an opportunity to say to American businesses that the United States will not reward foreign firms that comply with the economic boycott with defense contracts.

So, Mr. President, I close with the hope that the amendment proposed by Senator WIRTH, with my cosponsorship, will get its hearing now and action permitted on it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, this Senator finds himself in the very uncomfortable position of being one of those who really stated opposition to the boycott but at the same time has to manage a bill that we hope will wind its way through to provide the support for the people who are in our Department of Defense. The Department of Defense has advised me that they—

*** strongly opposes this provision. First, the inability to award contracts to Middle East Arab companies unless a waiver is obtained would make support of our servicemen in the region very difficult. Contracts for items such as food, water, petroleum products, and transportation services in Saudi Arabia would have to be awarded to non-Arab firms or require a waiver. Delays associated with obtaining a waiver would adversely impact the ability to support U.S. troops in the Middle East.

Second, the Middle East Arab nations are likely to view this requirement as offensive, especially since most of the Arab nations were members of the coalition in the Desert Storm operation and fought alongside U.S. troops. If the Middle East Arab nations were to retaliate by buying fewer U.S. weapons, the U.S. has much more to lose since we sell about 9 times more goods and services to those nations than we buy from them (In FY 1990, we sold \$7.4 billion in goods and services to the region and purchased \$800 million).

Third, this requirement would be very difficult to implement and enforce. Competitive solicitations would have different requirements for domestic versus foreign offerors; foreign offerors would have to sign the certification required by this provision whereas domestic firms would not. Standards would have to be developed as to what constitutes non-compliance with the secondary Arab boycott and such standards would have to be published in our procurement regulations. It is not clear what the standards would be since much of the facts concerning compli-

ance with the boycott resides outside of the U.S. Government. For the same reason (lack of standards as to what constitutes non-compliance with the boycott), this provision would be unenforceable. Another problem will arise on a procurement if a competitor files a bid protest challenging a foreign offeror's certification of non-compliance with the secondary Arab boycott. Verifying the certification may be impossible and the protest would delay award of the contract.

I have been requested on the part of the Department of Defense to oppose the amendment. But I still believe that the basic problem is that someone who is familiar with the Export Administration Act of 1979 and has managed it here on the floor ought to be managing this amendment which is permanent legislation on this appropriations bill.

In the absence of the chairman, I have no alternative but to again 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. STEVENS. 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. STEVENS. Mr. President, I have been invited by another member, this time the legislative assistant to the Chairman of the Joint Chiefs of Staff. I will provide this to the authors of the amendment. Let me read to the Senate the position of the Joint Chiefs of Staff:

This proposed amendment should be opposed in its entirety.

a. Since foreign governments are included as "foreign persons" this amendment would require the SecDef to waive the provisions of this bill for contracts between DOD and host governments for host nation support, leases for storage of prepositioned material, and other contractual arrangements in support of regional security arrangements in the USCENCOM area of responsibility. Our regional security partners in the Arab world are all party to the Arab League boycott of Israel and US companies which do business with Israel, with the exception of Egypt, which under the provisions of the 1979 Peace Accord with Israel does not enforce the Arab boycott of Israel.

b. The political impact of this amendment would be very negative with our Arab Coalition partners at a time when we are working hard to maintain cohesion within the Coalition to respond to continued Iraqi violations of UNSC 687.

c. In support of the Middle East peace process, Egypt has proposed a suspension of the Arab League boycott in exchange for a freeze of Israeli settlements in the Occupied Territories. This legislation could bolster Israeli intransigence and complicate the Administration's effort to encourage the peace process.

It is the recommendation of the Joint Chiefs of Staff that the proposed amendment should be opposed in its entirety.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a request? Are we going to have copies of that?

Mr. STEVENS. I say to my friend I just have had the copies made to give the authors of the amendment. I am still awaiting the people who are experts on this basic act to come to debate with the Senators who oppose the amendment.

Mr. WIRTH. Mr. President, I would like to add as a cosponsor of the amendment the distinguished occupant of the Chair, the junior Senator from Illinois.

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

Mr. WIRTH. Mr. President, I am struck by a number of things in the recent discussion. One, the distinguished Senator from Alaska has made it clear that they are all surprised by this amendment. Then we get very extensive material over from DOD opposing the amendment, well written out statements here, another one over there. I think that would suggest DOD has time to prepare responses to the amendment. The criticism of the Senator from Colorado that this was a surprise is hardly well-founded.

This amendment has been out there. We showed it to the committee. They have known about it. It has obviously gone over to the Department of Defense for their response. So it is a bit—I am not quite sure what the right word is at this point. But to suggest that this is a surprise, being done at the last minute, is simply not the case. Obviously, it is not if the Department of Defense has time to put together this kind of a response.

So let us put aside any discussion that this is coming as a surprise. This has been out there a long time. We talked to the Department of Defense about this in July and in August. We distributed this amendment to the members of the committee. We distributed this amendment to staff.

This is not a surprise. This is an issue that has been out there not for a couple of months, or 3 months, but since 1951. This issue has been out there since the Arab League decided they were going to boycott Israel.

I think it has also been the position of this country for a long time—no surprise—that we would hope to get the Arab countries, persuade them, to at least recognize the right of Israel to exist; that it should be the position of the Arab countries to go to the peace table to talk to the Israelis, to sit down and try to work out these longstanding differences between the two.

That has been our position, as I have understood it all of my adult life, and all the time I have been in the Congress. It has been something we have attempted to pursue. It is also no surprise that there has been, for a long time, a proscription against any domestic firms from honoring this boycott. That is in the law.

The Department of Defense tells us this would inhibit domestic firms. The

law says domestic firms are already proscribed from honoring and dealing with the boycott. That is already against the law.

So let us take all this out about domestic firms. It has nothing to do with domestic firms. It has to do with foreign firms that are having it both ways. That is what it is all about—having it both ways. We may have an administration that wants to have it both ways—although I do not think so—on this issue. Presumably, they would like to figure out how to come to some accommodation.

It seems to me that we ought to use all the leverage available to us. Certainly, the enormous amount of contracting in the U.S. Department of Defense provides that kind of leverage.

The point has been made by the Department of Defense somehow that this is going to be enormously damaging to our ability to support the troops, to our efforts in Desert Storm, and so on. Nonsense.

There is, in this amendment, very clearly laid out—I described it earlier, and I will describe it again—one, an exemption for any contract under \$25,000. The poor Arab bringing water to the American troops will not be affected by this; the poor individual selling mutton to the American commissary will not be affected by this. This is under \$25,000. That is a lot of money. So that small contract will not be affected. Take that out of the equation.

Second, on national security grounds—clearly, the Secretary of Defense can waive this on national security grounds. Let me read, if I might, for the edification of those in the Department of Defense apparently opposing this amendment, the language we put in there at their request:

In deference to concerns expressed by the Department of Defense, this amendment contains a provision allowing the Secretary of Defense to waive this requirement, if he deems it is necessary to do so in the national security interest of the United States.

Nor does the amendment require the Department to ascertain which foreign companies comply with the secondary boycott of Israel.

Foreign companies bidding on U.S. defense contracts must certify that they do not comply with the boycott.

So the two arguments we just heard from the Department of Defense make no sense. One, that this interferes and gets in the way; this does not. The Secretary can waive it. If he feels it is in our national security interest that we have to have this contract, he can waive that. That was their request in August. This has been around for quite a while. It was their request in August.

Second, it does not, as they suggest, require the Department of Defense to go around and do a massive investigation of every firm with which we are contracting. That is not the case. It just says that foreign companies that are bidding on United States defense

contracts must certify they do not comply with the Arab League boycott of Israel.

I will say that again: Foreign companies bidding on United States defense contracts must certify that they do not comply with the Arab League boycott of Israel.

Mr. STEVENS. If the Senator will yield, one of the objections that has been raised by the Office of the Joint Chiefs, I might say, is the contract-by-contract concept as applied to the Government of Saudi Arabia, per se, right now. Would the Senator on this amendment, be willing to take out contract by contract, so an area of responsibility such as the Persian Gulf could be waived?

Mr. WIRTH. We would have to look at whatever suggestion that is. I think what that contract by contract means is that now the Secretary of Defense can say to any contractor he wants to that it is OK; go ahead. So you can do anything you want to do. We are going to provide carte blanche.

I hope we do not have such an extensive number of contracts that a single contractor—if we are going to do it contract by contract, why not just ask that contractor to simply come back to us and certify that that contractor is not in compliance with the Arab League boycott? That is a lot easier. Let us ask that contractor to say: We are not in compliance with the boycott. That is easier.

Mr. STEVENS. If the Senator will yield, my question is pertaining to the provision of the Senator's amendment, which says specifically that the waiver must be contract by contract.

In connection with Saudi Arabia, for instance, as the Senator pointed out, the contracts with Saudi Arabia were in the vicinity of some \$4½ billion that they provided us, and we provided them \$800 billion. Those contracts are being made with the Saudi Arabian Government as an entity, and the contractors. The Senator's amendment mentions an entity, as well as a contract.

I have been asked to request whether or not the Senator would delete from the amendment the requirement that this waiver be contract by contract. Each single occurrence in Saudi Arabia would be subject to a waiver by the Secretary of Defense.

I am not sure it would make it entirely acceptable with the other people yet, but I do want to know if the Senator would delete contract by contract from this amendment.

Mr. WIRTH. Well, if the Senator thinks that that would make the amendment acceptable, we ought to have a quorum call and discuss what is acceptable. I appreciate the suggestions and the constructive approach taken by the Senator from Alaska.

The Senator from Alaska should also understand that given the history of this, this is coming in, and we are

going to get nicked and dined to death. We are doing all these changes. This amendment has been out there for a long time, and it seems to me that if there is a set of changes that you want to have made, let us look at those. And if there are two, three, or five—this is one—of if there are others, or if this is the only one, then the amendment could be agreed upon and voted upon. That is fine. I might be willing to make a single change like that.

Let me add, if I might, the idea that somehow we are beholden to the Saudis, because they buy 4½ billion dollars' worth of goods from us, and we buy 800 million dollars' worth of goods from them, seems to me to be not a very valid argument, because in this mix oil is not included.

The reason we were in the Persian Gulf, to begin with, was not to restore the legitimate Government of Kuwait. There may have been some who said we sent 550,000 people to the gulf to restore the legitimate Government of Kuwait. That is not why. We were there about our concern about Saddam Hussein's weaponry, and because of oil.

We are buying a vast amount of oil from Saudi Arabia. The U.S. balance of payments is skewed way out of control, because of our enormous dependence on oil, which I hope we begin to deal with in an energy bill.

I am not sympathetic to the argument that somehow we are doing the Saudis a favor by letting them buy goods from us. Look at the size and scope of the U.S. oil exports from the Persian Gulf to the United States and to every place else in the world.

Mr. STEVENS. Mr. President, I may not be emphasizing this point as I should be, but I want the Senator from Colorado to understand that I am informed that the Saudi Arabians provided the money with which we bought from them some \$4 billion worth of services over the period of this last year. They turned around and bought from us \$800 million.

So this complicates the operation in the Persian Gulf, as one of the coalition partners, in a way that the Department of Defense has requested me to oppose it entirely.

I say to my good friend that I have a call here to try and pursue that question we just had—I wonder if I might ask the Senator's indulgence—and the Senator from California wants to make a statement as in morning business, as the other two Senators have, on another subject. So I might take this call and pursue the dialog we just had between the Senator from Colorado and myself.

Mr. LAUTENBERG. Mr. President, I wonder whether the Chair would withhold recognition for the moment. I would like to just follow up on the comments made by the Senator from Colorado, and then certainly I will yield to our colleague from California in a few minutes.

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

Mr. STEVENS. All I am asking is, if the Senator would permit me to ask for a period for routine morning business, I might leave the floor. There is no other person here to manage this bill. That way I can carry on this conversation that pursues the comments just made by the Senator from Colorado.

I know that the Senator from California wishes to make a statement as in morning business.

Mr. LAUTENBERG. With all respect and appreciation of the interest of the Senator from Alaska, could we find out how long the Senator from California needs to make his statement?

Mr. STEVENS. I told him that I need 10 minutes for the phone call.

Mr. LAUTENBERG. Mr. President, I guarantee the Senator that nothing will happen to thwart his interests, or in any way to diminish his opportunity as he inquires about whatever information he needs.

We certainly cannot move ahead on anything.

Mr. STEVENS. May I ask that the Senator be recognized for 10 minutes in morning business. If anyone else wants to continue in morning business, fine. I will be back here as soon as I can after I have this conversation.

Mr. LAUTENBERG. Is that request for 10 minutes?

Mr. SEYMOUR. Yes.

Mr. LAUTENBERG. Mr. President, I do not want to be sticky, but all of us have things to do, and I would take less than 5 minutes to pursue the line that the Senator from Colorado wants.

Mr. STEVENS. Fine. I amend the request and ask unanimous consent that the Senator be recognized for 5 minutes and, following that, the Senator from California be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. RIEGLE. Mr. President, reserving the right to object, I would like to extend the request then after the Senator from California speaks for 10 minutes that I might be recognized for 5 minutes, also, as if in morning business.

Mr. STEVENS. I guess it will be long enough to have a long conversation, Mr. President.

The PRESIDING OFFICER. Is that added to the request by the Senator from Alaska?

Mr. STEVENS. I wish to have that approved, yes.

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

The Senator from New Jersey is recognized for 5 minutes.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I just very quickly want to confirm what is being said about the intent of this legislation and to discuss the response from the Joint

Staff, dated August 1. We are dealing with the Wirth-Mack amendment, so certainly this is not a surprise.

In that letter, Mr. President, the Joint Chiefs or the Joint Staff—I am not sure whether that means the Joint Chiefs or whether it is some branch of their office—they make a point not of discussing whether or not this is appropriate legislation, but in paragraph 3(c) they say, "In support of the Middle East peace process, Egypt has proposed a suspension of the Arab League boycott in exchange for a freeze of Israeli settlements in the occupied territory."

They go on to say further, "This legislation could bolster Israeli intransigence and complicate the administration's effort to encourage the peace process."

The question then has to be put very clearly, is the reason we are doing this to relieve us of so-called Israeli intransigence? Is that the reason that this amendment is objected to? Is there some sinister purpose to it that says that, no, we are not just interested in having foreign companies abandon the Arab League economic boycott? Is it part of the grand scheme to force Israel into making concessions before they get to the peace table? I do not think that is an appropriate addendum to the bill for appropriations for defense.

So I ask the Senator from Alaska, the distinguished ranking member of the subcommittee, to permit us to move forward on this, to say that, no, we will not in any way, directly or indirectly, participate in a boycott of our good friend and staunch ally, Israel. I find it distressing that information is introduced here that talks about the peace process, and that arguments against the amendments are made on behalf of legislation on appropriations, of disrupting our ability to function, and suggesting that it might be inconvenient not to do business with Saudi Arabia.

Mr. President, we have all seen in the last couple days that the Saudis have not yet fully paid their bill to the United States from the war and there is pretty good cash-flow in Saudi Arabia, as you can see every day from the amount of oil we buy. There is some \$3 billion owed to us by the Kuwaitis and also \$3 billion owed by Saudi Arabia. I do not know when we sent the troops there what kind of service they were buying, but there was a debt incurred on behalf of salvation of their country and protection of their people and we have to worry about who we are dealing with appropriately with Saudi Arabia?

Mr. President, if it were not so serious, it would sound like a comedy. We ought to get on with establishing the fact that this country, this free democracy, is unalterably opposed to the boycott and we will not do business with anybody, that complies with that boycott.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. SEYMOUR. Thank you very much, Mr. President. I appreciate the opportunity to be recognized as if in morning business, and so ask unanimous consent.

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

NOMINATION OF CLARENCE THOMAS

Mr. SEYMOUR. Mr. President, I rise today to discuss a matter that will soon be before us here in the Senate and that is the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

I am not a member of the Judiciary Committee, but, like many of my colleagues and millions of Americans, I watched Judge Thomas' testimony before the Senate Judiciary Committee with great interest. I focused on three areas. First, how Clarence Thomas has been as a judge. Second, how would he serve as an Associate Justice. And, third, who is he as a man and as an American.

The Judiciary Committee examined nearly every facet of Judge Thomas' professional life as well as his judicial temperament. On all counts, as he described his background, his qualifications to serve on our Nation's highest court, it became clear and more compelling to me that he should be confirmed.

As a nominee to the Supreme Court, Judge Thomas has clearly and correctly stated that the high court is not a forum for advocacy, but it is a body where respect for the law and equal justice are paramount.

Furthermore, I think it was and is appropriate that Judge Thomas did not prejudge how he would decide controversial issues that could very well come before the Court in the coming years. Those decisions should be based on the law and the facts that are presented before the Court, not on a personal preference, an attitude, or some ideologic litmus test. If you are going to be an umpire at a baseball game, you do not call a ball or a strike until the ball has been thrown over the plate, and, in spite of repeated attempts by some committee members to get him to commit to a viewpoint or a position before all of the facts are before him, I personally am pleased and proud of Judge Thomas that he maintained an independent, fair-minded, and unbiased stance. And is that not what we all want and is that not what we should all ask of him or any other nominee to our highest Court in the land? Let me say that that precedent has been historic of all of our nominees to the U.S. Supreme Court, including the confirmation of Thurgood Mar-

shall, whom Judge Thomas will replace.

Mr. President, I think that everyone by now is aware of the remarkable personal accomplishments that Clarence Thomas has made. Certainly, the fact that he has overcome adversity in life should not be the deciding factor in making a decision to appoint him to the Supreme Court or for any other position. But character is a yardstick by which we can take the measure of a man. It can give you an indication of how he will carry himself professionally and personally.

That character came through clearly to me when I met with Clarence Thomas. I was impressed by his integrity, his independence, and his remarkable life story. Rising from the poverty of his youth and overcoming discrimination, he is a man who has pulled himself up by his own bootstraps, and he is a role model for all Americans whether they be white, black, Asian, or Hispanic, young or old.

For months, Americans have learned the story of Clarence Thomas—his accomplishments as a judge, his ability as a justice, and the content of his character. I am convinced that Clarence Thomas will bring a firm commitment to equality and justice to the Supreme Court—a commitment that is rooted in his personal experience with overcoming injustice and inequality. I have no doubt that Clarence Thomas will serve this Nation well, and that is why I will vote to confirm this extraordinary man as an Associate Justice of the Supreme Court.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. RIEGLE. Mr. President, I think I am to be recognized for 5 minutes. I ask unanimous consent that that be extended to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Michigan is recognized for 10 minutes.

POVERTY AND HEALTH CARE

Mr. RIEGLE. Mr. President, I want to first draw attention to an item that has just come across the tickertape on the wire out here. It says the following. This is on the UPI wire.

The number of people in poverty rose sharply in 1990 to 33.6 million, a jump of 2.1 million, and the median income of the American family dropped to under \$30,000, the Census Bureau said Thursday.

It goes on.

The Census report put the U.S. poverty rate at 13.5 percent, up a dramatic 5.5 percent, its highest level since 1986 and well above the level of the early 1970's when the Great Society's war on poverty programs were at their strongest.

At the same time, the annual Census survey reporting on income and poverty trends also showed that the income gap between rich and poor continues to widen with the middle class getting squeezed as its share of aggregate income declined from 52.7 percent to 49.5 percent.

Overall, the Census report showed real household median income in 1990 declined an estimated 1.7 percent to \$29,943, about \$525 less in real terms than in 1989.

It goes on to say:

Per capita income declined for the first time in eight years, the report said, dropping 2.9 percent to \$14,387 in 1990.

That is the amount on average that everybody in the country would have had in the way of an income, applying our national income across all individuals.

It also says:

In another sign of the worsening economic well-being of the American people, the report also found that the number of people without any health insurance increased by 1.3 million, to a total of 34.6 million.

Obviously other people lose it during the course of the year, so that figure is even higher than this piece says.

Now, on the health care issue that relates to two stories that are in the paper today that really need to be brought to the attention of the Senate. One is from the front page of the New York Times today. It is an article that says "Health Benefits Found To Deter Job Switching."

I am going to read the first three paragraphs here. In this article in the New York Times it says:

Three in 10 Americans say they or someone in their household have at some time stayed in a job they wanted to leave mainly to keep the health benefits, according to a New York Times/CBS News Poll. The survey provides some of the strongest evidence yet of pervasive concern about the costs of medical insurance and care.

The phenomenon becoming known around the country as "job lock" was most prevalent in middle-income households, suggesting the rising potency of health care as a political issue.

Half the people say the nation's health care system needs fundamental changes and another 40 percent go even further, saying it must be completely rebuilt, the survey found.

So add the 50 to the 40, and you have 90 percent of the American people that say it is time to overhaul the health care system. And it goes on in that vein. The next paragraph says:

And, in a striking sign of widespread insecurity, 29 percent of Americans said they or a family member had lacked health insurance at least temporarily during the past year.

Now, we have a health care proposal that we developed over here on this side of the aisle. Senator MITCHELL, myself, Senator KENNEDY, and Senator ROCKEFELLER have written a bill co-sponsored now by several other Senators that is a comprehensive plan. It phases in health insurance for everybody in this country over a 5-year timeframe. It goes in and launches a

major restructuring of the health care system to go after major cost savings, an estimated savings of \$80 billion over the next 5 years. It is a solid plan.

We have been holding hearings on it here in Washington. I have held hearings on it in Michigan. We are getting good feedback on that issue, but we cannot get the President and this administration to engage on this topic.

That leads to another article in today's paper. This one on the front page of the Washington Post. The headline on this, "Bush on Health Care: Case Study in Caution," and then this subheadline, "White House, GOP Debate Political Risks of Taking on the Issue."

Now you have to hear this article to believe it. I am just going to quote some of the paragraphs out of it.

It says in here, in the article over about three columns into it, "Bush likely to do nothing concrete this year"—this is on health care—"and will not make a serious proposal until after the election." After the election.

Instead, at most, he will make some speeches addressing the problem in broad philosophical outlines and endorsing Republican-oriented incremental steps, such as incentives for small businesses to provide insurance.

"What is really essential to make a debate happen in 1992 is that [the] Democrats have a plan," said one senior administration official, dismissing the idea that Bush, because he is the president, should go first on an overhaul of the system. "Until that happens, there is no reason for the president to come forward and take the heat."

One wonders why anybody runs for the job if they are not willing to step up to these problems.

Let me go down a little further in the article.

Behind the White House's current posture on health care is a vigorous debate within the White House and the Republican Party over the fundamental question of whether Bush gains more politically by leading the way on the issue or by remaining basically silent.

And then it says, here in another paragraph:

"If you run a 'Morning Again in America' campaign, can you turn around in a month or a year and say we have this terrible problem and many of you are going to have to sacrifice to fix it?"

Then it drops down further. It references a friend of mine, Bob Teeter, a political adviser of the President who comes from Michigan. That paragraph reads this way:

Robert M. Teeter, Bush's senior political strategist, has made the point in several internal discussions that large structural problems in American society get solved gradually. The public, he has argued, must first be convinced that a crisis is impending and persuaded to back hard solutions before the political impetus for big change comes.

While Teeter is said to have argued like Darman and others, that Bush needs to begin publicly discussing the health care problem, he too is said to be averse to any immediate broad White House proposal as neither politically necessary or wise.

Now, why does the health care issue have to be handled in the context of that kind of politics? We need a health care reform plan now because people are going without health care now.

People in this country are dying because they do not have health care. This kind of back and forth on the politics of whether it is put over until the next election year—it is time we see some administration leadership on this issue; some leadership from the President on this issue.

There is one hopeful sign in that regard. I have talked about this issue, and I said many times I consider the President a friend of mine. It says here at the end, "Some who have talked to Bush about health care say he genuinely cares about the issue. One said, 'It was one of three subjects he kept bringing up' at Camp David in August." Maybe that is a sign of hope because this President, working with this Senate and Members on both sides of the aisle, can get a health care plan developed and put in place before the next Presidential election.

I want to see it done because it needs to be done. Let us get that done and let us take that accomplishment to the voters in 1992. Let us not give them a lot of sidesteps and a lot of nonsense and a lot of fluff and avoid the issue until another time.

As this story in the New York Times says today, 90 percent of the American people want this issue addressed. How many does it take before we finally get some leadership out of the administration on this issue? Ninety percent is about as much as you can hope to get in this country.

Incomes are going down, as this census data shows. The middle class is being squeezed. The number of people without health insurance are going up. The problems are out there and the time to lead is now. The time to lead is now.

Let us not put this in this kind of debate about Presidential politics and whether the thing is put aside based on political strategy. Let us get out there and lead and do something for the American people. That is why people have been elected to these jobs, and that is to get out front and lead.

Finally on this comment the President is supposed to have made yesterday, is quoted as making, calling the unemployment compensation extension plan that we passed here in the Senate with 69 votes—apparently said to a Republican fundraiser in New Jersey that he thought our bill was "garbage," although many Republicans voted for it as well. It is not garbage and I will tell you this, there are unemployed workers in this country, 9 million of them, many now who have exhausted their unemployment benefits, who literally do not have the income to eat properly.

We have people in this country today who are literally finding their food in

dumpsters. I am talking about picking through garbage to find something to eat. That is a cold fact. It is happening in this town. Go to the grocery stores and go to the fast food outlets and they will tell you the food they discard at the end of the day and goes into the dumpsters, people are coming in many cases and getting it because they need it to eat.

So do not refer to extended unemployment benefits as garbage. They are not garbage, they are absolutely essential for the people of this country who have lost their jobs. Their jobs have not come back. They need the income. There is \$8 billion in the trust fund and they need it to hold their lives together.

That kind of demeaning comment is just wrong. It is unfair. It does no credit to the administration or to the President when he uses that kind of phraseology about something that is so essential to the life and well-being of working people who are out of work and their ability to provide for their families; to make sure their children have something to eat. It is not garbage.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Alaska seek recognition? Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. 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 Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1763 and S. 1764 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to permit consideration of matters relating to the bill.

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

AMENDMENT NO. 1213

Mr. INOUE. Mr. President, I send to the desk an amendment on behalf of Mr. SPECTER, the Senator from Pennsylvania, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUE), for Mr. SPECTER, proposes an amendment numbered 1213.

Mr. INOUE. 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:

Insert in the appropriate place:

(A) The comptroller General of the United States shall issue a report on the Department of Defense plan to consolidate Navy Research, Development, Test and Evaluation, Engineering, and Fleet Support Activities set forth in the 1991 Defense Base Closure and Realignment Commission's recommendations which:

(i) evaluates cost data and methodology used in formulating the consolidation plan, and any new variables resulting from recommendations made by the 1991 Base Closure and Realignment Commission;

(ii) evaluates the validity of all personnel relocation assumptions contained in the plan; and

(iii) evaluates the consolidation plan in light of changing force structure requirements.

(B) The Secretary of Defense shall provide a report to Congress on the findings set forth in the Comptroller General's report which shall include identification of inconsistencies between the Comptroller General's report and the findings and recommendations submitted by the Department of Defense to the 1991 Base Closure and Realignment Commission.

(C) The Secretary of the Navy shall make available for review to the Comptroller General of the United States immediately upon enactment of this Act all documents generated after January 1, 1989, and prior to September 1, 1991, pertaining to or referencing the issue of consolidation of Department of the Navy Research and Development activities.

Mr. SPECTER. Mr. President, today the Senate adopted an amendment which had been cleared on both sides of the aisle which had been submitted by this Senator which provides for certain reports by the Comptroller General of the United States in connection with the research and development and testing laboratories consolidation programs. This amendment has been prompted by the fact that there has been virtually no examination of the underlying cost factors by the Department of the Navy in coming to its conclusions on consolidation of Navy laboratories.

My own concern has arisen in the general context of national defense but with specific reference to the Naval Air Development Center in Warminster, PA, where there is good reason to believe that a close examination will show it to be inordinately expensive and counterproductive to reallocate, realign, and in effect close most of the Naval Air Development Center in Warminster, PA.

At one juncture, the Department of Defense had estimated that it would

cost \$184 million to make the shifts, and later that was increased to something in the \$300 million range. It may well be that a factual analysis will show that is much higher even than \$300 million.

There is another major factor which has not been adequately weighed and that is the factor that most of the technical and professional personnel in the Naval Air Development Center at Warminster will not move on any relocation so that this examination may well provide a factual basis at a later day for some further consideration by the Congress.

The General Accounting Office, which was required by statute to evaluate and report on the analysis conducted by the individual services, reported that they were, "unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment because the Navy did not adequately document its decisionmaking process or the results of its deliberations."

The GAO also stated that: "Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures."

Since the lab commission has stated that they are not examining the feasibility and costs associated with individual alignments, it is necessary to insist on an objective evaluation of the assumptions used in the Navy's proposed research and development consolidation plan.

I suggest further, Mr. President, that there has been a significant shift in defense force structure and projected planning necessitated by the recent developments in the Soviet Union.

There had been some consideration by this Senator and others to hold up implementation of consolidation of the Naval Air Development Center, for example, but it was decided to take a lesser approach or a slightly different approach, calling on the GAO, the Comptroller General of the United States, to issue the reports which will evaluate cost data and methodology used in formulating the consolidation plan to evaluate the validity of the personnel relocation assumptions contained in the plan and to evaluate the consolidation plan in light of the changing force structure requirements.

We have moved ahead on base closures, Mr. President, in a way which defies logic, at least in the opinion of this Senator, and we have enormous needs, especially on research and development. We have a facility, for example, at the Naval Air Development Center in Warminster, PA, which has a centrifuge, which is a testing device located very near granite, which cannot be duplicated anywhere else. We have an ejection mechanism there which was the only one available for testing ejection of pilots from planes in the

gulf war where they had the very heavy chemical warfare equipment.

There is a real issue as to wisdom in terms of the helter-skelter pell-mell way in which it was processed and what was done with facilities like the Naval Air Development Center at Warminster. This study will take a hard look at what has been done with a view toward a reevaluation depending on which facts are disclosed in the course of that study.

Mr. INOUE. This matter has been discussed by both managers. We are able to accept it.

The PRESIDING OFFICER. Is there further discussion on this amendment offered by the distinguished senior Senator from Hawaii?

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 1212

Mr. SIMON. Mr. President, I just want to comment briefly on the amendment offered by my colleague from Colorado, which I am pleased to be a cosponsor of, and specifically the response of the Defense Department where, in the middle of the letter, they use the phrase "Israeli intransigence."

It is very interesting that there is absolutely no criticism of the Arab countries who have refused to recognize Israel, who have had the Arab boycott. It is a whole series of things. I mention this simply because there has been in the Defense Department and in the State Department a tilt in almost every kind of a situation toward wherever the power is and wherever the numbers are. That is true in the Israeli-Arab situation; it is why Congress has had to have some balance here. It is true in the Greek-Turkish situation. It is a whole series of things.

I simply hope that our friends in the Pentagon and our friends at the State Department will try to see that key personnel have old war battles as they approach this problem. It is something that is very, very basic.

I ask unanimous consent, Mr. President, to speak for 3 minutes as in morning business.

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

HEALTH CARE NEEDS

Mr. SIMON. I thank the Chair.

Mr. President, I heard our colleague from Michigan speak about health care

needs. Every day Members of the Senate run into these problems where people face just overwhelming problems.

Just a few days ago, I was in Putnam County, IL. The Presiding Officer knows where that is. It is the tiniest county in our State.

A woman was there carrying a child with disabilities. Obviously, severe problems. She and her husband have insurance, but their costs have exceeded the health insurance. They have lost their home. They have \$27,000 worth of medical and hospital bills. She said, what can you do for me?

Right now, I have to tell her I cannot do anything for her.

I was in the little town of Findlay, IL, near Shelbyville, IL. I had a town meeting, and a woman got up and said, "I run an antique store. We discovered that our daughter has diabetes. They have increased our health insurance to \$1,600 a month and no other insurance company will give us insurance. We cannot afford \$1,600 a month."

They are without health insurance. The stories just go on and on.

Today, we learned that this past year, 1.3 million more Americans are now without any health insurance. Every year at least a million more Americans do not have health insurance. We have to face up to this problem.

I commend my colleague from Michigan for standing up and for his leadership, as well as the leadership of Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER. This thing has to be attended to.

Let me just add, Mr. President, I will be, in the next few weeks, introducing long-term care legislation. That is not addressed in the bill that they have introduced.

Nine years from now there are going to be a million more Americans in nursing homes than there are right now, and 30 percent of people going to nursing homes do not need to go to nursing homes with at-home care.

I will be introducing a bill that has with it, candidly, a half-percent increase in Social Security because we have to pay for this. But we just cannot continue to blissfully go along ignoring problems. Oh, we get taken care of, and a lot of people who have better incomes in this country are taken care of, but all kinds of Americans are slipping through the cracks and we cannot continue to ignore them. That is what we are doing now, and that has to stop.

I thank the Chair.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending matter is the Specter amendment No. 1213 offered by the distinguished senior Senator from Hawaii.

Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I have reviewed the amendment in its revised form, and I have no objection.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska has no objection to the amendment.

Is there further discussion on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1213) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1214

Mr. INOUE. Mr. President, I send to the desk another amendment by Mr. SPECTER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. WIRTH. Mr. President, if I might just understand the pending business.

Mr. INOUE. We have set it aside temporarily.

Mr. WIRTH. Just for consideration of the Specter amendment; is that correct?

Mr. INOUE. Yes.

The PRESIDING OFFICER. There is a unanimous-consent request to set aside the amendment of the distinguished senior Senator from Colorado while we do these amendments. Is that the understanding of the managers?

Mr. WIRTH. That is the understanding of the Senator from Colorado, with the understanding that we can return to that business at any time.

The PRESIDING OFFICER. The distinguished senior Senator from Hawaii has sent a Specter amendment to the desk. The clerk will report.

The legislative clerk read as follows: The Senator from Hawaii [Mr. INOUE], for Mr. SPECTER, proposes an amendment numbered 1214.

Mr. INOUE. 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:

SEC. . OVERHAUL OF THE U.S.S. ENTERPRISE.

The Comptroller General of the United States shall issue a report no later than July 1, 1992, on the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers. The report shall include cost evaluations and projections for the next 20 years based on the current Navy plan and a list of the specific locations under consideration as disposal or reprocessing sites.

(b) REPORT ON HEALTH EFFECTS.—Not later than September 30, 1992, the Secretary of Health and Human Services, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to

Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

Mr. INOUE. Mr. President, this matter has been reviewed by both managers, and we find it acceptable.

The PRESIDING OFFICER. Is there any future debate on the Specter amendment?

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

The amendment (No. 1214) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wirth amendment No. 1212.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, if the distinguished managers are willing, I ask unanimous consent that the Wirth amendment be temporarily laid aside so that I might offer an amendment. I would be prepared to agree to a time agreement if the managers of the bill would like to so agree.

Mr. STEVENS. Mr. President, reserving the right to object, this Senator has not seen the amendment. May we have a copy of the amendment?

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from New Jersey that the Wirth amendment 1212 be temporarily set aside to consider an amendment to be offered by the senior Senator from New Jersey? Is there objection?

Mr. INOUE. Reserving the right to object, is this for 30 minutes equally divided?

Mr. BRADLEY. I would be prepared to enter into a 30-minute time agreement.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, reserving the right to object, that is agreeable with me if it is on a motion to table the amendment, with the understanding that if it is not tabled there would still be time for debate on the amendment.

The PRESIDING OFFICER. Will the distinguished senior Senator from New Jersey modify his request to accommodate the suggestions by the distinguished senior Senator from Alaska?

Mr. BRADLEY. I so modify my request.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from New Jersey? Without objection, the distinguished senior Senator from New Jersey is recognized on a time agreement of 30 minutes evenly divided.

Mr. INOUE. I further ask unanimous consent that a second-degree amendment not be in order before the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the distinguished senior Senator from Hawaii? Without objection, it is so ordered. The distinguished senior Senator from New Jersey is recognized.

AMENDMENT NO. 1215

(Purpose: To express the sense of the Congress with respect to the preparation by the Secretary of Defense of an additional Multiyear Defense Program incorporating certain proposed budget reductions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 1215.

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

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

The amendment is as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. 8130. SENSE OF CONGRESS WITH RESPECT TO THE PREPARATION OF AN ADDITIONAL MULTIYEAR DEFENSE PROGRAM.

(a) FINDING.—Congress finds the following:

(1) Recent events in the Soviet Union, including the dissolution of the Communist Party, are likely to lead to the reduced possibility of a military confrontation between nations of the East and the West.

(2) The political transformation and realignment of Eastern Europe continues without abatement.

(3) The military presence of the Soviet Union in Europe is presently declining, and the decline is likely to accelerate in the near future.

(4) The success of the military campaign conducted by the allied multinational armed force during the Persian Gulf War demonstrates many of the capabilities of such a multinational force.

(5) Rapid evolutions in military capabilities lead to rapid evolutions in the military threat faced by the United States.

(6) It is in the interest of the United States that the Armed Forces be capable of responding to rapid evolutions in the military capabilities, and thus the military threat, of our enemies.

(7) Appropriate levels of expenditures for defense and astute analysis of defense matters will ensure such a capability in the Armed Forces.

(8) In the coming years, it is unlikely that pressures to reduce future United States budgets of the United States will decline.

(9) It is necessary for future budgets of the Armed Forces to reflect the reality of budget pressures and of changes in the military capabilities and political structures of nations around the World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in preparing the Multiyear Defense Program to be submitted to Congress with the budget for fiscal year 1993, the Secretary of Defense prepare an additional Multiyear De-

fense Program that reflects the recent changes in the military capabilities, economic outlook, and political structures of the nations around the World;

(2) the additional Multiyear Defense Program reflect estimated expenditures and proposed appropriations based on a reduction in the Department of Defense budget for a five-year budget beginning fiscal year 1993 of \$80,000,000,000; and

(3) the additional Multiyear Defense Program set forth the differences between the force structure and capabilities of the Armed Forces proposed in the Multiyear Defense Program and the force structure and capabilities proposed in the additional Multiyear Defense Program.

Mr. BRADLEY. Mr. President, I ask unanimous consent that Senator WIRTH be added as a cosponsor.

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

The Chair recognizes the distinguished senior Senator from New Jersey.

Mr. BRADLEY. Mr. President, this resolution has a simple goal, to get from the Department of Defense the best analysis of a budget built around a reduced 5-year budget target.

Yesterday, the Senate defeated two measures which cut specific projects. These were close votes. And just this morning, we voted to cut funding for a rail-based MX system. It is safe to say we have not heard or seen the last of such amendments.

A lot has happened since last year's budget deal, especially when it comes to the international climate and potential threats to the U.S. world security. Many people, both inside and outside of Congress, are urging the reexamination of defense budget priorities.

Just 2 days ago, the New York Times reported that a proposal being developed by scholars at the Brookings Institution would cut the defense budget by more than one-third by the end of this decade.

This debate will go on regardless of the outcome of today's decisions on budget-cutting amendments. It seems to me that the Defense Department has to play a full part in this debate. The Department has to be responsive to these concerns.

At the outset of the debate on the overall Sasser amendment, Senator DOMENICI made the point that there had been no official analysis of the impact of the Sasser package on military strength. He correctly stated that the Defense Department might prefer an alternative package of cuts if a reduced defense budget was what the Senate had in mind.

Senator NUNN, the chairman of the Armed Services Committee, who was on the floor at that time, agreed that maybe the Defense Department wanted an alternative package of cuts.

Mr. President, they had a point. The Sasser amendment had not been given direct and critical scrutiny by the defense establishment, and perhaps that was in order. My resolution calls for

such analysis. Specifically, it sets an aggressive but I believe achievable target for a leaner defense budget—\$80 billion less over 5 years. And it calls on the Defense Department to create their best set of revised budget priorities and to analyze the effects of these revised priorities on military capability.

Let us see how the administration experts make the cuts. Let us see their analysis as to the implications for our security. This \$80 billion target would be, admittedly, a substantial cut—representing a 5.5-percent cut in overall spending over 5 years. But it is not nearly as large as the cuts agreed to in last year's budget compromise, and it is not as large as others have and will propose.

If we are to consider moving forward with a revised defense budget, which is in fact what we have been doing since yesterday, we need the most informed debate possible. We need the guidance of the Defense Department.

The issue is serious. It is the security of our Nation that is at stake. My resolution is an attempt to make sure our debate in the future is informed, that we are prepared, and that we have the best available analysis of the consequence of our proposals.

It is a very simple request for the Defense Department to do a study that would tell us how they would propose to cut \$80 billion more over 5 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. The distinguished senior Senator from New Jersey reserves the balance of his time, which is 10 minutes 53 seconds.

Mr. STEVENS. Mr. President, will the Senator yield to me 2 minutes?

Mr. INOUE. I am very happy to yield.

Mr. STEVENS. Mr. President, my simple question to the Senator from New Jersey is what is the magic of \$80 billion? We have cut \$970 billion already from the projected 5-year trend. What is the magic about another \$80 billion?

Mr. BRADLEY. Let me say to my distinguished friend from Alaska that he makes a good point. Why \$80 billion? Let me suggest to him that I would be perfectly amenable to modify the amendment so that we do not have only an \$80 billion number, but that we have a low number of, say, \$40 billion and we have a higher number of, say, \$120 billion, and allow the Defense Department to address all three possibilities.

The purpose of the amendment is simply to accept the reality embodied in some of the votes today and embodied in the changed world circumstances, and to try to get the Defense Department's best analysis before we take decisions on cutting the defense budget.

My personal view is inevitably we are going to cut the defense budget below what the budget agreement had last

year. So why would we want to do this blindly? We need the advice of the Department of Defense. This simply is a request for a study for them to tell us how they would cut another \$80 billion.

If the Senator from Alaska would choose, I would be prepared to modify it so we would have a low, medium, and high option so that the Defense Department could give us their view on all three.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska is recognized.

Mr. INOUE. I yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wanted the Senator from New Jersey to see this. This is a chart that was prepared to show the defense budget authority. The top line assumes that there has been no real growth in defense spending based on the 185 level. This is the bottom line, the level of the actual program expenditure of the Department of Defense. As the Senator will see, it is a level line absorbing inflation, and the cumulative effect of the cuts that we have made so far in this period, through the period of 1996, is already \$970 billion.

As I understand the Senator's amendment, he wants to have the Department prepare plans that would assume that this actual and planned budget line would be in a series of increments going below the existing plan. Is that his understanding? Is my understanding correct?

Mr. BRADLEY. The Senator is correct, and it would be \$80 billion less than the budget agreement last year. And it could be in any increment per year. Perhaps the Department of Defense would like to cut nothing next year, but more in the years 1993, 1994, or 1995. This does not specify year-to-year numbers. It simply asks them to give us their best information as to how they would achieve that end.

We sit here; we have had amendments today and yesterday to cut the MX, to cut the B-2. We have had amendments to reduce funding for SDI. There were amendments to shift money from one source to Sealift. I do not know if the Senator would agree, but I think things have changed. Communism has ended in the Soviet Union. The chances are that we are going to be able to spend less in defense. Therefore, I am simply asking for information.

The PRESIDING OFFICER. The 2 minutes of the Senator from Alaska have expired. Who yields time? There are 10 minutes and 53 seconds remaining for the distinguished senior Senator from New Jersey; 10 minutes 55 seconds for the managers.

Mr. INOUE. Mr. President, I yield myself 5 minutes.

Mr. President, at first glance, this amendment would seem rather inno-

cent and should be acceptable to all Members of the Congress. As the Senator from New Jersey indicates, his amendment would call upon the Department of Defense to come forth and say: Where would you cut \$80 billion?

Mr. President, it is correct that if the Congress of the United States, with the concurrence of the President, should decide to cut the Defense Department in half, as we have done on many, many occasions—recall at the time of World War II, from a force of 12½ million to 600,000—yes, it can be done.

But the issue before us is not whether we are going to cut the Defense Department further by \$80 billion. We are asking the Department of Defense to go into an exercise to tell us: If you are called upon to cut by \$80 billion, what would you cut?

And if that mandate is adopted by this Congress, then what we will have presented to us is a hit list, a hit list. In the next go-around of the appropriations measures, this list will come out and we will say, well, the Department of Defense rated this item as lower in its priority. Let us move to cut this out; let us move to cut that out.

I would like to suggest to my colleagues that the Committee on Armed Services, the committee on defense appropriations, has spent many hours, many weeks, many months, in our case 19 hearing sessions, for one purpose: to listen to witnesses, to listen to experts to tell us what the priorities should be.

We have already gone through this exercise. As a result of these exercises, we have set up a 5-year program in this bill. As a result of the hearings, we will be reducing our armed services by 106,000 men and women. As a result of these hearings, we will be terminating 81 procurement contracts; yes, terminating. As a result of these considerations, we will be cutting out 300 bases and installations overseas. We are going through this exercise.

But I hope that my colleagues will not ask the Department of Defense to prepare their own hit list. That is not the way to carry out our mandate and our responsibilities of oversight and appropriating funds.

So I hope that the Senate will reject this amendment.

Mr. STEVENS. Mr. President, will the chairman yield me 2 more minutes?

Mr. INOUE. I am very happy to.

The PRESIDING OFFICER. An additional 2 minutes to the senior Senator from Alaska.

Mr. STEVENS. Mr. President, I oppose this amendment because the Department of Defense is now going through the process of preparing recommendations to be submitted to the President through the Office of Management and Budget for the next fiscal year and it, under existing law, must include recommendations for a 5-year period, a total period of 5 years. That is the existing law recommended to us by

the Armed Services Committee, which the President and the various departments must follow.

To take the manpower of the Department of Defense now and put it into an exercise to determine what they would recommend if the amount available to them was \$80 billion less than the assumed amount—and the assumed amount was established by Congress, I might add; the 1993 level was established by Congress—this means that we will have another total budget crew working on a different budget.

As I understand the Senator's amendment, it would require that this be submitted with the President's budget; an additional multiple-year defense program.

In other words, this is the shadow budget. One is the budget for the future we have already set, and the other one is \$80 billion less. I agree with the Senator from Hawaii. We will be debating the relative priorities as to which should be on which list through the whole of 1992. I do not think that is the way to do it.

I think we should have a budget request from the President, and then we should carry out our constitutional duty. We should determine how much should be authorized and how much money should be made available, based upon the original recommendation of the President.

This gives us two recommendations: One from the President, and one to meet this mythical level of \$80 billion less than that mandated level already established by Congress.

The PRESIDING OFFICER. The senior Senator from Alaska yields the floor. The Senator from New Jersey has 10 minutes, 53 seconds. The senior Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, again, this is a request only for a study. I do not know what the Defense Department will come back with. I think my regulation represents a recognition that realities have changed, that the end of communism in the Soviet Union has certain very real implications. We all sat in the room not far from this Chamber and heard President Yeltsin say that, with 40 percent of the people in Russia in poverty, he has to cut defense spending dramatically. We have already seen dramatic changes take place. In all likelihood, there will be less defense spending.

This Senator simply says that, rather than have appropriations bills where amendments come to the floor that vary from whatever budget the administration submits, let the administration help us make cuts by identifying what are the impacts of the world changes. Perhaps the Congress might decide to cut more deeply than the administration. There is no reason that we should do so uniformly. There is no reason why the Congress should not be paying close attention to what the De-

fense Department believes is less central, as opposed to more central.

The distinguished Senator from Hawaii makes the point that if this amendment passes, the Defense Department will have to produce a hit list. Another way to say that is that the Defense Department will have to say, if they had \$80 billion less, what do they think is less important? That is another way to say it. The amendment also calls for the Defense Department to describe the difference between force structure and capabilities, between the present budget agreement and the amendment that is now proposed to cut defense spending another \$80 billion.

Mr. President, the reality is that we are going to have less defense spending. We have had budget cutting amendments already on this bill that have passed. We have had amendments that have been barely defeated. Do we want to do this blindly, or do we want to have the best recommendations of the Defense Department in a structured way? That is the issue. This amendment does not predetermine what is cut or what is not cut.

I said to the distinguished Senator from Alaska, if the \$80 billion number troubles him, we would be prepared to modify it and ask for three paths, a \$40 billion cut, \$80 billion, or \$120 billion. This is simply a request for information from the Defense Department that would allow the Congress to do its business in an informed way.

I know that this body is resistant to making changes. We had a budget agreement last year. But something has happened between the time of the budget agreement and today. What happened is the end of communism in the Soviet Union.

Does anybody in this body believe that we are not going to have less defense spending? No. I think even the Senator from Alaska said we are going to have less defense spending. The distinguished Senator from Hawaii said that is why we have a hearing process. I would agree with both of those points. But those of us who are not on the committees want to know what the Defense Department would say, and this seems to me to be the best way to get the information. This is only a study.

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

The PRESIDING OFFICER. The senior Senator from New Jersey yields the floor and reserves the remainder of his time, which is 6 minutes, 15 seconds. The managers have 5 minutes.

Mr. INOUE. I yield as much time as the Senator from Alaska wants.

The PRESIDING OFFICER. Five minutes, 3 seconds remain.

Mr. STEVENS. Mr. President, this is not a request to do something that is meaningful. It is an exercise. We hold hearings, and it costs a great deal of money to hold hearings. We present the

alternatives to the administration's budget, and we have been reducing budgets steadily now since 1986. This says: prepare us a budget.

The Senator says we will have three shadow budgets, we will have three exercises. They cost a considerable amount of money. We are laying off 20,000 people from the Pentagon. How many will have to be hired in order to prepare these mythical budgets?

I feel there is no question that the defense budget of the United States will be reduced, if it is proven to be true that the threat against the United States is reduced. I remind the Senator from New Jersey that there is no proof yet that any of the production lines in the Soviet Union have stopped. They are still turning out tanks, bombers, cruise missiles. Every single item in their arsenal is continuing at a rate of production which far exceeds ours and, contrary to statements made on this floor, those articles work. They have been proven to be good.

I do not see any reason for us to presume now that we do not have the duty to first assess the threat against this country. That is what we do. We ask the President to give us a budget for 5 years, and then we probe every single page of it, and we give the Congress our recommendation.

This proposal before us now is less than the House. It is less, by far, than the budget of the President, and is \$14.5 billion less than the budget we presented last year. That is a considerable amount of work that we do. Why do we need a shadow exercise budget to come before us? I think this is mischief. I say to my friend that is mischief. It is an attempt to confuse the process of review of the Department of Defense request next year, and to always have in the shadow a statement saying, well, they said if they had \$80 billion less, they would not have that. Now we are cutting you \$4 billion. Why can you not put that out rather than this? We have a constant challenge against this budget. I do not perceive this to be anything but mischief. The authorizing committee ought to realize—I will yield because they are here. It is time they realize that this is a challenge against the authorization process, not against us. We just fund the authorized bill. This is a preparation of an \$80 billion less proposal for the authorizers to review.

I yield to Senator COHEN.

The PRESIDING OFFICER. The manager has 2 minutes.

Mr. INOUE. I yield 2 minutes.

Mr. COHEN. Mr. President, I thank the chairman for yielding. Let me say that I appreciate the remark that "the authorizing committee is here," as I am only one member of one of the authorizing committees.

I just returned from a House-Senate conference on the DOD authorization bill. What I must say to my colleague

from New Jersey is that his amendment essentially seeks to make a statement that there is very little faith and trust for putting the system right, as it is today.

We have the Defense Department that submits a budget. We have a Budget Committee that reviews that and sets levels. We have an authorization committee which reviews the requests of the DOD. We have an Appropriations Committee. And now what, it seems to me, the Senator from New Jersey is saying is, have the Defense Department come to us and say, "Tell us what you want. This is what you normally give us, but now tell us what you really think you need."

It seems to me that that implicitly assumes that we are not doing our job on the authorization committee and the Appropriations Committee is not doing its job. We have three separate cuts at the Defense Department's budget, three separate analyses going on today, and what the Senator from New Jersey wants to do is add one other layer now saying, tell us what you really think you need because you are going to be cut, and this is the level you are going to be cut to, so tell us in advance.

I respectfully suggest that the Senate and House are not simply rubberstamps for the Department of Defense. We scrutinize, we review, we analyze, we are critical, we change, we modify, we cancel. That seems to me verification enough that we are doing our jobs.

I hope the Senator's amendment is rejected by a significant majority here in the Senate.

The PRESIDING OFFICER. The managers have used their time. The Senator from New Jersey has 6 minutes and 14 seconds.

The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, earlier in the consideration of this appropriations bill Senator Sasser offered a three-part amendment. As I said in my opening statement, a number of Senators came to the floor and their major line of attack against that amendment, which cut SDI, B-2, and the MX, was that perhaps the Defense Department might propose an alternative package, that perhaps the Defense Department would not first cut the B-2 or the MX or SDI.

I found that to be a reasonable point. Maybe the Defense Department does not want to cut those programs. This is an invitation to the Defense Department to tell us what they would like cut first. It seems to me that the way the process has moved, the administration has always wanted to cut defense spending less, the Congress has usually wanted to cut defense spending more. And the debate is always over what do we want to cut?

It seems to me that next year, when that debate will take place yet again,

we will benefit from having an analysis of what another \$80 billion cut will mean in terms of military capabilities, force structure, and political structures in nations around the world.

Mr. President, this amendment is not unlike one that I offered on this floor in 1981 or 1982. We would have benefited greatly from similar analysis to what this amendment would require during the 1980's.

This is our opportunity to get information and allows us to make an informed judgment about what we all know is coming, which is lower defense spending.

I hope that the Senate will accept this amendment. I hope that the information that will be provided from this amendment will help us during next year's appropriations bill. When some people come to the floor to cut defense spending below the level the appropriators want, and I guarantee that is going to be inevitable, they will be making cuts that the Defense Department has identified as they prioritized things. If you are going to cut, these are the areas in which we think the cuts should be made and these are the implications for our capabilities and force structure.

He who has the information often has the power. In this case we are asking the Defense Department who has the information to share their views with us.

Mr. President, I strongly urge the adoption of the amendment. I am prepared to yield back the remainder of my time, if the distinguished Senator from Hawaii is prepared to make his motion.

The PRESIDING OFFICER. The Senator from New Jersey yields back the remainder of his time.

The Chair recognizes the distinguished Senator from Hawaii.

Mr. INOUE. Mr. President, if any time is remaining I am pleased to yield back the time.

The PRESIDING OFFICER. No time is remaining.

Mr. INOUE. What is the pending business?

The PRESIDING OFFICER. The pending question is the Bradley amendment.

Mr. INOUE. Mr. President, I move to table.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii to lay on the table the amendment of the Senator from New Jersey. 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 Ohio [Mr. METZENBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—58

Akaka	Exon	McConnell
Bond	Ford	Murkowski
Breaux	Garn	Nickles
Bryan	Glenn	Nunn
Burdick	Gore	Pressler
Burns	Gramm	Reid
Byrd	Grassley	Roth
Chafee	Hatch	Rudman
Coats	Heflin	Seymour
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Craig	Inouye	Smith
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	
Durenberger	McCain	

NAYS—41

Adams	Graham	Packwood
Baucus	Harkin	Pell
Bentsen	Hatfield	Pryor
Biden	Jeffords	Riegle
Bingaman	Kennedy	Robb
Boren	Kerrey	Rockefeller
Bradley	Kerry	Sanford
Brown	Kohl	Sarbanes
Bumpers	Lautenberg	Sasser
Conrad	Leahy	Simon
Cranston	Levin	Wellstone
Daschle	Mikulski	Wirth
Fowler	Mitchell	Wofford
Gorton	Moynihan	

NOT VOTING—1

Metzenbaum

So the motion to lay on the table the amendment (No. 1215) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business is the Wirth amendment, No. 1212.

The senior Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I ask unanimous consent the pending business be temporarily set aside to permit the Senate to consider other measures related to the bill.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Hawaii to set aside amendment No. 1212 by the senior Senator from Colorado to consider other amendments relating to the bill?

Mr. WIRTH. Reserving right to object, and I will not object.

I just want to know what kind of amendments we are talking about. The Senator from Colorado is just concerned about making sure we act upon this amendment.

Mr. INOUE. These are amendments that have been cleared by both sides and should take no more than 4 minutes.

Mr. WIRTH. I thank the distinguished chairman. I will not object.

Mr. STEVENS. Just returning to the Senator from Colorado, there is a subsequent suggestion that negotiations are ongoing. I am grateful to the Senator from Colorado for his consideration of the suggestions that are coming from the Department of Defense.

I am hopeful we will be able to work this out so we may accept the Senator's amendment very soon. That rests with the Senator from Colorado, however, I might add.

Mr. WIRTH. I will not object. I withdraw my reservation, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii?

Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1216

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. MITCHELL, Mr. COHEN, Mr. WOFFORD, Mr. BRADLEY, and Mr. DIXON, proposes an amendment numbered 1216.

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

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

The amendment is as follows:

At the appropriate place in the pending bill, add the following:

"It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the acceptance of the recommendations issued by the Base Closure Commission."

Mr. SPECTER. Mr. President, this amendment is being submitted on behalf of Senator MITCHELL, Senator COHEN, Senator WOFFORD, Senator BRADLEY, and I believe Senator DIXON, and myself. It has been cleared on both sides of the aisle.

By way of a very brief statement, it provides that in acting on the joint resolution of disapproval of the Base Closure Commission's recommendations,

the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Commission and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act, so that the relevant courts, Federal courts, will have jurisdiction on any challenge on procedural deficiencies.

As I say, I have discussed it broadly in the Senate, with the distinguished chairman and ranking member.

Mr. INOUE. Mr. President, this matter has been cleared by both sides. We find no objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, there was also an amendment agreed to when this Senator stepped out of the Chamber for a moment or two relating to an investigation by the Comptroller General of the United States and the issuing of a report on the Navy's current plan for the handling and disposal of all nuclear or radioactively contaminated materials from nuclear-powered aircraft carriers.

That had been agreed to in the absence of the distinguished Senator from Virginia [Mr. WARNER] whom I had contacted in advance of the proposal. But Senator WARNER had to be necessarily absent from the floor for a few minutes. It may be that Senator WARNER has an objection to that. If he does, this Senator will be prepared to vitiate the order of approval of that amendment. I wanted to put that on the record. I have not been able to contact Senator WARNER in the interim.

Mr. President, I need a moment to review slight modifications to the amendment which was just proposed. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, reverting back to the amendment No. 1216, which I had represented had been cleared on both sides of the aisle, that was in fact true. But then a question was raised about striking two words and changing one other word which maintains the same purpose, which is in effect to say that the joint resolu-

tion of disapproval of the 1991 Base Closure Commission's recommendations are approved as to the recommendations as to base closures, but the Congress in this resolution is taking no position on whether there has been compliance by the Base Closure Commission and the Department of Defense with the requirements of the statute; that is, the Defense Base Closure and Realignment Act of 1990, which the courts have jurisdiction over to make a determination as to whether or not there has been such compliance.

So at this time, Mr. President, I modify my amendment by sending the modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in the pending bill, add the following:

"It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission."

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

Mr. INOUE. Mr. President, the Armed Services Committee and the Appropriations Committee both have looked over the amendment. We find it acceptable.

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

The amendment (No. 1216) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I would like to take just a few more moments on matters which we had discussed. I had said that the Senate had approved amendment No. 1214, which provides that:

*** The Comptroller General of the United States shall issue a report no later than July 1, 1992, on the Navy's current plan for the handling and disposal of all nuclear materials and radio actively contaminated materials of the nuclear powered aircraft carriers.

The report shall include cost evaluations and projections for the next 20 years, based on a current Navy plan and a list of specific locations under consideration as disposal or reprocessing sites.

Paragraph B. A report on health effects not later than September 30, 1992. The Secretary of Health and Human Services shall transmit to Congress a report on the human health risks associated with work on nuclear powered aircraft carriers.

Mr. President, this Senator had filed earlier an amendment which provided for a different approach. I ask unanimous consent that at this point there be inserted in the RECORD a copy of the amendment which I decided not to include so that the RECORD will be clear as to the approach which the adopted amendment has taken.

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

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON OVERHAUL OF THE U.S.S. ENTERPRISE.

(a) **LIMITATION.**—No funds shall be obligated for the complex overhaul of the U.S.S. Enterprise (CVN-65) or any other nuclear aircraft carrier until the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of Energy have jointly submitted a comprehensive plan, which includes annual cost estimates for the next 20 years, for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers. This plan shall include a list of the specific locations under consideration as disposal or reprocessing sites and shall be developed in consultation with the host states and affected states of any potential site. An unclassified report detailing such plans shall be provided to Congress to accompany the notice of certification.

(b) **REPORT OF HEALTH EFFECTS.**—Not later than September 30, 1992, the Secretary of Health and Human Services, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

Mr. SPECTER. Mr. President, the amendment which was not pursued had provisions that no funds would, "be obligated for the complex overhaul of the U.S.S. Enterprise, or any other nuclear aircraft carrier, until the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of energy submitted a joint comprehensive plan which included annual cost estimates for the next 20 years for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear powered aircraft carriers."

"The plan should include a list of the specific locations under consideration for disposal or reprocessing sites, and shall be developed in consultation with the host States and affected States of any potential site."

Mr. President, there is an enormous underlying problem in our country today involving nuclear waste, and it is a problem which we have so far pretty much swept under the rug. Rather than make an extensive statement on this issue at this time—and I would not do so unless there is a challenge to the

amendment which has been agreed to—I would ask unanimous consent that two articles be printed in the RECORD from the Virginia Pilot dated April 1, 1991.

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

[From the Virginia-Pilot, Apr. 1, 1991]

WASTE SITES FACE MASSIVE CLEANUP TASK
(By Al Roberts)

As the Navy's nuclear-powered warships send more uranium fuels, reactor parts and other radioactive wastes ashore, they're counting on the U.S. Department of Energy to dispose of the material at remote, inland dumps.

But the Energy Department—which traditionally has taken naval wastes to its weapons plants in Idaho Falls, Idaho; Richland, Wash.; and Aiken, S.C.—faces serious environmental problems at those sites.

The government has been stockpiling waste since the 1950s, and the waste is beginning to leak from corroding steel drums and clay trenches and cracked concrete tanks. More than a dozen radioactive elements, from cobalt to plutonium to uranium, have already escaped into the environment.

From the Idaho National Engineering Laboratory in Idaho Falls, where the Navy sends its spent nuclear fuel, a 40-square-mile "plume" of tritium is migrating through groundwater flows toward the Snake River. The Hanford Nuclear Reservation in Washington state, which buries scrapped naval reactors, has dumped millions of gallons of radioactive waste into the ground. And the Savannah River Site in South Carolina, which handles other naval wastes, also is leaking radiation.

Cleaning up those sites and 11 other weapons plants—to make room for more spoils from naval shipyards and other nuclear operations—will be a \$200 billion task. But the Energy Department is under rising pressure to allow other groups, such as the Environmental Protection Agency, to accelerate the cleanup.

"Little actual cleanup work has been done," the Office of Technology Assessment, an analytical arm of Congress, said in a 212-page report to the lawmakers in February. "... Effective cleanup of the weapons complex in the next several decades is unlikely, and ... significant policy initiatives are required if those prospects are to be improved."

[From the Virginia-Pilot, Apr. 1, 1991]

"BIG E" REACTORS A BIG PAIN, SAY VETERAN REFUELERS
(By Al Roberts)

NEWPORT NEWS.—Imagine eight nuclear reactors being taken apart—piece by piece—in your back yard.

That's exactly what is happening aboard the aircraft carrier Enterprise, which began refueling its nuclear reactors this winter at Newport News Shipbuilding.

The shipyard won't comment on the process. But shipyard retirees, who refueled the "Big E," from 1969 to 1971, said the refueling and overhaul, which began in November and is expected to continue through May 1994, will be an ordeal.

"You have to pretty much tear the ship up to refuel it," said shipyard retiree Jack B. Davis, who helped plan the previous refueling. "There's a lot of stuff you have to remove, and then you have to put it all back again."

During the 3½-year process, retirees said, teams of workers will spend roughly six months dismantling each reactor plant, take a day or two to refuel it, then spend six months reassembling the system.

Throughout the process, workers will wear awkward body suits and breathe through stifling gas masks to protect themselves from radiation. One false move—turning a wrench one too many times around a valve, or firing a blowtorch one millimeter too far into a pipe—could release harmful doses of radioactivity, retirees said.

First, workers will disconnect the reactors from steam generators, turbines, cooling systems and other related equipment. They'll have to divert thousands of gallons of radioactive liquid and gas, much of it sealed under explosive pressure, into holding areas or disposal tanks. Once the pipes are purged, workers will open up miles of pipeline, break through hundreds of valve seals and dismantle thick steel fixtures to get to the reactor.

Then comes the switching of the uranium fuel core itself, which contains the most deadly levels of radioactivity.

Because the workers will be opening up the reactor for the first time in two decades, exposing themselves to its radioactivity, they'll want to move quickly. Ideally, they'll remove the spent fuel core and place it in a steel shipping cask, then install a fresh fuel core and close up the reactor, in a matter of hours.

While they rebuild the ship's reactors, retirees say, other workers will be dealing with the radioactive wastes sent ashore. The Enterprise is expected to leave behind enough waste to throw off at least 25 million curies of radioactivity. That's half of the roughly 50 million curies the Chernobyl reactor explosion released over the Soviet Union. And it's about 8,000 times as much as Virginia's 600 power plants, hospitals and other nuclear industries ship to disposal sites in a year.

Some of that waste, such as the spent fuel or reactor parts, will be solid and easily managed. Other wastes, such as the cooling water from the reactors, will be liquid. Some will give off intense radiation, enough to kill a worker within days, while some will emit negligible radiation.

The most dangerous wastes, the eight spent fuel cores, will each hold as much as 3 million curies of radioactivity—enough to contaminate all of Newport News or build a nuclear bomb.

To protect the spent fuel from accidents and terrorists, each core will be stashed in a steel cask, and each cask will be set in a railroad boxcar on the grounds of Newport News Shipbuilding. Eventually, the boxcars will form a train to a disposal site in Idaho Falls, Idaho.

The bulk of the waste, however, will be parts, tools, protective clothing, rags and other materials that have been exposed to the reactors and their fuels. Each piece of waste may have absorbed as little as one-millionth of 1 curie of radioactivity and pose a negligible threat. But there will be vast volumes of that low-level waste, which could combine to emit dangerous radiation.

For that reason, the waste will be packaged in special polyethylene barrels or steel boxes. It will then be carried away in tractor trailers, traveling west on Route 58 and south on Interstate 95, to a disposal site near Aiken, S.C.

[From the Virginia-Pilot, Apr. 1, 1991]
 NUCLEAR NAVY SAILS IN FOR REPAIRS, RAISES CONCERNS
 (By Al Roberts)

NORFOLK.—The Navy plans to refuel, overhaul or scrap about one-third of its nuclear-powered ships in the 1990s, bringing an unprecedented—and potentially dangerous—rush of nuclear work into local naval bases and shipyards.

Among the Navy's 137 nuclear-powered ships afloat, at least 40 are due to bring their reactors into Hampton Roads and other ports for work in this decade. Those reactors, which reportedly suffered few accidents while running at sea, will run much higher risks during operations on land, Navy veterans say.

The metal-shrouded reactors, having contained billions of atomic chain reactions for 15 to 20 years, now literally glow with radioactivity, experts say. As the reactors are dismantled in shipyards the risk increases, experts say, that their pent-up radiation will be accidentally unleashed on sailors, shipbuilders, civilians or the environment.

Naval reactor work also will generate radioactive wastes, like the byproducts of commercial nuclear plants, that must be carefully controlled for centuries to come. But control of such wastes has already proven to be a problem for the Navy, federal studies say.

In 1988, for instance, the Navy's Radiological Affairs Support Office in Yorktown sent out 423 questionnaires to Navy installations, asking about their inventories of radioactive waste. Only 212 replied, and at least one-fourth of those that did not reply are known to store radioactive waste. The survey showed only 9,000 cubic feet of radioactive waste stored at Navy sites. But other federal records show that bases and shipyards generate as much as 58,000 cubic feet every year—at least 20,000 cubic feet of it in Hampton Roads.

"For these reasons," the General Accounting Office concluded in a report to Congress in March 1990, "the Navy does not precisely know the amount and types of waste stored or disposed of by its various installations."

The Navy's future challenges in dealing with radioactive waste go beyond Hampton Roads and its shipyards. The service sends its worst wastes to be recycled, stored or dumped at nuclear weapons factories in South Carolina, Idaho and Washington state. But those sites, as well as 11 others in the nuclear weapons complex, have become environmental disaster zones.

The largest site, near Aiken, S.C., already stores 21 million cubic feet of solid wastes and 35 million gallons of liquid spoils—enough radioactive material to fill the Scope arena in Norfolk 25 times. The material contains at least 800 million curies of radioactivity, or roughly 16 times what the Chernobyl reactor explosion released over the Soviet Union. And much of that radioactivity is slowly leaking into the air, soil, water and sediments on the north bank of the Savannah River.

Last week, the latest evidence of the military's waste problem was reported by the Environmental Protection Agency. The EPA said that engineers, rushing to build nuclear bombs in the 1950s, poured millions of gallons of radioactive waste into the ground at the Hanford Nuclear Reservation near Richland, Wash. Some of that waste, dumped into crude ground trenches, will retain half its radioactivity for 212,000 years, experts say.

Environmentalists, legislators and regulators have reacted to such reports by forc-

ing the weapons plants to launch a \$200 billion cleanup. As the sites devote more money and personnel to handle existing wastes, however, they will have fewer resources to accept new wastes being generated by the Navy.

At the same time, the Navy will be generating more waste than ever. The spoils will have to sit in interim storage at bases, shipyards or other support facilities, experts say, until they can be sent for permanent burial at the weapons plants.

"The risks are enormous—no doubt about it—absolutely enormous," said Capt. William K. Yates, former commander of the nuclear-powered submarines Sargo, Snook and John Adams.

The aircraft carrier Enterprise, being refueled in Newport News, offers the most dramatic example. The Enterprise is expected to generate enough waste to throw off at least 25 million curies of radioactivity—about half the roughly 50 million curies the Chernobyl reactor explosion released over the Soviet Union, killing hundreds of people and contaminating more than 2 million homes.

"A severe accident could literally destroy a city, and that's not widely realized," said Dr. W. Jackson Davis, a nuclear physicist at University of California and a native of Portsmouth. "... It's not just life that you're risking—you're risking whole cities."

Recognizing the risks at hand, the General Accounting Office, an investigative arm of Congress, this winter began reviewing the Navy's schedule of reactor work.

"With the size of the activity going on," GAO investigator Brad H. Hathaway said, "we felt we should at least take a preliminary look."

That inquiry will inevitably focus on Hampton Roads, said Hathaway, who helped investigate the explosion aboard the battleship Iowa. While politicians boast that the port is host to the largest naval complex in the world, public records show that it also handles the most naval reactors and radioactive wastes:

The Norfolk Naval Station is home base to 31 nuclear-powered ships: 23 submarines, four aircraft carriers and four guided-missile cruisers. The ships perform routine reactor maintenance at the base and generate as much as 10,000 cubic feet of radioactive waste a year, according to Navy records. That's enough waste to fill a one-story, two-bedroom home from floor to ceiling.

Newport News Shipbuilding has built 56 nuclear-powered warships—43 subs, seven carriers and six cruisers. It's now building 13 more, including 10 submarines and 3 carriers. Meanwhile, the yard is expected to refuel, overhaul or scrap at least 20 naval reactors in this decade. The yard's increasing work on reactors will dramatically increase its radioactive waste handlings, now running about 15,000 cubic feet a year.

The Norfolk Naval Shipyard in Portsmouth, which has overhauled 34 nuclear-powered subs and cruisers since 1967, has not refueled a reactor since 1973. That has cut its radioactive waste to about 10,000 cubic feet a year. But waste volume will rise sharply with the yard's scheduled refuelings of one ship every two years, beginning with the guided-missile cruiser South Carolina.

The Naval Supply Center in Norfolk, the Naval Weapons Station in Yorktown and other support facilities store and ship radioactive materials. Hampton Roads' military facilities also export and import radioactive waste to and from military bases overseas, records show.

The Military Traffic Management Command, based in Washington, DC., recorded

177 radioactive shipments between Hampton Roads and foreign ports from June 1989 through September 1990. About 100 of the shipments, identified simply as "radioactive material," were not wastes but rather supplies, such as uranium-tipped artillery shells going to Army bases in Europe, records indicated. But at least 50 other shipments were more mysterious, and their contents and destination were not identified in military records made available to this newspaper. Repeated requests over the past 10 months for more details went unmet.

All told, the piers, shipyards and support facilities in Hampton Roads are host to the largest collection of nuclear reactors in the world.

"You have quite a large concentration of reactors in Norfolk. If you proposed to put them on land, people would be appalled, but people don't see ships that way," said Damien Durrant, an activist with Greenpeace, an environmental organization that opposes nuclear reactors and weapons.

The public still does not "see ships for what they are: basically, a smaller nuclear plant," Durrant said. "We kind of regard it as a blind spot in the public's perception."

Ironically, naval reactors are more dangerous—by design—than commercial ones.

Land-base reactors rumble along like eight-cylinder, carbureted muscle cars gulping down leaded gasoline. But oceangoing reactors wind up like four-cylinder, turbo-charged speedsters on high-octane fuel. Commercial units can boost electricity output over several days, but naval reactors must propel ships from 6 knots to 30 knots in a matter of minutes.

While the Navy reactors run hotter, they are not as thoroughly protected from overheating and other dangerous conditions. Because they must fit into smaller spaces, such as on submarines, they cannot be shielded behind as many layers of concrete, steel and water.

That leaves little margin for error in the design, construction and operation of oceangoing reactors. The greatest risk however, is refueling them, experts agree.

"Everybody feels most vulnerable during a refueling operation," said Capt. James T. Bush, former commander of the ballistic missile submarine Simon Bolivar.

The Enterprise poses the ultimate challenge. It is the oldest nuclear-powered ship the U.S. has and is propelled by some of the most antiquated reactors on either sea or land. Those reactors, which have been running virtually nonstop since the carrier scrambled jets over Vietnam, are being refueled for the first time in 20 years.

Asked about the process of refueling, officials at Newport News Shipbuilding referred all questions to the Naval Sea Systems Command. The command declined to provide details.

"It's like having eight submarines in there at one time. It's just a massive job," said shipyard retiree Jack B. Davis, who was secretary of the joint military-civilian panel that planned the Enterprise's last refueling, from 1969 to 1971.

Because the "Big E" was the first nuclear-powered surface ship, naval engineers generously endowed it with eight reactors. Designers have since put only one or two reactors in each warship.

"The Enterprise was horribly overbuilt," Davis said. "They never had a nuclear-powered ship, and they didn't know how much power they'd need to push that damned thing."

The Enterprise's reactors also are outdated.

"Nuclear reactors through the years have changed a whole lot," said an engineer involved in the design of the Enterprise reactors, who asked not to be named. "New engineering studies revealed different things . . . Of course, we learned our lessons from that, when the new ones came along."

As the Navy brings its older nuclear-powered warships into port for refueling, however, it inevitably surrenders some control over their reactor operations and radioactive wastes, Navy veterans say. While fewer than 100 sailors control the Enterprise's reactors at sea, for instance, at least 1,000 sailors, shipbuilders and contractors and refueling them in port.

"Being in a shipyard during a refueling, is a real tough time to maintain the controls," said Capt. Yates, former skipper of the sub John Adams. "You've got people coming and going, people on leave, and, during all of that, you've got to keep control of what's going on."

Sailors said such pressures caused problems on at least three nuclear-powered ships during visits to shipyards last year. At Newport News Shipbuilding, sailors have reported radioactive releases during refueling of the reactors on the carrier Enterprise; the Navy and the shipyard had not responded to requests for more details on the claims as of late last week. At the Norfolk Naval Shipyard in Portsmouth and the Puget Sound Naval Shipyard in Bremerton, Wash., sailors said they took shortcuts in running the reactors in the submarine Finback and the carrier Minitz. Publicly, the Navy expresses immense pride in its nuclear safety record, both at sea and on land. But some veterans of the nuclear Navy say that it hides all but the worst accidents—such as the 1963 sinking of the submarine Thresher—behind the curtain of "national security."

"Every time anything went wrong in the Navy program, we had to sign another piece of paper to say we'd never talk about it," said Robert D. Pollard, a former nuclear safety engineer on the sub Sargo, based in Pearl Harbor, Hawaii. Pollard now works for the Union of Concerned Scientists in Cambridge Mass. "They use the security thing not for security reasons but to hide stuff."

Federal agencies, state governments and the public are given few opportunities to verify the Navy's claims of a stellar safety record.

The Environmental Protection Agency, for instance, has jurisdiction to search for radiation leaks around Navy bases and shipyards. And the EPA does periodically analyze water, sediment and algae samples at these sites. But the agency must settle for samples gathered by the military, rather than collecting its own. It also analyzes them according to military standards, rather than more exacting civilian ones.

State governments are equally restricted in their ability to judge safety in the nuclear Navy.

Virginia's state officials express a mixture of confidence and concern. Most say they are confident that naval reactors could meet the safety standards applied to land-based plants. But they also say they are uncomfortable taking that on faith.

The Virginia Department of Emergency Services, for example, is charged with protecting the public from a nuclear accident. The agency keep track of radioactive waste shipments by power plants, hospitals and other civilian outfits. But the agency has no military jurisdiction.

"I guess it makes us nervous," said the department's technological hazards expert,

James D. Holloway. "We know what's out there and where we are taking waste from the civilian side. And I guess we would like to be tracking (the military), too."

Like the EPA, the state Department of Health, which monitors radioactivity in the environment, has less access to military sites than to commercial ones.

Every year, for instance, the department's Bureau of Radiological Health takes hundreds of samples from near Virginia Power's reactors at Surry and Lake Anna. But the bureau must settle for only a handful of samples, gathered by Navy personnel, from around naval piers and shipyards in Hampton Roads. And it has never inspected those sites the way it inspects civilian facilities.

"We just don't have the staffing to send people out to those (Navy) sites," said Leslie Foldesi, the bureau's director.

In January, the agency resumed monitoring of the waters around the Norfolk Naval Shipyard, which is preparing to refuel the guided-missile cruiser South Carolina. But the Bureau of Radiological Health must rely on Navy personnel to gather water samples.

"I'm confident they can do as good a job," said Foldesi, who witnessed two refuelings as a sailor aboard nuclear-powered submarines from 1970 to 1976. "I know they take elaborate measures to make sure that no materials are released."

But other states are taking more aggressive measures.

The state of Washington, which is home to about 15 nuclear-powered ships, complained last fall about its lack of access to Navy sites. When radiation has been released at Navy yards there, the state has not been allowed to watch the cleanup.

"They are up-front with the fact that incidents have occurred," said Terry R. Strong, director of the Division of Radiation Protection in the Washington state Health Department. "But we don't have any regulatory authority, and they don't invite us onto the base."

If the states had their way, they would exercise more oversight over the military, Strong said.

"I guess that, if we go back to the issue of credibility, it would be to the Navy's benefit to say: 'Y'all come on here,'" Strong said.

Mr. SPECTER. Mr. President, these articles detail the enormous potential environmental hazard which is in the offing from the scraping or overhaul of nuclear powered ships. And the details of these articles, which cite authoritative sources, disclose that the radioactive potential is many, many times the problems at Chernobyl, and that there are many communities in our society in Idaho, in South Carolina, in Nevada, in Washington, and in Oregon where there are enormous risks involved in our failure to deal with this issue of nuclear waste.

Rather than submit the amendment, which would hold up on the funds for the Enterprise until this study has been completed, this Senator elected to take the route of the amendment which has been submitted and agreed to calling for the study so we can find out what is going to be happening.

But I think this is an issue which the Congress and the country will have to face up to because of enormous environmental risk factors, and these re-

ports should shed some very considerable light on a real problem and will enable us to address this issue in an intelligent way in the future.

Mr. President, I thank my colleague from Hawaii, Senator INOUE, the distinguished chairman, and the ranking member, Senator STEVENS, for their cooperation in working through these amendments, and the staffs for their help with respect to the same amendments.

I thank the chair, and I yield the floor.

AMENDMENT NO. 1217

(Purpose: To set aside \$3,000,000 for the New Parent Support Program of the Marine Corps)

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to consider measures affecting the bill.

I send to the desk an amendment in behalf of Senator SEYMOUR of California, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. SEYMOUR, proposes an amendment numbered 1217.

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

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

The amendment is as follows:

On page 12, line 3, strike out the period and insert in lieu thereof: "Provided further, That of the funds appropriated in this paragraph, \$3,000,000 shall be available for the New Parent Support Program."

Mr. SEYMOUR. Mr. President, I rise to offer an amendment to the fiscal year 1992 defense appropriations bill that would assist the Marine Corps in its critical search for the most effective methods to arrest the symptoms of child abuse within military families.

Perhaps of all institutions in our society, the armed services are most vulnerable to the pains and disasters of child abuse. Military parents, and especially enlisted personnel, frequently change homes, lifestyles, and schools. Many of their children, therefore, miss the classic American experience of growing up in a stable neighborhood with familiar friends and role models.

To its credit, the Marine Corps has initiated a program at Camp Pendleton, CA that tries to improve these circumstances for young children. Over the last 2 years, the Marines and the Children's Health Center and Hospital of San Diego have cooperated on an effort modeled after the famous Parent Aide Program to furnish a broad range of clinical, educational, in-home, and counseling services to eliminate the potential causes of child abuse. The program now reaches more than 350 children in approximately 200 Camp Pendleton families.

Most of the existing Department of Defense programs that focus on this problem react to the incident of child abuse after it occurs. The Camp Pendleton project, however, reaches out to expectant mothers and those with infants in the interest of preventing the social and psychological causes of this tragedy.

My amendment, Mr. President, provides \$3 million out of existing Marine Corps operation and maintenance funds so that the Marines can begin the process of establishing this program at all 18 of their world-wide facilities.

This child abuse prevention miracle of Camp Pendleton, therefore, can become the miracle of the Marine Corps and a model for the entire Department of Defense.

I understand, Mr. President, that this amendment has been cleared by the distinguished managers of the bill. I particularly want to recognize the outstanding leadership that Senator INOUE has provided in fostering military family advocacy programs. Our All-Volunteer Forces and their dependents have two committed and effective champions in both the chairman and distinguished ranking member of the Defense subcommittee, Senator STEVENS.

Mr. President, I thank the managers once again for their cooperation, and I urge the adoption of the amendment.

Mr. INOUE. I commend the Senator for his amendment. As he is aware, I have long been interested in the detection and prevention of child abuse. I believe that I may, without being immodest, take some credit for the establishment in the Department of Defense of the Family Advocacy Program, which addresses the detection and prevention of both child and spouse abuse in all the military services. This is a successful program, and I would not like to see its scope or authority weakened by the Marine Corps program which the Senator is proposing.

May I ask the Senator to clarify the intent of his amendment. Do I understand correctly that the amendment is intended to disseminate a child-abuse-prevention program which has proved to be successful at a Marine Corps base in California?

Mr. SEYMOUR. The Senator is correct.

Mr. INOUE. Do I further understand that the Marine Corps program which the Senator is proposing is in consonance with the Family Advocacy Program now in existence?

Mr. SEYMOUR. Yes; that is correct. This program is intended to supplement and strengthen the Family Advocacy Program.

Mr. INOUE. As the Senator is aware, the Family Advocacy Program, administered by the Assistant Secretary of Defense for Force Management and Personnel, is the body which establishes policy for child abuse and

spouse abuse detection and prevention programs. Is it the Senator's intention that the new Marine Corps program fall under the jurisdiction of the Assistant Secretary, as other Marine Corps child abuse programs do at the present time?

Mr. SEYMOUR. The Senator from Hawaii is correct. I believe that the proposed Marine Corps program will be a welcome addition to the current Department of Defense Family Advocacy Program, and I would certainly expect that it would be administered in the same fashion as other child abuse prevention programs now in existence.

Mr. INOUE. I thank the Senator. Mr. President, this measure has been studied by both sides, and we find it acceptable.

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

The amendment (No. 1217) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1218

(Purpose: Continuation Pay for deceased aviation officers of the Persian Gulf war)

Mr. INOUE. Mr. President, I send an amendment to the desk on behalf of Senator MACK and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. MACK, proposes an amendment numbered 1218.

Mr. INOUE. 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:

SEC. . (a) not withstanding any provision of section 301b of title 37, United States Code, of section 611 of Public Law 100-456 as in effect at any time prior to the date of enactment of this Act, in the case of any officer described in subsection (b), who was entitled to special pay under an agreement authorized by one of those sections, who was not paid the full amount due under such agreement, the unpaid balance shall be paid as part of the settlement of the officer's final military pay account.

(b) an officer to whom subsection (a) is an aviation officer who died as a result of flight operations on or after January 17, 1991, in those areas of the Arabian Peninsula, airspace, and adjacent waters designated by the President in Executive Order 12744 on 21 January 1991 as a combat zone and prior to cessation of hostilities as declared by competent authority, before completing the full period of aviation service agreed to in his or her agreement to remain on active duty in aviation service under section 302b of title 37, United States Code, or section 611 of Public Law 100-456.

Mr. MACK. Mr. President, not long ago, the Department of Defense contacted me about unfortunate wording in current law which prohibits DOD from releasing remaining continuation special pay to the families of our brave aviators who lost their lives in combat. My amendment corrects this by simply permitting the Department of Defense to meet its moral obligation and release those moneys.

Continuation special pay is given to aviators who commit themselves to additional years of service to their country. It is essential to retaining these incredibly valuable assets. It also helps alleviate immense additional training costs due to turnover by addressing the disparity between our military aviators and their counterparts in the private sector.

The cost of correcting this tragic inequity is minimal. The Department of Defense knows of only one aviator who would be affected. That man is Navy Lt. Robert Dwyer. In his capacity as a naval aviator, Lieutenant Dwyer could not offer his family the luxuries he could otherwise have afforded had he worked as a civilian. His continuation special pay, which was to be paid in yearly installments, was a token acknowledgement of his commitment to his country and his belief in the defense of freedom.

Robert Dwyer loved to fly. More to the point, he loved America. In making a commitment to serve his country, his country made a commitment to him. It is up to us to honor that commitment, remembering that Lieutenant Dwyer made the ultimate sacrifice—giving his life for his country. He died protecting those freedoms which we enjoy daily.

Lieutenant Dwyer is survived by his wife and young daughter. Their plans for the future have been irreparably shattered. They suffer the loss of a husband and father. This pay, which was promised to Lieutenant Dwyer and which certainly would have been given to him had he not died during Desert Storm, now takes on even greater importance to his surviving family as they face an uncertain financial future. It is only decent to allow the Department of Defense to honor its agreement with Lt. Robert Dwyer and release the rest of his bonus to his family.

Mr. INOUE. Mr. President, this measure has been studied and approved by both sides.

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

The amendment (No. 1218) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1219

Mr. INOUE. Mr. President, I send to the desk an amendment submitted on

behalf of the managers of the bill, a technical amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for himself and Mr. STEVENS, proposes an amendment numbered 1219:

On page 47, line 14, beginning with the "...", strike through "procured" in line 24.

Mr. INOUE. Mr. President, this is to correct an administrative error in the bill. It has been cleared by both sides.

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

The amendment (No. 1219) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1220

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1220:

On page 136, at the end of line 19, add the following new proviso: "Provided further, That funds provided in this section may also be available for personnel relocation costs associated with the closure of United States military facilities in the Republic of the Philippines, upon notification by the President of the United States to the Congress that no agreement for the continued presence of United States military forces in the Republic of the Philippines is in effect, and that United States Military forces must depart existing facilities in the Republic of the Philippines."

Mr. STEVENS. Mr. President, the Senator from Hawaii and I went to the Philippines to look into this matter a year ago, and we have been in constant contact with Ambassador Armitage and Admiral Larsen concerning the matter of the Philippines.

This is an amendment that I hope and pray will never become one that is used by the Government of the United States, because we still fervently hope that the Philippines will find a way to ratify the agreement that was negotiated with our country concerning our continued presence in Subic Bay. It is merely an emergency provision in the event that the situation deteriorates, so that if it is necessary to have funds to use for this purpose, the authority would be there for the Department of Defense.

Again, we would—at least this Senator and I think my friend from Hawaii would—like to send the message that we hope the ratification process will be complete, that the Philippines Government will find a way to approve the negotiations that were carried on in good

faith between our people and their representatives. I think that the unfortunate problem of the eruption of the volcano has changed the whole circumstance in the Philippines, but Subic Bay remains a very vital facility for the defense of the nations of the Pacific. We are hopeful that our Navy can continue to have access to it.

Mr. INOUE. Mr. President, I wish to associate myself with the sentiments expressed by my dear colleague from Alaska. This measure has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment (No. 1220) is agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be temporarily set-aside to recognize Senator BOREN of Oklahoma.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague, the distinguished Senator from Hawaii.

AMENDMENT NO. 1221

(Purpose: To require the establishment of a national security scholarships, fellowships, and grants program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1221.

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

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

The amendment is as follows:

On page 172, between lines 9 and 10, insert the following:

SEC. (a) The Congress finds that—

(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act of 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense, in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), 1/3 of the amount available for obligation out of the National

Security Education Trust Fund for such fiscal year;

"(B) 1/2 of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) 1/2 of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to para-

graph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(A) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—

(1) To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding

the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of 1/4 of 1 percent, the rate of interest of such special obligations shall be the multiple of 1/4 of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligation held in the Fund shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATION PROVISIONS.

"(A) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study in foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965."

(2) The table of contents for such act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.

"Sec. 802. Program required.

"Sec. 803. National Security Education Board.

"Sec. 804. National Security Education Trust Fund.

"Sec. 805. Administrative provisions.

"Sec. 806. Audits.

"Sec. 807. Definitions."

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII, of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) \$15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) \$10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) \$10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

On page 49, between lines 17 and 18, insert the following:

NATIONAL SECURITY EDUCATION TRUST FUND

For the National Security Education Trust Fund established by section 804 of the National Security Act of 1947, \$180,000,000, which shall be available for the purposes set out in subsection (b) of such section.

Mr. BOREN. Mr. President, this amendment utilizes \$180 million from the intelligence budget to create an international education trust fund to help the United States and its national security agencies meet the challenges of the post cold war world.

It provides funding for graduate fellowships and grants to universities for foreign languages and area studies programs. It also provides undergraduate scholarships for study abroad, programs in countries that are now underrepresented in terms of American studies at this time.

It will provide out of the trust fund in the first year \$35 million in fiscal year 1992. That will be broken down as follows: \$15 million for study abroad for undergraduate students; \$10 million for grants to colleges and universities to strengthen and improve their courses of study and curriculum in areas of foreign language studies, area studies, and international studies; and \$10 million for graduate fellowships.

The board of trustees will advise the Secretary of Defense on the administration of the trust fund and develop guidelines and criteria for the distribution of the grants, fellowships, and scholarships. The Secretary of Defense or his designee will chair this board, which will also include the Secretaries of State, Education, and Commerce, and the Director of Central Intelligence and the Director of U.S. Information Agency or their designees. The programs would be administered through the Department of Defense through defense intelligence.

Mr. President, for some time we in the Intelligence Committee, who have

authorized such a program in our legislation which will be considered shortly, have been concerned about the grave threat posed to the national security of the United States by the fact that we are simply not preparing the next generation to have the skills necessary to be involved in the world that they will be living in.

The next century will require international skills of our young people as never before. In government itself we are in desperate need in the intelligence community, in the diplomatic community, as well as in the commercial segment of our own Government for people who speak the languages of the world, who understand the world's cultures, who have a deep knowledge of various areas of the world of strategic importance to the United States, and areas that might be a source of danger as well for the United States in the future because of regional instability.

Yet, at a time in which our ability to succeed in the next century is largely going to be determined by how well we equip the next generation for their international environment, we have been reducing consistently the funding for international and language studies down from 1.5 percent of our total education funding after the passage of the National Defense Education Act in 1958, to only one-tenth of 1 percent last year.

Others in this world recognize the vital need and the relationship to the national security of those countries of the ability to speak foreign languages and understand the regions and cultures of the world—100 percent, for example, of Japanese high school students are required to have at least 2 years of English training to graduate from high school while less than one-tenth of 1 percent of American students study Japanese.

While there are over 350,000 foreign students at the undergraduate level coming to the United States each year to learn about us, to learn our language, to learn about our culture, to understand our economic needs so that they can later sell products into our markets, there are only 60,000 Americans going out to the rest of the world to learn the languages of other countries and the cultures of other countries.

How in the world are we going to compete and be ready for the next century unless we internationalize the thinking of the next generation of Americans?

So it is imperative that we act. We are one of the few countries in the world that do not provide any assistance from our Government to undergraduate students at the college level to study in other countries. Malaysia alone is spending their tax dollars to send 25,000 Malaysian students to the United States this year to study us. It is simply wrong and shortsighted for us

to make it possible only for those who come from affluent families to have the experience of studying in another culture, studying in another country, and learning foreign languages through this experience.

At the same time that we are simply not keeping pace in the area of international exchange. From 1960 to 1986 the percentage of postsecondary students, college and university students, participating in foreign language courses has declined by one-half. At the very moment that we are going to have to learn the languages of the world—we are going to have to get out and live in this international environment if we are going to sell our products, understand what is going on in other countries, we are going to have to speak the world's languages—we have cut in half the number of college students in this country learning foreign languages.

Only 8 percent of American college and university students this year will study any foreign language. Seventy-seven percent of American college and universities allow students to graduate without taking any foreign language.

Mr. President, when we had some distinguished experts and historians of the intelligence community come before our committee, we put the question to them. What could we do, what action could we take that would do more to improve the quality of intelligence, to inform our policymakers, from our President on down, about important decisions which they must make—what could we do, if it would be one thing, to improve the quality of intelligence in America? I expected that they would answer reorganization of the intelligence community in a certain way, purchase more satellites, hire more agents. All sorts of answers I thought they might give us. The answer they gave came forward as a unanimous group: Improve the quality of education in the United States, especially in the area of regional and area studies.

We need more people who are experts in the Middle East, Latin America, Africa, in many other areas of the world. We are simply not turning out the quality that we used to have. Colleges and universities, one after another, have either weakened or done away with their courses in regional studies. They have weakened their foreign language courses of study.

If we are going to have capable people, whether it is at the CIA, whether it is at the Department of Defense, or the State Department, or in the Commerce Department representing the interests of the United States of America, let alone competence in the private sector as well, we simply must do something to end the provincialism in the American educational system.

This program really attacks the problem in three ways: By providing

scholarships for undergraduate students to study in other countries, we will begin to internationalize the thinking of the next generation, and get them interested in learning about other cultures, and we will help them understand the perspectives of those in other countries. Some will, hopefully, go on to become the graduate students, and exports, and specialists we need.

Another portion of this program will pay for graduate fellowships in this area. Those fellowships will be conditioned upon an agreement to accept employment in a Federal agency, if it is offered upon graduation.

In the third place, we will use part of the fund to give grants to colleges and universities that will enable them to strengthen their programs in this area.

Mr. President, there has been an immense amount of work in this program, which we called the National Security Education Act, and support from those in the educational system: Norm Peterson with the Liaison Group for Education, John Vaughn of the Association of American Universities. We have had a tremendous amount of staff work from several committees on the Hill. I especially thank Mr. Dick D'Amato with the Senate Appropriations Committee; Doug Olin of the Budget Committee, who worked along with Senator SASSER to help us work out the technicalities to make sure we would comply with the Budget Act with this proposal; Mark Sigurski of the Senate legislative counsel; Rebecca Cooper; Matt Helmerich; John Deeken; Britt Snider; and George Tenet of the Intelligence Committee staff.

The Intelligence Committee, Senators NUNN and WARNER, joined with me and other members of our committee in crafting this proposal. They have been a large part of it.

Senator ROBERT BYRD of West Virginia, the distinguished chairman of the Appropriations Committee, has long been interested in this program. He understands the need for it, and he has been immensely helpful in giving me advice about how to frame this proposal.

Senator JOHN KERRY of Massachusetts has put in some language that will set up a program under the State Department authorization bill, along with the distinguished chairman, Senator PELL, that would establish a program that will dovetail with this program, on the national security side, to enhance our capability across the board in terms of strengthening language and cultural and international studies.

So it has been the product of the work of many, many people inside the Senate, including staff, Members of the Senate, and members of the broader educational community in this country, and the national security community, to have come together to craft this proposal.

In 1958, Sputnik was launched. We responded and understood that our national security interests were at stake because of a failure of our educational system to produce some of the skills we needed in this country. We have to broaden our concept of what is involved with national security, and the creation of these skills is a vitally important part of the national security preparedness of this country.

So just as in 1958, with the passage of the National Defense Education Act, it is time for us to respond to all of the changes in the world around us, to prepare the next generation by passing the National Security Education Act at this time.

I am proud to offer this amendment. I appreciate the help of my colleagues. I have discussed this with the Senator from Hawaii. He also has been very helpful in providing advice to me in the preparation of this amendment. I believe that it is acceptable to the managers of the bill.

NATIONAL SECURITY EDUCATION INITIATIVE

Mr. BYRD. Mr. President, the Senator from Oklahoma [Mr. BOREN] has provided us with a needed initiative, an important new education program geared toward our intelligence needs. I am pleased that the subcommittee has chosen to fully fund this initiative, since the world is rapidly changing and we need to develop new tools to understand, react, and take an informed leadership role. A major part of the problem that we have faced in the Middle East, in particular, has been a lack of informed, predictive ability about the specific motivations of groups and individuals, indeed of the basic trends in the political milieu itself. This was certainly true in Iran, and it has recently been true in Iraq. Our capacity to understand that region is far too thin. Similar deficiencies in analytical abilities, and predictive abilities have been cited with regard to the developments in the Soviet Union itself in spite of the fact that it has been the Soviet Union that has consumed the lion's share of our intelligence gathering efforts for many decades. If we have been consistently surprised by developments in the Soviet Union, we can guess how reliable our intelligence is in other, new, emerging areas that will confront us as the world becomes more decentralized, becomes more multipolar. Without indepth resources in critical area and language skills, what kind of chance do we have to be ahead of breaking events even in the Americas itself, in South and Central America, in Mexico?

So, Mr. President, the Senator from Oklahoma has identified a crucial area for improvement. He has also wisely chosen to establish a trust fund so that the program will fund itself in the years ahead. The Nation needs to greatly strengthen its language and

critical area skills, and this amendment starts us down that course in a vigorous and creative way.

Mr. INOUE. Mr. President, I wish to congratulate and commend the distinguished Senator from Oklahoma for his excellent initiative in this amendment. The establishment of a program to enhance our national capabilities in critical area studies and critical language studies is badly needed. We face a dual problem: first, the need for more area specialists is obvious. We must dedicate new attention and energies to volatile regions of the world such as the Middle East. The Appropriations Committee, along with the Intelligence Committee, is putting renewed emphasis on so-called Humint or human intelligence. We have to do better to foresee the activities and understand the motivations of the Saddam Husseins of the world.

Second, our basic national capacity in such studies has declined dramatically, as Senator BOREN has pointed out, over the last three decades. Today, less than 8 percent of all college students are enrolled in a foreign language course. The just-retired Director of Central Intelligence, Judge Webster, reported to the Congress the need to "seek legislation to fund scholarships for students to study abroad." Previous DCI's, such as Stansfield Turner, echo this sentiment. Writing in the current issue of Foreign Affairs, Admiral Turner encourages us to "enact legislation to provide intelligence analysts a better opportunity to attend academic institutions, participate in professional conferences, travel and live abroad, acquire language skills, and thus become true experts in their areas."

So the initiative that Senator BOREN has presented us, is very welcome. The committee, in its deliberations, included full funding for the proposal as an addition to the budget of the National Foreign Intelligence Program.

As I understand the amendment, the program is to be managed by the Secretary of Defense with the recommendations of a board which includes the Director of Central Intelligence and other members of the Cabinet. There would be a mandatory payback in terms of time in service to the Federal Government or in the education community in these same critical specialties for recipients of the educational awards. The program is set up with a trust fund, or corpus, which would allow the program permanence, financed by the interest from the corpus, which is to be invested in U.S. Treasury bills.

I congratulate the Senator from Oklahoma for his work in this area, and I support the amendment.

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

The amendment (No. 1221) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendment be laid aside in order to offer an amendment.

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

AMENDMENT NO. 1222

(Purpose: To bar imports from companies that assist Iraq in developing weapons of mass destruction)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1222.

At the appropriate place in the bill, insert the following:

SEC. . BAN ON IMPORTS FROM COMPANIES THAT ASSISTED IRAQ IN DEVELOPING WEAPONS OF MASS DESTRUCTION.

"A. Notwithstanding any other provision of law, no goods or services shall be imported into the United States or its territories or possessions that are produced by companies which the President has identified as having knowingly participated in the Iraqi programs to develop nuclear, chemical, biological, or any other weapons of mass destruction.

"B. This provision shall remain in force for a period of ten years after the date of enactment of this Act."

Mr. BUMPERS. Mr. President, I hope this amendment can be accepted. It is based on a fairly late thought, based on a New York Times article the day before yesterday, where the U.N. inspectors who were still being held in a parking lot in Iraq, surrounded by the Iraqi Army, and their release as of last night was conditioned upon them furnishing the Iraqi Government a copy of all of the documents they have.

According to the morning papers, that is a possible reason for resolving the conflict and, apparently, the United Nations has no objection to the Iraqi Government knowing what the 41, I believe it is, inspectors have found there.

But the papers also report that the chairman of the inspection group says that they have found the mother lode list of companies who have been assisting Iraq in developing a nuclear, biological, and chemical warfare capability.

My amendment, Mr. President, says that notwithstanding any other provision of law, when the President identifies companies who have been participating in this, those companies will be prohibited from exporting to this country, and this country importing from any of those companies.

I was very careful not to put the companies that the United Nations has

identified. The United Nations will identify them. But the President then ought to have the right to identify the companies from their list and make a decision, of those companies—this is very important—who have knowingly assisted Iraq in the development of these weapons of massive destruction. I hope that the managers of the bill are willing to accept this amendment.

Mr. INOUE. Mr. President, will my friend from Arkansas yield for a question?

Mr. BUMPERS. Certainly.

Mr. INOUE. On the third line of section A of the measure, and I quote, "which the President has identified as having knowingly participated," is this retrospective or prospective?

Mr. BUMPERS. Prospective.

Mr. INOUE. That is very important, because there was a time not too long ago when we considered Saddam Hussein to be one of our best friends. I am certain that all of us realize that. There were many companies in the United States that were prepared to participate in a trade fair sponsored by our Department of Commerce in January of 1990 to sell the Iraqis, openly, ballistic missile technology, aerospace technology, and computer technology, which would fit right into that.

So I am glad that the Record will show that this will be prospective and not retrospective.

Mr. STEVENS. Mr. President, who has the floor?

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

Mr. BUMPERS. I yield the floor.

Mr. STEVENS. Mr. President, I commend the Senator from Arkansas for this amendment, and I want him to know that I am ready to join him. I have some problem about it, though, in terms of the interpretation of clause A.

I concur in the comments made by the Senator from Hawaii, incidentally, but I would like to inquire, does the Senator from Arkansas perceive that this puts a duty on the President to examine into companies just generally; what is the duty the President has to identify these people?

Mr. BUMPERS. There is no duty stated in this. If the President never identifies companies that come under this, then of course there will be no ban on imports into that country from any of those companies. I would think that, considering the purpose of the amendment, the President would find it his duty to tell us and identify companies that have knowingly, and that is a very key word, assisted the Iraqis in developing weapons of mass destruction.

Mr. STEVENS. Mr. President, I want the Senator to know I would hope that we have our intelligence forces trying to discover this information, and what I perceive the Senator to be saying and understand him to be saying is if our intelligence agencies present the infor-

mation to the President which makes it possible for the President to identify companies that have assisted the Iraqis in any way to develop this capacity, then this becomes effective on the President announcing such certification. Is that the Senator's understanding?

Mr. BUMPERS. It would sort of be like an intelligence finding.

Mr. STEVENS. I would hope it would not be a classified one, I say to the Senator.

Mr. BUMPERS. It would not be classified.

Mr. STEVENS. I think those of us who have had anything to do with chemical, biological, or nuclear hearings know the total terror that is associated with those weapons and weapons of mass destruction.

I am pleased to join with the Senator from Hawaii in welcoming the amendment. It is prospective, correct? We do not have to go back and cancel contracts or require contracts made in the past to be canceled, not going back and inventorying contracts made with these people in the past?

Mr. BUMPERS. Let me put it this way: It is prospective on the President to pick out the companies who have knowingly assisted. The Senator will remember that the British intercepted what the Iraqis said was pipeline but which the intelligence community knew was a cannon barrel. Incidentally, that is not a weapon of mass destruction but it could be used for mass destruction if you fired nuclear weapons from it. And that is obviously what Saddam intended to do, to fire chemical or nuclear weapons in those long-barrel cannons.

It seems to me we are giving the President broad enough discretion here to pick out the most egregious cases of people who knew that what they were furnishing Saddam was calculated to help him build a nuclear capability, for example. I think as to companies who did that, the President ought to have the right to identify them and then be shut off from their exportation of products to this country. The President can always use national security as a reason for not doing that, I suppose.

Mr. STEVENS. Mr. President, there is no such clause in here. I was going to raise that.

Let me ask my friend this question: Let us just imagine the situation where we have a new Arkansas group that is over in Poland working with ABC electric company to produce light bulbs to bring into the United States, and it is discovered that the ABC company under the former manager, the Communist managers were cooperating with Iraq in the development of chemical weapons. Is this mandatory on the President to require the cancellation of that contract? They cannot do business, I think.

Mr. BUMPERS. No.

Mr. STEVENS. Where it says "no goods or services shall be imported," it could well be that the citizens of Arkansas who paid for these light bulbs would not be able to bring them into this country because of this provision. Is it automatic? Is there no waiver?

Mr. BUMPERS. I want to be specific about this. One of the reasons I thought that this would be readily accepted is because I gave the President wide discretion on it.

Mr. STEVENS. I do not see the discretion. Will the Senator read it to me?

Mr. BUMPERS. It says if the President identifies them as having knowingly participated then they are barred. The President may have strong feelings that somebody participated in helping Saddam but for other reasons he may find it compelling not to identify them, in which case they would not be barred.

Mr. STEVENS. Would the Senator then agree that we really mean certified, rather than identified? I should think it would take some action by the President to say this is a bad company, rather than just, say, have information presented to him which identifies the companies having been involved. It could be that whole company changed management, such as I said, as the Polish circumstance.

Mr. BUMPERS. Would the Senator like to see the amendment say that the President certifies to the Congress?

Mr. STEVENS. I would prefer that. It is not just an automatic thing, someone having identified to the President the ABC company and having the circumstance be such that the ABC company is no longer in management, the circumstances changed, and the contract is for the benefit of those concerned. I think if you certify a company saying that this action, a positive action, on behalf of the administration ought to be required before this absolute prohibition against importing goes into effect. I agree with an absolute prohibition. I want the Senator to understand. I think he is right in what he is seeking to do.

Mr. BUMPERS. Let me read you this modification before I send it to the desk and see if it will help the Senator's feeling. "That are produced by companies that the President certifies to the Congress pursuant to passage of this act as having knowingly participated in the Iraqi programs," et cetera.

Mr. STEVENS. I thank the Senator from Arkansas. I think that improves the circumstances for fairness in the applicability of this provision.

AMENDMENT NO. 1222, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. And the amendment is so modified.

The amendment (No. 1222), as modified, is as follows:

"SEC. . . BAN ON IMPORTS FROM COMPANIES THAT HELPED DEVELOP IRAQ'S WEAPONS OF MASS DESTRUCTION.

"A. Notwithstanding any other provision of law, no goods or services shall be imported into the United States or its territories or possessions that are produced by companies that the President certifies to the Congress pursuant to passing of this amendment as having knowingly participated in the Iraqi programs to develop nuclear, chemical, biological, or any other weapons of mass destruction.

"B. This provision shall remain in force for a period of ten years after the date of enactment of this act."

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the managers accept the amendment as modified.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

So the amendment (No. 1222), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to offer an amendment.

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

AMENDMENT NO. 1223

(Purpose: To limit the funds that may be used for the Brilliant Pebbles program and apply the savings to deficit reduction)

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1223.

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

The PRESIDING OFFICER. With objection, it is so ordered.

The amendment is as follows:

On page 43, line 1 strike "9,393,542,000" and all that follows through "1993" on line 2, and insert in lieu thereof the following: "\$9,097,542,000, to remain available for obligation until September 30, 1993: *Provided, however,* That of the funds appropriated for Research, Development, Test, and Evaluation, Defense Agencies, no more than \$329,000,000 shall be appropriated for the Brilliant Pebbles program."

Mr. BUMPERS. Mr. President, I ask for that because the reading would not be enlightening to this body.

This amendment is designed, Mr. President, to cut the appropriation in this bill for what is called Brilliant Pebbles. This year 1991 we are putting \$329 million into Brilliant Pebbles.

This bill almost doubles that to \$625 million. The House has zero in its bill.

The authorized level in the Senate for Brilliant Pebbles was \$625 million, and that is what the subcommittee has in this bill.

Mr. President, I do not have any strong feelings for or against Brilliant Pebbles. I think probably the evidence is a little stronger against the possibility of Brilliant Pebbles ever being a viable, space-based, effective interceptor. But my feelings about it are, I have not seen any evidence, nor have I heard any testimony, to indicate that there is a justification for almost doubling the appropriation for Brilliant Pebbles.

The present SDI appropriation—and we already fought that fight last night and my side lost—but we have been heading, under the tutelage of the chairman of the Armed Services Committee, Senator NUNN, toward putting more and more money into ground-based interceptors.

Brilliant Pebbles is a space-based interceptor. Just to point out why I think it is troublesome about doubling that budget is because we now know, for example, that those Brilliant Pebbles 1 year ago were estimated to cost \$1 million each. One year ago the Defense Department's estimate of the cost of Brilliant Pebbles was a million dollars—think of this, Mr. President, a year ago—and today the estimate is \$10 million. The estimate on the cost of one space-based interceptor has gone up 1,000 percent in 1 year.

Mr. President, we have seen a lot of weapons systems escalate in estimated cost, but I do not ever recall one where the estimate has gone that high in that short a period of time.

In addition to that, we now have been told that these interceptors are going to have to be replaced. Presumably, there are going to be hundreds, maybe thousands, of them in space. But we now know that the interceptor and the consumables on board are going to decay within 5 to 8 years, which means we are going to be constantly sending new interceptors up there, replacing them with new Pebbles. And so my point is this: I have seen no justification or rationale for doubling the appropriation for this questionable program.

Mr. President, let me say as a sort of, what shall I say, exculpatory statement on my part, I believe that we ought to have a limited SDI and it may be possible that this is the one we want to use. But I do not believe there is a justification, scientific justification or military justification, at this point for doubling the research program on Brilliant Pebbles.

Mr. President, we are not just going to have Brilliant Pebbles. They are not just going to operate alone. This comes from the CRS Report on Brilliant Pebbles, Implications for the Strategic De-

fense Initiative, dated June 12, 1990. This is called "Challenges." This is a pretty good size challenge. And I quote:

In effect, Brilliant Pebbles is an attempt to combine much of the BSTS, SSTS and SBI functions onto a single platform half the size of the current SBI design. Therefore, one of the major development tasks is to reduce the size and weight of the hardware while maintaining the necessary performance capabilities. This presents a number of design challenges.

Mr. President, there are a whole host of other arguments. I do not want to belabor this. I think most people in the Senate have a view on Brilliant Pebbles but we have already fought the SDI battle here last night and we lost and we are leaving it at \$4.6 billion.

But my point is I think here is a perfect place to save \$300 million. By our standards around here, that is bean bag. But if you were somebody out there trying to get some money for education, \$300 million would solve a lot of pain and a lot of problems. The biggest problem of all it would save, is to save that \$300 million and to not spend it.

While it does not represent a significant reduction of the national debt or this year's deficit or next year's deficit, I think it helps counter a mentality around here, and that is, what is \$300 million? It does not amount to enough to worry about.

But I think you have a lot of reasons to vote for this amendment. First, this project is questionable. Second, it would violate the ABM Treaty. Third, we certainly would want to consult with our allies before we deployed it. Fourth, the thought of replacing all those Brilliant Pebbles up there every 5 to 8 years is just staggering. And now—well, I will not go into that right now. As I say I do not want to belabor this. But I do want to say this. General Monahan, who is the former head of the SDI Office, told the Defense Appropriations Subcommittee last year when he was asked how effective would Brilliant Pebbles be against Third World ballistic missiles:

Against the shorter range missiles a space-based type of architecture is probably not the sort of thing that would be most effective * * * in other words, ground-based solutions might be better.

And then he was asked, what about Scuds? When asked whether Brilliant Pebbles would be effective against them, against the Scud ballistic missile, General Monahan said, "No, no, not at all, certainly not."

So when you consider the mission, which is questionable, the cost, which is highly questionable, the operation, which seems absolutely dauntless, then it seems to me that we should cut this research program—but we are not torpedoing the program. We are simply saying, let us not double the money for something until we can see further into it.

My complaint about spending \$24 billion for SDI is because in my opinion if we had spent half as much, if we had spent \$12 billion since 1984 instead of \$24 billion, we would probably be just as well off right now, just as far ahead, in our research, and we just continue to throw money at it as though if we just put enough money into it, suddenly, somehow this solution is going to come to us.

Obviously we have to put some money into it. I am willing to continue with Brilliant Pebbles, even though I think it is questionable. I am willing to continue the research on it. But I do not think it makes much sense to double it.

Finally, the space-based interceptor has been dropped from SDI in favor of Brilliant Pebbles. The Defense Science Board about 2 years ago said that Brilliant Pebbles is so risky that we should hold onto SBI for a couple of more years—that is space-based interceptors—but SDIO, the Strategic Defense Initiative Organization, has absolutely ignored the advice of the Defense Science Board on this.

So I am saying let us slow down, save ourselves \$300 million, keep the program going.

Mr. President, if somebody had told you the B-2 bomber was going to cost \$865 million in 1991, if something told you that 10 years ago, people who were proponents of it would have said, "You are out of your mind; that is not possible; no plane could come close to costing \$1 billion each." And here we are: Brilliant Pebbles, which has gone up \$1 million each year to the estimate this year of \$10 million each. We better slow down.

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

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1223, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment and it is so modified.

The amendment, as modified, is as follows:

On page 43, line 1, strike "9,393,542,000" and all that follows through "1993" on line 2, and insert in lieu thereof the following: "\$9,193,542,000, to remain available for obligation until September 30, 1993: *Provided, however,* That of the funds appropriated for Research, Development, Test, and Evaluation, Defense Agencies, no more than \$425,000,000 shall be appropriated for the Brilliant Pebbles program."

Mr. BUMPERS. Mr. President, the modification conforms to conversation

that the distinguished minority floor manager and I just had, which would give Brilliant Pebbles \$425 million.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I send an additional modification to the desk.

The PRESIDING OFFICER. The amendment is further modified.

The amendment, as further modified, is as follows:

On page 43, line 1, strike "9,393,542,000" and all that follows through "1993" on line 2, and insert in lieu thereof the following: "\$9,393,542,000, to remain available for obligation until September 30, 1993: *Provided, however,* That of the funds appropriated for Research, Development, Test, and Evaluation, Defense Agencies, no more than \$425,000,000 shall be appropriated for the Brilliant Pebbles program."

Mr. INOUE. Mr. President, the managers have had the opportunity to study the modification, and I am pleased to report that we find it acceptable.

Mr. STEVENS. Mr. President, I am prepared to accept this, and I understand this is the modification made by the Senator from Arkansas based upon the changed numbers, and keeping in mind the negotiations that have to be carried on from the House, I think this gives us a better opportunity to achieve the program goals we want.

However, I have to ask for a quorum call, because there is one Member who wishes to be heard on this discussion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, the fiscal year 1992 Department of Defense appropriations bill is a large bill, and it is important both from the point of view of the sum appropriated and the tremendous range and variety of activities that are funded. With respect to the subcommittee's 602(b) allocations, the bill is within both the budget authority and outlay ceilings.

The bill also funds the wide range of intelligence and special access programs engaged in by the United States, a group of major classified budgets absorbing large sums of money. In order that the normal regime of checks and balances works in this sensitive and critical area, the committee has for the second year wisely chosen to incor-

porate the most important of its decisions in its classified annex into the act.

In addition, Mr. President, the subcommittee has worked closely and frankly with the Senate Armed Services Committee according to the understanding and the agreement in place between the two committees.

I commend the chairman of the subcommittee, Mr. INOUE, and the ranking minority member, Mr. STEVENS, for their excellent work on this prodigious measure, in meeting the priorities of the Senate within the constraints of the budget agreement.

Mr. INOUE has devoted long and hard work on this measure, which has become a more and more difficult task as the pressure to reduce defense expenditures mounts and the Soviet Warsaw Pact system, which has driven our large defense budgets for so many years, spins into fragments and dissembles.

As I said, when the full committee marked up this bill, the presentation of the bill made by Mr. INOUE was one of the finest, most thorough, and most comprehensive presentations that I have heard since being the chairman of the committee.

Senator STEVENS put the matter quite succinctly in the full committee markup when he said that this bill is the main vehicle in our country which will keep the United States in business as the only remaining world superpower.

I am in agreement with that sentiment, but I also feel strongly, as I said at the full committee markup, that unless we put our economic house in order, reduce our deficits, and increase our stature as a nation with a strong economy and with a strong infrastructure and make our Nation competitive again, we will be a hollow superpower indeed.

I also wish to commend the staff of the subcommittee, Mr. Richard Collins, Mr. Dick D'Amato, Mr. Charlie Houy, Jane McMullan, Peter Lennon, Jay Kimmitt, Rand Fishbein, Mary Marshall, David Morrison, Steve Cortese, Mazie Mattson, Mavis Masaki, and Dona Pate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is amendment No. 1223 offered by Senator BUMPERS, modified as recorded earlier.

Mr. INOUE. Mr. President, the managers on the part of the Senate have had the opportunity to study the modification. We find the modification and the amendment acceptable.

The PRESIDING OFFICER. Is there further debate?

The question is on the amendment.

The amendment (No. 1223), as modified, was agreed to.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending matter be set aside temporarily to recognize Senator BUMPERS.

The PRESIDING OFFICER. Without objection.

AMENDMENT NO. 1224

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1224.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

"(A) Congress finds that:

"(1) The NATO Alliance has been a cornerstone of U.S. and world security since its foundation in 1949;

"(2) all America's NATO allies have in the past been supportive of the object and purposes of the ABM Treaty;

"(3) two of America's NATO allies have strategic forces of their own, which would be directly affected by significant changes to the ABM Treaty;

"(4) changes in the ABM Treaty would have profound political and security implications for every member of the NATO Alliance and other allies of the United States.

"(B) Before initiating negotiations with the Soviet Union with the objective of making significant modifications to the Anti-Ballistic Missile Treaty, and its associated protocol, the President should consult with the allies of the United States in the North Atlantic Treaty Organization, Japan, and other allies as appropriate and seek a consensus on negotiating objectives concerning defense systems that would enhance the security interests of the member states of NATO and other allies and strengthen the NATO alliance as a whole."

Mr. BUMPERS. Mr. President, this is a very simple amendment. It is a simple finding by Congress that before we start negotiating with the Soviet Union on changes to be made in the ABM Treaty, pursuant to language put in the authorization bill by Senator NUNN, the President will consult with Japan and our other allies and seek a consensus on our negotiating objectives.

I feel quite certain that it would occur anyway, but I think the President's knowledge and awareness that the Congress is concerned about this will certainly fortify his desire to do that.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. In response, the committee recommendation has not been changed at all.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I agree with the Senator from Hawaii. I emphasize that it is my understanding that there has been a series of consultations already, and I am certain that we would continue to consult. This does ask that the President should consult. I think it is in proper form, and I am prepared to accept it.

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

The amendment (No. 1224) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Is not the pending business the Wirth amendment to the committee amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1212, AS MODIFIED

Mr. WIRTH. Mr. President, I submit a change in my amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is considered modified.

The amendment (No. 1212), as modified, is as follows:

At the end of the Committee amendment on page 100, add the following:

SEC. (a) As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

(b)(1) Consistent with the policy referred to in subsection (a), no Department of Defense prime contract in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))) may be awarded to a foreign person, company, or entity unless that person, company, or entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each calendar quarter, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this paragraph during such quarter.

(3) This provision does not apply to contracts for consumable supplies, provisions or

services intended to be executed for support of United States or allied forces in a foreign country.

Mr. WIRTH. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WIRTH. Mr. President, we worked out the language in this amendment, and I thank the distinguished chairman of the subcommittee and, particularly, the distinguished senior Senator from Alaska.

I believe we have finally come to a resolution on this. As my colleagues know, this amendment relates to the Arab boycott of Israel, and the secondary boycott currently going on, and it establishes the fact that we do not want the Department of Defense to participate in that. The amendment addresses that issue.

This has been, I believe, accepted, Mr. President. I thank the leadership for their support of the amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have had a series of colloquies here and meetings with the Senator from Colorado. I have a meeting with the Department of Defense representatives. I am still not confident that this totally meets the objections that I have voiced on behalf of the Department of Defense, but it is a substantial improvement.

On that basis, we will proceed to the vote. I want to make sure the record shows that my worry is still in the area of covert national security operations and the impact of this. I want to leave with the Senator from Colorado my feeling that that must continue to be reviewed. I may seek to have further modification in conference on this amendment, in order to make sure that the security interests of the United States are not jeopardized by a certification, which I understand would have to be a waiver of that and would have to be public, which would in and of itself disclose a covert circumstance.

I am checking with the White House, and the national security people, and the Department of Defense. We will attempt to modify that, if necessary, in conference.

I want the record to show that that is still a lingering question, as far as I am concerned. Otherwise, I thank the Senator from Colorado for his help.

Mr. WIRTH. Mr. President, I understand his concerns entirely. I hope we have taken care of those. If not, it certainly should be handled in the fashion described by the distinguished Senator from Alaska.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—99

Adams	Ford	Mikulski
Akaka	Fowler	Mitchell
Baucus	Garn	Moynihan
Bentsen	Glenn	Murkowski
Biden	Gore	Nickles
Bingaman	Gorton	Nunn
Bond	Graham	Packwood
Boren	Gramm	Pell
Bradley	Grassley	Pressler
Breaux	Harkin	Pryor
Brown	Hatch	Reid
Bryan	Hatfield	Riegle
Bumpers	Heflin	Robb
Burdick	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Inouye	Rudman
Chafee	Jeffords	Sanford
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Seymour
Conrad	Kennedy	Shelby
Craig	Kerrey	Simon
Cranston	Kerry	Simpson
D'Amato	Kohl	Smith
Danforth	Lautenberg	Specter
Daschle	Leahy	Stevens
DeConcini	Levin	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wellstone
Durenberger	McCain	Wirth
Exon	McConnell	Wofford

NAYS—0

NOT VOTING—1

Metzenbaum

So, the amendment (No. 1212), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I ask unanimous consent the pending business be set aside for a few moments.

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

AMENDMENT NO. 1225

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. NUNN (for himself and Mr. WARNER), proposes an amendment numbered 1225.

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

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

The amendment is as follows:

On page 34, in line 4, strike out "supplemental appropriations Act," and insert in

lieu thereof "supplemental appropriations Act or other Act."

Mr. INOUE. Mr. President, I am pleased to announce this matter has been studied by both managers and we find it acceptable.

Mr. STEVENS. It is acceptable.

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

The amendment (No. 1225) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I ask unanimous consent the pending matter be set aside temporarily.

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

AMENDMENT NO. 1226

(Purpose: To provide for a study by the National Academy of Sciences regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union)

Mr. INOUE. Mr. President, I send an amendment to the desk for Mrs. KASSEBAUM, Mr. BIDEN, and Mr. SIMON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mrs. KASSEBAUM, (for himself, Mr. BIDEN, and Mr. SIMON), proposes an amendment numbered 1226.

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

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

The amendment is as follows:

On page 172, between lines 9 and 10, insert the following:

SEC. . (a) Congress finds that—

(1) in September 1991, the National Academy of Sciences concluded a study on the nuclear relationship of the United States and the Soviet Union;

(2) it is desirable for the National Academy of Sciences to conduct, as a follow-on study, a study regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union; and

(3) it is appropriate for the National Academy of Sciences to conduct such study because of the relationship that it has developed with its counterpart in the Soviet Union as a result of frequent informal contacts between the two organizations.

(b) The Secretary of Defense is requested to enter into an appropriate arrangement with the National Academy of Sciences for the National Academy of Sciences—

(1) to conduct a study regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union;

(2) to identify possibilities for international cooperation between the United States and the Soviet Union and among other countries regarding such problems; and

(3) to submit to the Secretary of Defense, the Chairmen of the Committees on Appropriations of the Senate and House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Chairman of the Committee on Foreign Affairs of the House of Representatives a report containing—

(A) the results of the study referred to in paragraph (1);

(B) the possibilities for international cooperation identified pursuant to paragraph (2);

(C) an assessment of the implications of the changes referred to in paragraph (1) on the policy of the United States regarding the matters referred to in paragraphs (1) and (2); and

(D) recommendations for future actions by the United States regarding such matters.

(c) Of the funds appropriated by this Act not more than \$250,000 shall be available to carry out subsection (a).

Mr. INOUE. Mr. President, this matter has been discussed by both managers and we find the amendment acceptable.

Mr. STEVENS. Mr. President, I am pleased to say this amendment has been modified and, as modified, it is acceptable.

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

The amendment (No. 1226) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. As far as this Senator is concerned, Mr. President, I want the Senate to know I know of only one more controversial amendment on this side of the aisle, and I am informed there is none on the other side, at least none that we do not think can be worked out. The last remaining amendment is the Roth amendment. If we can get a time agreement on the Roth amendment, I propose to the manager of the bill we try to work out a system where we could get an agreement on not voting on final passage of the bill and handling all the remaining matters by agreement.

That is my suggestion to my friend. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent there be a time limit of 30 minutes on the Roth amendment, equally divided, the time to be managed by Mr. ROTH and by the manager of this bill.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I am not sure I have final agreement on that time limit. We do seek a time limit. Will the Senator withhold that for just one moment?

Mr. BINGAMAN. Mr. President, if it is appropriate, I ask the managers of

the bill if it is appropriate to offer an amendment which I have earlier cleared with them at this time? I think it is an acceptable amendment related to a national commission on the future role of nuclear weapons.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, in order to do that, may I propound a unanimous-consent request that it be in order to consider a further amendment to the committee amendment on page 100, line 4.

The PRESIDING OFFICER. Such an amendment would be in order without a unanimous-consent agreement. Without objection, it is so ordered. The Senator from New Mexico is recognized.

AMENDMENT NO. 1227

(Purpose: To establish the National Commission on the Future Role of Nuclear Weapons in the U.S. National Security Strategy)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN], for himself, Mr. WIRTH, Mr. BUMPERS, Mr. SASSER, Mr. EXON, and Mr. NUNN, proposes an amendment numbered 1227.

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

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

The amendment is as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. 8130. NATIONAL COMMISSION ON THE FUTURE ROLE OF NUCLEAR WEAPONS IN THE UNITED STATES NATIONAL SECURITY STRATEGY.

(a) ESTABLISHMENT.—There is hereby established a National Commission of the Future Role of Nuclear Weapons in the United States National Security Strategy (hereafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of nine members, appointed as follows:

(A) 3 members shall be appointed by the President.

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) 3 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(2) The members of the Commission shall be appointed from among persons having knowledge and experience relating to the role of nuclear weapons in the national security strategy of the United States.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) The members of the Commission shall be appointed not later than March 1, 1992. The Commission may not begin to carry out

its duties under this section until five members of the Commission have been appointed.

(5) The Chairman of the Commission shall be elected by and from the members of the Commission.

(c) DUTIES.—The Commission shall assess the role of, and the requirements for, nuclear weapons in the security strategy of the United States as a result of the significant changes in the former Warsaw Pact, the former Soviet Union, and the Third World and shall make recommendations on actions the United States should take with respect to such weapons in its national security posture by reason of such changes.

(d) REPORT.—The Commission shall submit to the President and Congress a final report on the assessment and recommendations referred to in subsection (c) not later than one year after the Commission concludes its first meeting. The report shall be submitted in unclassified and classified versions.

(e) POWERS.—(1) The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this section, as may be necessary to carry out such duties. Upon request of the Chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(4) The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet on a regular basis (as determined by the Chairman) and at the call of the Chairman or a majority of its members.

(2) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(g) PERSONNEL MATTERS.—Each Member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(2) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this section without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this paragraph (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(3) Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in

carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

(h) **TERMINATION OF THE COMMISSION.**—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(i) **APPROPRIATIONS.**—Of the funds available to the Department of Defense, \$500,000 shall be made available to the Commission to carry out the provisions of this section.

Mr. BINGAMAN. Mr. President, this amendment is straightforward. It is not controversial, I am informed. Its purpose is simply to appoint a commission, a national commission on the future role of nuclear weapons in the United States' national security strategy. The duties of the commission are to assess the role of and requirements for nuclear weapons in the security strategy of the United States as a result of the significant changes in the former Warsaw Pact, the former Soviet Union, and the Third World, and to make recommendations on actions that the United States should take with respect to such weapons in its national security posture by reason of those changes.

I think the amendment is agreed to by both managers. I urge my colleagues to support it.

The PRESIDING OFFICER. Without objection, the amendment is in order at this time.

Is there further debate on the amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, my difficulty was in trying to determine what the composition of this Commission would be. It is my understanding that three members would be appointed by the President, three members would be appointed by the Speaker in consultation with the minority leader in the House, which would mean that that would be two for the Speaker and one for the minority leader, and the same thing would be true in the Senate; the President of the Senate would appoint three, after consultation with the majority leader and minority leader, meaning that the majority would recommend two and the minority would recommend one.

If that understanding is correct—and I ask the Senator from New Mexico if that is correct—I withdraw my objection.

Mr. BINGAMAN. Mr. President, that is my understanding. We took the composition of the Commission established in Public Law 102-62 and tried to repeat

that here. This is a public law signed by the President earlier this year.

We were trying to accomplish the same composition of this Commission that was established in that law. That Commission was the National Education Commission on Time and Learning.

Mr. STEVENS. The amendment is acceptable under those circumstances.

The PRESIDING OFFICER. The Chair wishes to clarify the unanimous-consent request. Without objection, the amendment will be in order to the end of the bill at this point. As to the earlier understanding, with respect to the pending committee amendment, in order to avoid any confusion, without objection, it will be in order at that point in the bill at this time.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1227) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I did not offer an amendment dealing with troop reductions in Korea this year, which I did 2 years ago. I expect the eternal gratitude of the managers of the bill for not offering and amendment on that subject.

But the reason I did not is because there has been a modest troop reduction going on in Korea, a reduction of 7,000 troops out of the 43,000 that were there 3 years ago. But the troop reduction ends in 1992, next year. I do not want to anticipate what we might do in Korea, but I think that this troop reduction has not gone nearly far enough.

I have always maintained that we ought to keep command and communications personnel, the Navy and the Air Force in South Korea, for the foreseeable future. But to spend \$2.5 billion a year for American soldiers, ground soldiers, to defend South Korea against North Korea is foolish in the extreme. It is a terrible waste of the taxpayers' money, and here is why.

North Korea has 22 million people. South Korea has twice as many, about 43 million people. North Korea has a GNP of \$22 billion a year; think of that, \$22 billion a year. South Korea has a GNP of \$235 billion, or over 10 times the GNP of North Korea.

North Korea is required to pay cash for everything they do. Because they are such an economic basket case, nobody will give them credit.

Their GNP actually contracted by 4 percent last year. It shrank by 4 percent. Incidentally, I will tell you a statistic that is really staggering. South Korea's GNP increased more last year than the size of the total GNP of North Korea. A 9-plus percent GNP increase in South Korea was the equivalent of the total GNP of North Korea.

Now, what are we doing, Mr. President, is spending \$2.5 billion a year to defend South Korea when every statistic I can give you shows they ought to be able to handle North Korea with both hands tied behind them, not just one. And so while I applaud the modest reductions that the Defense Department has made, it just pales compared to what ought to be done.

We can save \$2 billion. There is a lot of talk nowadays about how we are spending \$160 billion to defend Europe. And that is going to have a be looked at very closely; it should have been looked at this year—\$160 billion or our \$291 billion defense budget is to defend Europe, and so Korea looks like peanuts.

But when you consider their GNP, and you consider that they make a contribution of about \$300 million to us for keeping 40,000 men over there, while we spend \$2.5 billion, there is just something rotten about that. It makes no sense.

Mr. President, I do not want to belabor the Senate or the managers if somebody has an amendment, but I wanted to say those few things. I will be back at the same old stand next year offering an amendment to continue those troop reductions at a much more dramatic rate in 1993.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside.

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

SERVICEMEN'S ACCESS TO REPRODUCTIVE HEALTH CARE OVERSEAS

Mr. LAUTENBERG. Mr. President, I rise in support of the committee amendment approved by the full Appropriations Committee that would reverse current Department of Defense policy and allow servicemen and military dependents access to safe and affordable abortion services in overseas

military facilities. I offered this amendment in the Defense Appropriations Subcommittee because, like a clear majority of Senators in this body, I see the injustice of the administration's policy. I want to take a few minutes to explain this issue.

Once again, Congress has to take action to prevent the further erosion of the constitutional rights of American women. Just 2 weeks ago, the Senate approved the Labor-HHS appropriations bill and overturned the gag rule, which would prohibit doctors from even discussing legal medical options with patients in title X family planning clinics. Now, the Senate Appropriations Committee has taken action to overturn a 1988 Reagan administration directive prohibiting American servicewomen and military dependents access to privately financed abortions in overseas military medical facilities.

Mr. President, like the gag rule, this directive came from nowhere and is an affront to every affected service person or dependent. From 1982 to 1988, servicewomen and military dependents could receive safe, privately funded abortion services in overseas military medical facilities. Then in June of 1988, the Assistant Secretary of Health Affairs at the Department of Defense arbitrarily overturned existing policy without any direction from Congress or warning to the public.

The Assistant Secretary of Defense for Health Affairs took this action while conceding that providing privately financed abortions in overseas military medical facilities "does not violate the legal prohibition" against using Federal funds for abortions. The Reagan administration decided to ban such abortions anyway.

Mr. President, the issue here is whether or not a servicewoman or dependent who is stationed overseas leaves her constitutional rights at the U.S. border. In countries like the Philippines, Panama, and Saudi Arabia, abortion is not permitted. A servicewoman who seeks to terminate a pregnancy in those countries must either try to obtain an unsafe, back-alley abortion or travel all the way back to the United States or some other country.

Mr. President, the U.S. military initially built U.S. medical facilities on our bases overseas because our service members are often stationed in countries where safe health care is not available. Since 1988, however, if a servicewoman wants to terminate an unintended pregnancy while stationed overseas, she does not have access to safe medical care. She has access to butcher-knife care. And the result is severe medical complications. Not only does this Department of Defense policy rob women of their rights, it forces them into life-threatening situations.

Mr. President, we shouldn't treat our dedicated servicewomen as second-

class citizens when they serve our country overseas. Do the opponents of my amendment think this policy is a good way to reward our brave and courageous servicewomen?

Mr. President, now I would like to take a few minutes to address some of the remarks made by the opponents of my amendment.

First of all, I have read in the statement of administration policy on the Defense appropriations bill that the President strongly objects to language that would permit abortions to be performed at U.S. military facilities in cases other than when the life of the mother is endangered.

Mr. President, I am troubled that the President would veto the entire Defense appropriations bill that is designed to ensure our Nation's national security over this issue. The President is going to veto nearly 300 billion dollars' worth of Defense programs over a provision that allows a servicewoman to exercise her constitutionally protected rights. If the President is dead set on vetoing this bill then I say we have to stand up to him. We should not back down on matters of principle like this.

Mr. President, I also want to set the record straight on a few issues that have been distorted by proponents of this reprehensible policy. First, this amendment does not violate the statutory ban against using Defense funds for abortion established in 1984. It simply returns U.S. policy to the way it was from 1982 to 1988 where servicewomen and military dependents could receive privately financed abortions in overseas military medical facilities.

Second, this amendment will not allow third trimester abortions or so-called postviability abortions. This provision upholds all existing military regulations regarding reproductive health care that the military has promulgated within the Roe versus Wade framework. These existing regulations prohibit third trimester amendments unless the life or health of the mother is in danger.

Third, military service branches already have existing regulations that require parental notification for minors before any major medical procedure, including abortions, can be performed.

Fourth, this amendment does not require any military health-care worker to perform an abortion if he or she believes that it is against his or her ethical, moral, or religious beliefs. All branches of the service have so-called conscience clauses that allow military health-care workers to abstain from performing procedures that violate their beliefs.

Therefore, Mr. President, this amendment is not about using Federal funds for abortions, third trimester abortions, parental notification, or making someone perform an abortion against

his or her will. This amendment is about protecting the constitutional rights of our servicewomen.

Mr. President, if there are any critics out there who think that this current policy is not having a traumatic affect on our servicewomen or military dependents, I wish they would read the letter that I have from Dr. Jeffrey T. Jensen, M.D., head of the Department of Obstetrics and Gynecology at the U.S. Naval Hospital at Subic Bay in the Philippines. My distinguished colleague, Senator WIRTH, who has worked long and hard on this issue during consideration of the Defense authorization bill and inserted this letter in the RECORD previously. For those who have not read this letter, let me summarize a few items contained in it.

First, Dr. Jensen sees approximately eight patients per year with complications from illegal abortions. These women typically come forward with these complications late and are experiencing life-threatening situations.

Second, Dr. Jensen's letter discusses a case where a lance corporal discovered that her baby would die at birth after several tests. After receiving medical counseling, she elected to terminate her pregnancy. But in this case she has no constitutional rights. Her options were either to carry her pregnancy several months knowing that the child was going to die, get an unsafe back-alley abortion in the Philippines or fly to Japan and pay \$2,500 to have a safe abortion if she could get leave or a flight, on a monthly salary of \$965.

Third, Dr. Jensen documents how difficult it is for servicewomen to get leave and a flight to travel to another country to terminate an unwanted pregnancy. Often servicewomen are forced to disclose this personal decision to terminate a pregnancy to a superior officer in order to get leave. Also, women who often have to wait to get a flight to another country often have their health put at risk and are forced to go through further trauma.

Mr. President, it is time to end this disgrace and restore the constitutionally protected rights of our American servicewomen serving abroad and military dependents.

I yield the floor.

COMMITTEE AMENDMENT ON PAGE 171, LINE 24,
TO PAGE 172, LINE 9

Mr. INOUE. Mr. President, I ask unanimous consent that the committee amendment on page 171, line 24, to page 172, line 9, be taken up at this time.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. INOUE. This matter is cleared by both sides.

The PRESIDING OFFICER. Is there debate on the committee amendment? If not, the question is on agreeing to the committee amendment.

The committee amendment on page 171, line 24, to page 172, line 9 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

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

AMENDMENT NO. 1228

Mr. INOUE. Mr. President, in behalf of Senator BREAUX, 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 Hawaii [Mr. INOUE], for Mr. BREAUX, proposes an amendment numbered 1228.

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

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

The amendment is as follows:

On page 32, line 17, insert before the period the following: "Provided further, That the funds appropriated in fiscal year 1991 for the procurement of the advanced video processor units and associated display heads shall be made available to the Department of Navy, obligated not later than sixty days from the enactment of this Act, and used for no other purpose."

Mr. BREAUX. Mr. President, the Advanced Video Processor [AVP] Program, initiated by the Navy in 1987, was established in the fiscal year 1990 Defense Appropriations Act as an item of special interest. Funding in fiscal year 1991 was provided with the understanding that the Navy would affect the necessary engineering change proposals [ECP] and modifications to the AVP contract to achieve the cost-effective, early development of the associated display heads in a fully integrated display station. It has recently come to my attention that the Navy is not only contemplating a multimillion, multiyear, sole-source procurement of the old displays the AVP is to replace, but is also planning to complete the display heads for the AVP. Either of these actions is ill-advised. Procuring 300 of the 20-year old displays, or attempting to bridge the technological gap in the unique AVP/display head interface with another, separate development effort, would delay completion of the integrated AVP display station until the late 1990's. My amendment therefore provides language in this bill to ensure that the Navy proceeds with its plan to procure the display heads as an ECP to the AVP in order to expedite fleet introduction, minimize technological risk, and realize the Navy's estimated savings.

Mr. INOUE. This matter has been cleared by both managers.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1228) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside.

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

AMENDMENT NO. 1229

Mr. INOUE. Mr. President, in behalf of Senator BIDEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BIDEN, proposes an amendment numbered 1229.

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

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

The amendment is as follows:

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

SEC. JOINT COMMISSION ON REDUCTION OF NUCLEAR WEAPONS.

(a) ESTABLISHMENT.—Of the funds appropriated in this Act, the President may allocate such sums as he deems necessary in order to establish and support a joint commission, to be comprised of experts from governments of the United States and from the former Soviet Union, who shall meet on a regular basis in order to discuss and provide specific recommendations regarding—

(1) SAFEGUARDS.—What safeguards, including the possible deployment of limited defenses, to protect against the threat of accidental or unauthorized use of nuclear weapons;

(2) JOINT ARMS REDUCTION.—What specific goals, consistent with the principle of maintaining deterrence and strategic stability at the lowest levels of armament, should be established for the reduction of strategic and tactical nuclear weapons; and

(3) WARHEAD DISMANTLEMENT.—What techniques for dismantling nuclear warheads and disposing of nuclear materials could be incorporated into future arms control agreements.

(b) COMPOSITION.—The Commission shall be comprised—

(1) on the United States side, or such governmental experts as the President may deem appropriate; and

(2) such governmental representatives from the former Soviet Union as the President may arrange.

(c) SHARING OF INFORMATION.—It is the sense of the Congress that the Presidents of both countries should encourage their respective defense departments and related intelligence agencies to examine what relevant information should be declassified or other-

wise shared within the working group in order to support the fulfillment of its mandate.

Mr. BIDEN. Mr. President, on Tuesday of this week the Subcommittee on European Affairs heard extraordinary testimony on the command and control of Soviet and United States nuclear forces.

Our witnesses included one of the top Soviet experts on the subject as well as one of the top American experts. The subcommittee also heard in closed session from authoritative representatives of the U.S. intelligence community.

That testimony served to underscore the premises of the amendment I am now introducing, with the cosponsorship of several colleagues.

Those premises are threefold:

First, that there are significant deficiencies in the command and control systems in each superpower arsenal;

Second, that there are significant dangers to the Soviet nuclear arsenal arising from the potential for civil strife in that disintegrating empire; and

Third, that we now have an important opportunity—to which we should attach a sense to urgency—to negotiate substantial reductions in the Soviet arsenal.

Those premises have led me to conclude that conditions are right to take an unprecedented step. That step, which would be mandated by this amendment, is to establish, without delay, a Joint Commission on Reduction of the Nuclear Threat.

The Commission would consist of governmental and non-governmental experts from each side, who would meet on a regular basis to develop and provide specific recommendations with three purposes:

First, to develop and implement stronger protections on each side against the unauthorized or accidental use of nuclear weapons.

Second, to identify precisely how low the two sides can go in nuclear arms reductions and still guarantee deterrence against nuclear attack; and

Third, to identify what techniques for dismantling nuclear warheads and disposing of nuclear materials should be incorporated into future arms control agreements.

I would emphasize that this is not an attempt to take diplomacy away from the President. It is intended to equip the President with an additional tool of diplomacy.

The President would, in consultation with Congress, determine the composition of the Commission on the United States side and he would arrange appropriate participation of representatives from the former Soviet Union.

It bears emphasis that no existing institutions now perform the functions to be performed by the Commission:

The so-called risk-reduction centers established in the mid-1980's are in-

tended to facilitate communication in time of crisis. The new Commission, in contrast, would be mandated to share information and develop recommendations for permanent technical and procedural change in each side's command and control system.

The Commission would also examine whether limited defenses should be used to buttress these protections against accidental or unauthorized use of nuclear weapons.

Nor is the Commission's second mandate, relating to arms control, now being performed. Heretofore, each side has developed arms control proposals unilaterally and principally with the aim of negotiating maximum reductions in the other side's arsenal consistent with making minimum reductions in its own arsenal. Negotiations then proceeded, with each side trying to wear the other down.

In contrast, the Commission's mandate would be to work together—experts from the two sides working side by side, not across the table from each other—in search of an answer to the question: in a world in which nuclear weapons cannot be disinvented, how long can we safely go?

As to the third mandate, to identify techniques for dismantling nuclear warheads and disposing of nuclear materials—techniques that should be incorporated into future arms control agreements—there is much too little work now being done.

Our own defense agencies have been profligate in spending defense dollars on the development of new nuclear systems; they have adamantly resisted allocating funds to the development of environmentally sound techniques for the dismantlement and destruction of nuclear weapons materials.

In sum, the Commission would seek ways and means to achieve

First, the safest possible arsenals through changes in existing systems; and

Second, the smallest possible arsenals consistent with deterrence.

One of the real obstacles, inevitably, will be to change our habits of mind. Specifically, there will be the matter of classification—the conditioned reticence of each side to reveal aspects of its own systems. In mandating the creation of the Commission, the provision expresses the sense of Congress that the President should call upon the Pentagon and the intelligence agencies to see what information we can declassify and share within the Commission in order to support the fulfillment of the Commission's mandate.

Mr. President, the cold war is dead. Our task now is to bury it, by working jointly to ensure the safety of—and to reduce drastically—the two Armageddon arsenals to which the cold war gave rise. This Commission would give impetus to the achievement of that urgent and necessary task.

Mr. INOUE. I am pleased to advise the Senate that this matter has been studied by both managers and we find it acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 1229) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, there are now three separate suggestions to our bill—I take them to be just that—for commissions to review nuclear weapons, the nuclear threat, and nuclear power. It would be this Senator's intention to urge the managers to put those together. It is really a comprehensive concept that the individual Senators have suggested. I want to put the Senate on notice that I intend to try to make this one Commission that would look over the whole subject and make its report to the Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMMITTEE AMENDMENTS ON PAGE 100, LINES 4 TO 9, AND PAGE 146, LINES 10 TO 53, EN BLOC

Mr. INOUE. Mr. President, I ask unanimous consent that committee amendments, first, on page 100, lines 4 to 9, and page 146, lines 10 to 53, be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text provided that no point of order shall have been considered to have been waived.

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

The committee amendments considered and agreed to en bloc are as follows: Committee amendments on page 100, lines 4 to 9, and page 146, lines 10 to 53.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the committee amendments was agreed to.

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

The motion to lay on the table was agreed to.

Mr. INOUE. Mr. President, parliamentary inquiry. Have we completed all of our committee amendments?

The PRESIDING OFFICER. All committee amendments have been disposed of.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is open to amendment.

ORDER OF PROCEDURE

Mr. INOUE. Mr. President, I ask unanimous consent that Senator ROTH be permitted to submit his amendment, and when he does, his amendment be debated for 30 minutes, and that no point of order be in order; that there be an up and down vote at the conclusion of the 30 minutes. As far as the managers are concerned this will be the last rollcall on this bill.

Mr. STEVENS. Mr. President, I want to emphasize what the Senator from Hawaii has said, that we have no more requests on this side for any votes on any amendments. We do have some routine technical amendments we are still working out that are really totally routine that we do not expect a vote on. I have no request for a vote on final passage on this side.

I urge that we be permitted to say that this would be the last vote. That is not our prerogative, but I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. Mr. President, as further clarification on my unanimous-consent request on the Roth amendment; 30 minutes, a point of order not be in order. It will be an up or down rollcall vote at the conclusion of the 30 minutes; that second-degree amendments not be in order.

Mr. STEVENS. There is no objection.

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

MINUTEMAN III CONSOLIDATION PLAN

Mr. BURNS. I am very concerned about language included in the report accompanying this bill (Senate Report 102-154, p. 63) expressing the Appropriations Committee's support for the Conrad amendment to the fiscal year 1992 Defense authorization bill (section 1139 of S. 1507). I am very opposed to the Conrad amendment and would prefer that the Appropriations Committee not take this position. This is a matter that will be worked out in the House/Senate conference on the Defense authorization bill, and I am glad that the committee has left the final decision up to the authorizing committees.

I wonder if the managers might take a few minutes to clarify for me their reasons for including this report language stating that they support the authorization provision. Does this mean

that they support the provision as is, or that they support the resolution of the matter as the authorizers see it?

Mr. STEVENS. I can assure the Senator from Montana that I have no agenda on this matter. If there are some problems with section 1139 of the authorization bill from the Senator's perspective, I would certainly hope that his concerns could be addressed during the conference on S. 1507.

Mr. BURNS. Well, I appreciate that response because I have a serious problem with the Conrad amendment, now section 1139, in its current form. In fact, I think that the authorizers should drop the provision altogether.

The Conrad amendment not only prohibits the Air Force from transferring any operationally deployed Minuteman III's which would constitute a consolidation effort, it prohibits them from spending any funds to transfer stored Minuteman III's to Minuteman II silos until a total plan is submitted outlining the restructuring of our strategic forces under START. I am opposed to the linking of the expenditure of funds for transfer of stored assets to the delivery of a total force structure report.

The retirement of Minuteman II missiles under START will begin in fiscal year 1992. This will open up silos at Malmstrom Air Force Base in which currently stored Minuteman III's can immediately be deployed. It makes good sense to make these moves simultaneously in order to avoid the extra cost of maintaining empty silos. Such a move will also allow us to maximize our strategic missile force structure under START by having all 500 Minuteman III's deployed.

I am also concerned that the prohibition of funding on the transfer of operationally deployed Minuteman III missiles may preclude the Air Force from doing logistics planning and evaluation of a consolidation proposal. On the one hand we are asking them to report to us on a consolidation plan, while on the other hand we are telling them that they can't spend any money on such a plan. I think that needs to be clarified.

Finally, I think it is important to point out to both the managers of this bill and the authorizers that the Air Force has never tried to push through a specific consolidation plan without consulting Congress. They do have a plan they are working on, but no final plan will be proposed until they submit their fiscal year 1994 budget.

Mr. STEVENS. Is the Senator suggesting that the concerns of this committee that the consolidation plan preempts congressional oversight responsibilities are unfounded?

Mr. BURNS. Certainly not in a critical fashion, however, I would say to the Senator that any decision to consolidate the Minuteman III forces from four to three wings is a matter that will be fully considered by the Congress

in the future. I don't think that there has ever been any attempt by the Air Force to circumvent Congress and move forward on a consolidation plan this year. In fact, General McPeak, Chief of Staff of the Air Force, recently made it clear in a letter to Senator CONRAD that they do not intend to make any final decision on Minuteman III basing until the fiscal year 1994 budget is submitted.

There will be an opportunity to debate the managers' concerns and the concerns outlined in section 1139 of the authorization bill during our consideration of the fiscal year 1994 budget. Congress will have oversight responsibility and the decision will be evaluated in the broader context of overall force restructuring. I think it is also important to add to the factors for consideration "future budgetary constraints." The Air Force currently estimates that the consolidation of four Minuteman III wings to three will save \$26 million a year. This is an important factor given the obvious need to get the most for every defense dollar under shrinking defense budgets. I believe that we need to look at options that allow us to maintain a credible strategic deterrence at the least possible cost, and I hope that the Armed Services conferees will not overlook that point.

Mr. STEVENS. I would certainly agree with that. We have just spent the last day and a half fending off attempts to cut the defense budget even more, and I'm sure everyone will be reevaluating our defense priorities over the next year.

Mr. BURNS. And I believe that such an evaluation should take place and that it will take place with regard to our strategic missile force. In the meantime, however, the movement of stored Minuteman III's should not be prohibited nor should the Air Force be prohibited from doing logistics planning and evaluation work on a suggested consolidation plan.

Mr. STEVENS. I want to thank the Senator from Montana for raising these concerns with section 1139. I hope that his concerns can be addressed during the Armed Services' conference.

Mr. INOUE. Mr. President, in each year that I have been chairman of the Defense Appropriations Subcommittee, it has been my practice to single out one member of the committee staff for special recognition. By this I do not mean to imply that others are not also worthy of special recognition. Indeed, Mr. President, they are. Each and every member of the staff of the Defense Appropriations Subcommittee is an outstanding professional, and they have to be. The volume of work and the complexities of the issues which come to the staff are extraordinary.

I wish to extend my heartfelt appreciation, my recognition of professional competence, and sincere gratitude to

the majority staff: Mr. Richard Collins, Mr. Charlie Houy, Dick D'Amato, Jay Kimmit, Jane McMullan, David Morrison, Rand Fishbein, Mary Marshall, Mazie Mattson, Mavis Masaki, and Steve Cortese, Keith Kennedy, and Donna Pate of the minority staff; and to the support group which has worked with the subcommittee this year: Mr. Charles Cook, John Young, Ms. Stacy McCarthy.

Most of all, Mr. President, I wish to thank Mr. Peter Lennon. Peter Lennon is a professional, a tireless pursuer of knowledge, and he has unimpeachable integrity of analysis, an inexhaustible search for detailed understanding. He is also an unbiased, even-handed presenter of his findings to the committee. This, Mr. President, characterizes the work of Peter Lennon.

This year, under particularly trying and difficult circumstances, Mr. Lennon maintained an unparalleled schedule and distilled his work in a timely, concise, and accurate set of analytical papers and recommendations, which greatly benefited the committee.

I am pleased that I have had the chance to come to know Mr. Lennon over the past several years. I hope that he will continue to work with us on the subcommittee for a long time to come.

I know that I can rely upon Mr. Lennon. I know that I can learn from him. I know him as a staff member who is truly a professional.

And so, Mr. President, Peter Lennon deserves special recognition, and I am pleased to have had this opportunity to recognize his contributions to the work of the Subcommittee on Defense Appropriations.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I echo the commendation of the minority staff of the Senator from Hawaii, due to the fact that this staff member has one staff member to assist, Steve Cortese, who is a jack of all trades.

I need only mention one Member on our side who has worked so long and hard on this bill. But I do want to say that this staff is a professional staff, and has been totally available to the minority at all times. In the tradition of this subcommittee, he is one that seeks a bipartisan solution to defense problems. I am pleased to be able to have worked with the Senator from Hawaii and the Members that work with him on the majority staff under these circumstances.

Mr. INOUE. Mr. President, we are ready for the final debate and final vote. We await the Senator from Delaware.

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

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

AMENDMENT NO. 1230

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business be set-aside temporarily to permit me to submit an amendment on behalf of Mr. WARNER and others. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Hawaii [Mr. INOUE] for Mr. WARNER, for himself, Mr. NUNN, Mr. COHEN, Mr. WALLOP, Mr. KENNEDY, Mr. GLENN, and Mr. THURMOND, proposes an amendment numbered 1230.

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

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

The amendment is as follows:

At the end of the committee amendment on page , line , insert the following:

"(xx) In addition to the amounts appropriated elsewhere in this Act, \$154,900,000 is appropriated for Procurement, Marine Corps, for the following: Night Vision Goggles \$30,000,000; (9) Multiple Launch Rocket System Launchers \$23,000,000; (10,000) Multiple Launch Rocket System Rockets \$72,300,000; (3) Joint Surveillance Target Acquisition System Ground Stations with Commanders Tactical Terminal Hybrid \$17,600,000; Commanders Tactical Terminal Hybrid \$9,000,000; Tactical Reconnaissance Devices \$3,000,000; and \$16,000,000 is available for Navy, Research & Development for the following: Ship-to-Shore Fire Support; \$5,000,000 is available for Defense Agencies, Research and Development for the following: Robotic Countermine Technology".

Mr. WARNER. Mr. President, I rise to propose an amendment to provide funds which the Armed Services Committee has authorized to enhance modernization of the Marine Corps.

The recommendations within the initiative were based on my personal observations and those of other Senators during visits to the gulf area, a series of hearings we had with combat commanders following the war in the gulf, and after-action reports.

Mr. President, the war in the Persian Gulf revealed a great deal about the capabilities and effectiveness of our Armed Forces. The technologies that were incorporated into the weapons systems and equipment through modernization programs supported over the years by both the administration and the Congress contributed greatly to our victory in the gulf.

Our committee identified several areas in the Marine Corps where modernization has not kept pace with the other services. Based on feedback from the gulf war and coordination with the Marine Corps, our committee incorporated into our Defense authorization bill a plan to boost modernization efforts in the Marine Corps over the next several years.

The plan focuses on the following areas: armor, artillery and fire support, night fighting capabilities, mine detection and clearance, intelligence, and air defense.

At this time I ask unanimous consent that a list of specific items included in this initiative for both procurement and research and development be inserted in the RECORD.

The total cost of these initiatives was \$659 million. The Senate approved this initiative as a part of the Defense authorization bill and members of the Armed Services Committee are now enjoined in conference with the House on these and other matters.

This amendment provides for the appropriation of \$154.9 million to procure night vision goggles, MLRS launchers and rockets, JSTARS ground stations, and other intelligence enhancements, and \$21.0 million for research and development for robotic countermine technology and ship-to-shore fire support.

I have structured this amendment to include those items the Armed Services Committee authorized in our bill which have already been appropriated by either the Senate Appropriations Committee or the House Appropriations Committee.

I am fully aware of the budget constraints we face; however, I hope we can find a way to support this initiative to provide necessary modernization for the Marine Corps in the same manner and in the same spirit in which we have funded modernization to enhance the National Guard over the past several years.

I want to thank all my colleagues for their support on this issue which I consider to be very important. The United States has always placed great reliance on our Marine Corps. They have never let us down.

I want to emphasize that there is no intent at all to be critical of the Marine Corps. We know that the corps has always taken pride in the fact that they can accomplish more with less. It has become clear, however, that today the Marines need a bit of help with additional resources to keep pace with the modernization of the other services and I hope all my colleagues will support this amendment.

MARINE CORPS MODERNIZATION AMENDMENT

Mr. NUNN. Mr. President, I rise to support the amendment offered by Senator WARNER and ask unanimous consent that my name be added as a co-sponsor.

The funding additions identified in this amendment were all authorized in the Defense authorization bill passed just last month. The Armed Services Committee held 24 hearings and numerous briefings on Operation Desert Shield/Desert Storm and the results of the war in the Persian Gulf. After the most serious consideration, the committee proposed these initiatives in the

authorization bill in order to correct substantial deficiencies in capabilities that were exposed by these hearings.

The Marine Corps initiatives that would be funded by this amendment would make improvements in several areas: nightfighting capability, fire support, mine countermeasures, and tactical intelligence. The Marine Corps found itself in the Persian Gulf in the unhappy position of facing shortages in each of these areas. We are fortunate that our courageous forces had several months to scrounge and borrow equipment from the Army and elsewhere.

No matter what happens with the Defense budget in future, we will continue to need very effective crisis and contingency response forces in our military forces. The Marine Corps will continue to be called upon to be among the first forces to fight in any future conflict. Mr. President, we cannot in good conscience ask the men and women of our Marine Corps to risk their lives with second-rate capabilities, capabilities that cannot even match what we have provided to the National Guard and Reserves.

Mr. President, I urge my colleagues in the Senate to support this amendment.

Mr. INOUE. Mr. President, this matter has been discussed by both managers, and we find the amendment acceptable.

Mr. STEVENS. Mr. President, I do support the amendment, and we have worked with the sponsors at length. They are Mr. WARNER, Mr. NUNN, Mr. COHEN, Mr. WALLOP, Mr. KENNEDY, and Mr. GLENN. I support the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1230) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

TRANSFERRING CLOSED BASES TO IMPACTED COMMUNITIES

Mr. ROTH. Mr. President, my intent within a few minutes is to send forward an amendment to the desk.

As we all know, good intentions are not enough to carry out our policy decisions in the Senate. It is important that we ensure that legislation is carefully crafted to get the right results. If

our votes and our decisions are to benefit the people directly, we must be watchful of the details, we must think about the impact, and we must be certain that legislation is built to achieve its mission.

Mr. President, I have worked for several years on the serious matter of base closings in this country. I originally took up this issue to help eliminate waste in our Defense budget. As I proceeded, I became more and more involved in the effort to bring about a smooth transition for the communities affected by necessary base closings. This is no simple matter, as all of us know. Often a community grows up and prospers around the economy, employment, and services of a military base.

The Defense Department studied this issue and found that when communities take over a closed base, many more jobs are created than are lost. It is essential that we apply these findings in determining the best way to help these communities make the transition.

My studies—and the studies of others—have shown that the best way to create a successful transition, and to get the local economies growing again, is to ensure that the base property can go directly to the hands of the people. It only makes sense that the local citizens know what is best for their neighborhood and their town—whether they will benefit most from a new airport, a new office park, or a new shopping mall. The people do not need more red-tape, more outside interference, and more bureaucracy.

The purpose of my base conversion concept is to get the affected communities directly involved in acquiring the base property, in making decisions as to its future use, and in developing that new opportunity.

Eight weeks ago, the Senate approved an amendment to the fiscal year 1992 Defense authorization bill. The intent of that amendment was to offset the devastating impact on local communities when the Defense Department shuts down a base and leaves town. According to the stated purpose of that amendment, this was to be achieved by returning bases directly to neighboring communities. The amendment received strong support and was adopted when the motion to table the amendment failed by a vote of 67 to 30.

Mr. President, the lopsided vote for that amendment shows that the Senate recognizes that the current process for closing bases is painful, slow, and benefits no one. The Senate heeded the comments of the Defense Base Closure and Realignment Commission which noted in its report to the President that: "Reusing former military base property offers communities the best opportunity to rebuild their economies. The buildings and facilities can fill residential, commercial, and industrial

needs and thus replace jobs and income lost."

Moreover, the Commission found that expediting the transfer to the local community is critical to a local economy trying to overcome the economic setback caused by the base closure. It stated that: "Full economic recovery from base closure is dependent upon timely disposition of the facilities and land vacated by the services."

Mr. President, in August the Senate voted to help reinvigorate local economies. However, I am very concerned that we run the risk of failure, where we had hoped for success. For a number of reasons, in the closing days before the August recess, mistakes were made and there were, at least in my judgment several omissions in drafting the provisions of that amendment.

Unfortunately, that legislation was submitted to the Defense Appropriations Committee without the needed changes. This uncorrected legislation is now section 8125 of the Defense appropriations bill.

Specifically, I am concerned that there are no provisions to guarantee that the community will have first shot at the base property. I am concerned that the property may not be directly transferred to the local citizens. And, I am concerned that communities may suffer from zoning incompatibilities for those bases that the Secretary waives from the provisions of section 8125.

Unless these errors are corrected, the current legislation will not achieve the stated purposes or accomplish the results intended by the Senate. The National League of Cities voiced these concerns in a letter that they sent to me. The League of Cities stated, and I quote:

*** the actual language of the section will not have the effect intended by the Senate. In fact, if the provisions of the section are left uncorrected, no local community would have a right to receive the property of a closed base. Nor would a community have the basic right of zoning authority to ensure that the development met its needs and capacity.

Mr. President, the concept is sound, but followthrough is lacking. What we seek to do is to make the necessary technical fixes now. It is not often that we get the chance to revisit legislation which is less than perfect. But we have such an opportunity here, and I urge my colleagues to take it.

I am here to offer an amendment which would clear up the confusion and hammer the details into place. The amendment, which I will send to the desk, cosponsored by Senators SEYMOUR, McCAIN, and LUGAR, clarifies the language of section 8125 in order to achieve the goals of that legislation. The changes would speed the economic recovery of impacted communities by guaranteeing their rights during the disposal of closed bases.

I am proposing three important changes in section 8125. First, the amendment clarifies the language to ensure that an impacted community would be guaranteed an opportunity to receive directly and to utilize a closed facility. This was the intent of the original legislation that the Senate approved, but the wording did not quite accomplish it.

Second, the amendment will expedite the transfer of real property, while maintaining strong environmental safeguards. The amendment includes a timetable to make sure that clean property can be transferred rapidly to those who can put it to its most productive use. Base property must be made clean, and then transferred in an expedient manner.

Third, the amendment will guarantee representation of the local community in decisions affecting base disposal and reuse. In particular, for the closed bases that the Defense Department keeps or sells, my proposed amendment will give the local community basic zoning rights needed to make sure that the end use of the closed base does not overwhelm local infrastructure.

AMENDMENT NO. 1231

(Purpose: To provide a substitute for section 8125 relating to the conveyance of closed military installations to neighboring communities)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] for himself, Mr. SEYMOUR, Mr. LUGAR, and Mr. McCAIN proposes an amendment numbered 1231.

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

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

The amendment is as follows:

On page 159, strike out line 13 and all that follows through page 170, line 5, and insert in lieu thereof the following:

SEC. 8125. (a) This section may be cited as the "Impacted Communities Assistance Act of 1991".

(b)(1) The Congress finds that—

(A) the Department of Defense has been directed to reduce the size and cost of the military and this can be accomplished only by closing military installations;

(B) a military installation is a part of the infrastructure of the community in which it is located and there is a long-standing symbiotic relationship between a military installation and the community;

(C) the people in an impacted community have made substantial, long-term investments of time, training, and wealth to support the military installation;

(D) the loss to an impacted community when a military installation is closed is substantial and the Congress wishes to mitigate the damage to the impacted community;

(E) an impacted community knows best the needs of the community and the best way to use available resources to meet such needs; and

(F) unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

(2) It is the purpose of this section—

(A) to benefit the community impacted when a military installation located in the community is closed by authorizing the real and excess related personal property on which the military installation is located to be conveyed to the impacted community as soon as possible after a decision to close the military installation; and

(B) to provide an impacted community a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted community, as the community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(c) As used in this section—

(1) the term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department or the Secretary of Defense;

(2) the term "Secretary" means the Secretary of Defense;

(3) the term "local community", with respect to property at a military installation closed under a base closure law, means—

(A) the incorporated town, village, city, or other political subdivision or similar entity of the State in which the property is located;

(B) any other entity, including development districts, authorized to accept or administer property transferred by the incorporated town, village, city, or similar entity of the State in which the property is located; or

(C) if the property is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property;

(4) The term "property suitable for transfer" means property the transfer of which is in compliance with Federal and State environmental laws as determined as soon as possible by the Administrator of the Environmental Protection Agency in consultation with the State is not vital to the national security interest, and is not vital to protection of an environmental heritage.

(5) The term "base closure law" means—

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note);

(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 1001-526; 10 U.S.C. 2687 note); and

(C) section 2687 of title 10, United States Code; and

(6) the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(d)(1) Notwithstanding any other provision of law, as soon as practicable after the Secretary of Defense determines that real property at a military installation closed pursuant to a base closure law is suitable for transfer, but not later than 180 days after the date of that determination, the Secretary shall transfer such real property and related excess personal property suitable for transfer in accordance with this section.

(2)(A) The Secretary shall first offer title of the property to the local community.

(B) If the local community refuses the property or fails to notify the Secretary of the community's acceptance of the property within 6 months after the date on which the Secretary makes the offer to the community, the Secretary shall offer the property to the county in which the property is located.

(D) If the State refuses the property or fails to notify the Secretary of the State's acceptance of the property within 60 days after the date on which the Secretary makes the offer to the State, the Secretary shall offer the property to other departments and agencies of the Federal Government by publishing the offer in the Federal Register.

(E) If no department of agency of the Federal Government requests the property within 30 days after the date on which the offer is published in the Federal Register, the Secretary shall dispose of the property to the highest responsible bidder.

(F) All offers of title under subparagraphs (A), (B), and (C) of this paragraph shall be in writing and shall contain the conditions, if any, under which the property is to be conveyed.

(e)(1) In any case in which a military installation is located in or subject to annexation by more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the annexation laws of the State concerned, or if such laws do not apply, then divided as the communities agree.

(2) In any case in which property referred to in subsection (d) is located in more than one county of a State and the property is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

(3) A. The Secretary of Defense shall sever from the real property of a closed military installation that real property that does not qualify as property suitable for transfer as defined in c(4).

(B) Prior to and after any conveyance of real property suitable for transfer as defined in c(4), The Secretary of Defense in consultation with the Administrator of the Environmental Protection Agency and the State, shall continue to comply with all applicable federal and state environmental laws and carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(f) No consideration may be required for any conveyance of property pursuant to this section to a recipient referred to in subparagraph (A), (B), (C), or (D) of subsection (d)(2).

(g) The Secretary of Defense shall ensure that appropriate representatives of the local community are included as full partners in both discussions and decisions concerning the disposition of property at a military installation that is to be closed under a base closure law. The county and the State shall be represented in the discussions.

(h)(1) Subject to paragraphs (3) and (4), the President may waive the requirement to transfer property at a military installation under subsection (d) with respect to all or any portion of the property if the President—

(A) determines—

(i) that the continuation of the United States ownership of such property is vital to national security interests of the United States;

(ii) that the closure of the military installation will have no significant adverse effect on the local economy and that the value of

the property is so high that a conveyance to the local community, county, or State would constitute an undue windfall to the recipient; or

(iii) that the community or communities neighboring the military installation are not experiencing or will not experience significant adverse economic effects as a result of the closure of the installation, taking into consideration such objective evidence as whether real estate values, unemployment, tax and other revenue to such community or communities or to the State of such community or communities, and the rate of business failures in the community or communities are increasing or decreasing and whether the total personal income of the population of such community or communities is increasing or significantly decreasing; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, the Secretary shall dispose of property for which a waiver is granted under this subsection in a manner that the Secretary considers appropriate.

(3) Within 30 days after the transmittal of a certification under paragraph (1)(B) in the case of any property on the basis of a determination under paragraph (1)(A)(ii), the local community, county, or State shall be offered, in the order of precedence and manner specified in subsection (d), the following authorities and benefits:

(A) General planning and zoning authority and usage regulation regarding such property.

(B) Twenty-five percent of the proceeds of any sale, lease, or other conveyance of such property by the United States to any other public or private entity or person.

(4) Waivers may be granted under this subsection on the basis of a determination under paragraph (1)(A)(ii) in the case of not more than five military installations for each set of base closures recommended by a commission under a base closure law. Provided further, that a waiver with respect to part of the property at a military installation shall count against such limit if the amount of the property reserved on the basis of a determination regarding national security interests under paragraph (1)(A)(i) exceeds 25 percent of either the total value or area of the property to be disposed of at that installation.

(5) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) September 30 of the year following the year in which the closure of that installation is approved by the President.

(6) The President may extend the deadline for making a determination and certification under paragraph (5) for not more than two consecutive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(7) The President may withdraw a waiver under paragraph (1) in the case of any property. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (d) in accordance with this section.

(i)(1) Title to real property referred to in subsection (d)(1) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Secretary an agreement providing that—

(A) if the property is sold by the local community, county, or State, as the case may be, within 10 years after the date of the conveyance of the property to the local community, county, or State, the community, county, or State (as the case may be) will pay the United States an amount equal to 25 percent of the proceeds from the sale of the property, except that no such payment shall be required if the local community, county, or State donated or transferred in excess of 50 percent of that property to the United States (for incorporation into the closed military installation) for consideration of less than 50 percent of its fair market value at the time of transfer;

(B) the local community, county, or State, as the case may be, will make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under subsection (k);

(C) the local community, county, or State, as the case may be, will hold public hearings in the process of deciding the appropriate use of the closed military installation; and

(D) the local community, county, or State, as the case may be, will, in such manner as the Secretary may prescribe, prepare and submit to the Secretary a plan showing goals for the reuse of the property and the anticipated means for achieving those goals.

(2) The plan for reuse shall describe strategies and actions for converting the property covered by the plan into productive civilian use. The Secretary is authorized, consistent with section 2391 of title 10, United States Code, to assist communities in preparing plans for reuse.

(3) The Secretary shall, in consultation with other members of the President's Economic Assistance Committee, review each plan submitted pursuant to paragraph (2) and shall respond to the local community, county, or State, as the case may be, regarding that plan within 30 days after receipt of the plan.

(j) If a local community, county, or State to which real property is conveyed pursuant to this section fails to comply with any condition provided for under this section, the Secretary, after providing written notice to such community, county, or State, may withhold from any payments otherwise payable to the community, county, or State under any Federal Government program such amounts as may be necessary to ensure compliance.

(k) The Comptroller General of the United States may conduct such reviews of the transactions carried out pursuant to this section as may be necessary to determine whether the transactions are in compliance with this section.

(l) The Secretary shall prescribe such regulations as may be appropriate to carry out this section. The regulations prescribed by the Secretary shall encourage the prompt implementation of this section and facilitate transfer of property suitable for transfer to the impacted community.

Mr. ROTH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Chair will advise the Senator that, under the unanimous-consent agreement, 15 minutes will be controlled by

the Senator from Delaware, 15 minutes in opposition to the manager of the bill. The clock did not begin running under the agreement until the amendment was before the Senate.

Mr. ROTH. Mr. President, I do not intend to use all of my time.

I just want to close by saying at this time that the purpose of this legislation is to ensure that the local communities, the communities that are most directly impacted by closing down a base, have the first opportunity to have the land transferred to them for appropriate use. This is clearly what was described in the findings of the legislation, and I hope that the Senate would accept this amendment in its entirety.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. Mr. President, I yield all the time necessary to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as the distinguished Senator from Delaware said, everyone wants to do the same thing on this. We want to help the impacted communities. While I have not seen the amendment, I have a description of what I think it would do, and I hope that in conference we could work on some of these matters.

Having said that, let me advise the Senator why it is that we drafted the provision with respect to the communities as we did.

Mr. President, the closest political subdivision nearest a base is often not the one that should appropriately get the base. Sometimes there would be a very small incorporated village right next to a base, whereas there is a larger city further away but is the principal impacted party in interest. Sometimes there is a county or in our State a parish government which is very much in interest.

So when you have various interests that are affected, sometimes they go to the State legislature, as they have in our State, and create a new subdivision composed of members of the affected city or cities and of the counties. And they would prescribe special rules for the governance to receive that base.

That, I think, is clearly the appropriate way to do it where the State can get together or where the State has gotten together through its State legislature, through its Governor. These things are usually done by consent and ought to be done by consent. So, therefore, we create that the first priority is that which State law provides.

Now beyond that, we have a procedure in our law that if the State law makes no specification, then we provide that the Secretary of Defense shall decide, if there are competing cities or towns or counties, which one or ones of those should receive this. It is not a question that we want to deprive the towns of the base. To the con-

trary, we want to be assured that the appropriate town or towns or combination of towns and counties get the base. That is all we are interested in.

If there is some special problem that we can accommodate to, we would be glad to do so with the distinguished Senator from Delaware. But I would point out to the Senator from Delaware, this particular provision with respect to the action of the State legislature was discussed here on the floor, and the amendment carried by over two to one, as I recall about 66 votes, and we discussed that special provision. We have no problem in ensuring that the towns get the base.

There are some other matters here that we are not sure that we understand. Where the Secretary of Defense would exercise what is called a waiver and keep control of a base for Federal use, the Senator from Delaware would say that the local community would retain, I believe it is, general planning and zoning authority and usage regulations.

There is a concept here I think we could probably work out. But, if, for example, it is a national park or if it is some other Federal usage, then under Federal law that is not subject to local zoning regulations, if I am correct, or certainly not usage regulations, whatever those are. There is a concept here we could work out, but I simply do not know what that means.

Mr. ROTH. If the Senator will yield for a comment.

Mr. JOHNSTON. Yes.

Mr. ROTH. I certainly agree with what the distinguished Senator is saying about parkland. As a matter of fact, in our language we provide that that could be excluded from transfer if it was of that importance.

What we are concerned about is, if the land is not transferred to a local community, for whatever reason, except for the points the Senator is making, that then the community should continue to have the right to ensure that whatever use that property is put to is consistent with its zoning requirements. But I agree with the Senator that we do not want to interfere with lands retained for environmental purposes or recreation.

Mr. JOHNSTON. Suppose, for example, that they want to put in a prison and local people object to a prison. Could they zone that prison usage out of this? Suppose they want to make it a hospital for AIDS patients, for a place for homeless people. Could they zone that out of the usage?

Mr. ROTH. If those are retained by the Federal Government, zoning would not apply to the Federal Government. It is only where the land is turned over to other individuals that you would have the question of assuring that it would be consistent with the zoning law.

Mr. JOHNSTON. If the property is turned over to private individuals, it is

subject to the full police powers of the State, including zoning and land use and all of that.

Mr. BREAUX. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. BREAUX. I would just like to commend both of the two previous speakers for the work that they have done and the leadership they have provided on this measure?

I just want to say that I think we are real close between what the Senator from Delaware is now proposing and what the Senate adopted. I sort of misled my senior Senator by saying it passed by 66 votes. It actually passed by 67 votes. I think we are real close and there is not much difference.

I think what the Senator from Delaware is concerned about is ensuring that the local entity has a shot at getting the property if it is turned back. I think what we passed in the Senate really accomplishes that. I think we are real close to working out some language which takes care of the Senator's concerns, which are legitimate, and maybe we could work this out and get an agreement. I think we are real close to that. I just offer that comment to try and help resolve it.

Mr. JOHNSON. What I was going to say, Mr. President, is that there is something here on zoning about which I think we have no disagreement. As far as the community is concerned, I think there is logic to what we say in the bill.

Does the Senator agree that if a State legislature has acted, as they have, for example, in Louisiana, created an entity composed of the county and the city, that they should be able to receive the property as a first priority?

Mr. ROTH. I assure the distinguished Senator from Louisiana, we are fully supportive of what he is trying to do in his State. We have no objections to that approach in that kind of circumstances.

But as the junior Senator from Louisiana said, I want to make sure that other communities throughout this country have the right, the first right, to secure this land, because they are the ones that are most seriously impacted upon. But I have no objection to it being given to some kind of a political subdivision where there is agreement, as there is in the case of Louisiana.

Mr. JOHNSON. Suppose we do this. Suppose we say the first priority is to that body named by the State legislature, if they have acted or do act; otherwise, it shall go on the priority that you State in your amendment.

Mr. ROTH. I think we want to ensure that the local community has a say in that.

Mr. JOHNSTON. If the State legislature has acted, the Governor signed the bill and said this is the appropriate one that they have in Louisiana, then you agree that ought to be a first priority?

Mr. ROTH. That is fine in the case of Louisiana. I know that is consistent with what the communities want. But I want to make certain in other cases, in other States, that the local community has a say, whether it is done by the route the Senator is talking about or offered to them directly.

Under our language, I think the proposition my colleague is proposing can be accomplished.

Mr. STEVENS. Will the Senator yield on that point?

Mr. ROTH. Yes.

Mr. STEVENS. I want to join the Senator from Louisiana. We have large areas of our State that have bases. The nearest community could be miles away. Our State would be involved and ought to be involved.

I think the suggestion the Senator from Louisiana has made is, if the State has a law, a base that is closed in the manner of the base closure laws, such as we have just gone through, it would comply with State law first. The communities of that State have a substantial impact on the State laws. But it ought not to be. This bill is just going to give it to the nearest organized village, which could take the base of Adak. If it is ever closed, it is going to be another island.

I do not think that ought to be the case, that just the nearness of the community would determine which community is going to get the ownership of a substantial piece of Federal property once it is abandoned. I think that ought to go according to State law.

I urge the Senator to incorporate that concept in his bill. In most States that would be, I think, the best solution.

Mr. JOHNSTON. Mr. President, my staff advises me we have worked out something. Has the Senator been advised?

Mr. ROTH. I have been so advised. Maybe we ought to call a quorum to discuss it.

Mr. JOHNSTON. I think I can describe this, which is to say that the first priority shall be to a political subdivision of a State agreed to by the local community that is designated in State law to receive the conveyance of such property and accepts the conveyance.

So that combines the two, the State law, and agreed to by the local community. And then we would strike the other order of precedence and take the Roth precedence on that.

Mr. STEVENS. Does the Senator yield? That does not necessarily have to be the nearest community; right? It would be the community determined by State law?

Mr. JOHNSTON. The first priority is to a political subdivision of a State, agreed to by the local community.

Senator ROTH did not describe to me what "the local community" would be, but we are willing to take that con-

cept. I assume that is the closest or the biggest.

Mr. ROTH. That is the purpose, yes. And under the State law it would have to have the authority to annex the land.

Mr. JOHNSTON. We can work that language in conference if there is any problem with that.

Mr. STEVENS. The definition of the eligible community could be determined by State law?

Mr. JOHNSTON. If it is agreed to by the local community. In other words, the concept here is to give the local community more or less a veto.

Mr. STEVENS. The nearest local community gets a veto?

Mr. JOHNSTON. Senator ROTH did not define the local community.

Mr. ROTH. That would be only the case if—

Mr. JOHNSTON. Wait a minute. It is defined as the incorporated town, village, city, or other political subdivision or similar entity of the State in which the property is located. But we can massage that language in conference.

Then the second change is we are willing to accept that zoning language if the waiver is executed by the President.

Mr. ROTH. Yes.

Mr. JOHNSTON. Then the, "general planning and zoning authority and usage regulation regarding such property," will be retained by the local community, county or State.

Did I correctly state that?

Mr. ROTH. That is correct.

Mr. STEVENS. Mr. President, who controls time here? I do not want to get lost in time.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Louisiana.

Mr. STEVENS. I wish there were more westerners here because this concept will not fit the West. There are substantial portions of the West that do not have organized communities in that sense. My State has large areas that do not have any organized community at all. The State manages that under the concept of an unorganized area. Similarly, in many Western States there are areas that are within the jurisdiction of the State. Mostly that is the Federal lands. Most counties do not want to pay for Federal lands.

Mr. JOHNSTON. If the Senator will yield, I do not think we have a problem here of disagreement. If we can accept this amendment as is, then we will work between all of those interested and iron out the language.

The PRESIDING OFFICER. The Chair would note the time controlled by the opponents have expired.

The Senator from Delaware has remaining 14 minutes and 15 seconds.

Mr. JOHNSTON. Mr. President, will the Senator yield?

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

Mr. JOHNSTON. I think if he is willing to withdraw, we have spread on the record our agreement.

The PRESIDING OFFICER. The Senator from Delaware controls the time.

Mr. ROTH. I will be happy to yield for a question to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I am prepared to recommend to the manager of the bill for this side we would accept the amendment, subject to the arrangements being made here now, and suggest we vitiate the rollcall and work this out so Members can be on notice that there will be no further rollcall votes. I think this will take a few minutes to work it out.

We are in agreement now. We will accept, if we can work this out. I do not think it needs a rollcall. I ask we consider vitiating the rollcall and notify the Members that this bill will be passed on voice vote.

Mr. ROTH. This is satisfactory to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, noting that the arrangement suggested by my distinguished colleague from Alaska is acceptable to both parties, I ask unanimous consent that the request for rollcall be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. ROTH. Mr. President, I would like to yield a minute to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I just want to take a brief time to thank the Senator from Delaware and the Senator from Louisiana—both Senators from Louisiana—for bringing this idea and concept to fruition. I am pleased to see the Senate is uniting behind the concept of giving the property of an abandoned or closed military base to the local community most impacted.

The trauma of closing a military base and its impact on the citizens of that community is substantial. Many of us face that situation. The best hope for providing quick redevelopment, economic development of that property, is to do what we are doing here.

This changes existing law. It is a very needed and important change.

I thank the Senator from Delaware for his long efforts in bringing this about.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I am pleased to announce that the managers will accept the modified version of the Roth amendment.

I ask unanimous consent that Mr. ROTH and Mr. JOHNSTON and their staffs be permitted to make necessary technical changes. It will be sent forward to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. SEYMOUR. Mr. President, I am honored to rise as the primary cosponsor of the Roth-Seymour military base closure amendment.

This initiative moves Congress beyond the rancorous debates and deadlocks over which military bases to close in a changing world to the more important stage of what local communities can do to productively revive them.

The current excess Federal property disposal law gives city and county governments very little discretion in the disposal of often valuable or environmentally unsound properties that the Defense Department must abandon. Our amendment corrects this problem by giving local authorities the voluntary option of taking direct responsibility for the redevelopment of former military bases or participating actively in the land-use decisionmaking process should DOD control the disposal of the property.

I wish to remind my colleagues that between 1960 and 1986, before Congress passed any legislation governing the disposition of domestic military bases, the Defense Department unilaterally closed 100 of its U.S. facilities. During the time that the military occupied these properties, it sustained about 94,000 civilian positions.

Today, the vast majority of these former bases have been converted into retail, commercial, housing, or educational establishments supporting more than 130,000 new jobs.

So if Congress permits local businesses and communities the flexibility to convert military bases within their jurisdictions, prosperity and productive employment will emerge as the results.

The 1991 Courter Commission, Mr. President, closed a total of 26 facilities in the State of California accounting for more than 10,000 civilian jobs. I have heard from dozens of mayors, business leaders, and civic activities pleading for an opportunity to have a voice on the destiny of many of these installations. Some of these bases lay near congested urban areas while others make a significant contribution to the economic base of rural counties with high unemployment rates.

Neither Congress nor the Defense Department should have an unchallenged or unaccountable role in the fate of these facilities. The Roth-Seymour amendment unleashes the innovation of local government officials who know and care the most about the potential re-use alternatives for military bases. In this light, the amendment applies the honored concept of federalism to lands and assets that Federal authorities can no longer maintain.

Our amendment, however, gives all parties concerned about this mater—

the Defense Department, the communities, and potential tenants of redeveloped bases—options to safeguard their interests in an orderly property disposal process.

DOD can choose five bases scheduled for closure to directly sell or transfer to other users outside of the parameters of this legislation. We included this provision in recognition of the fact that acceptable plans already exist between the Defense Department and other potential occupants for the transfer of certain installations.

But if a community chooses to assume control of a base, it can negotiate arrangements with any organization—including other Federal agencies—that offers the best proposal for re-utilization.

Let's start to listen to the pleas of our own constituents who have the greatest stake in the renovation of military bases that the Defense Department will vacate.

The Roth-Seymour amendment is fair. It is flexible. And it looks to the undeniable future of an America with a smaller military establishment within her borders.

I urge my colleagues to support this vital measure.

Mr. GLENN. Mr. President, I rise today to oppose a provision in the DOD appropriations bill (H.R. 2521) affecting base closure property. The provision, section 8125, would require turning over base closure property around the country to the local communities without the usual screening done through Federal Property Act procedures. The proposal would essentially turn over at no cost entire bases to local communities without first reviewing Federal agency, State, or any other possible use.

Those other possible uses include any and all other Federal uses, homeless assistance programs, Red Cross donation programs, drug rehabilitation programs, prisons, and many other purposes. I seriously question the wisdom of undertaking this drastic change in current surplus property disposal procedures. In letters to the Congress, DOD and GSA both have indicated strong opposition to this provision. I also fought and lost a vote to strike this provision from the DOD authorization bill.

The effect of the section will be to:

Waive the Federal Property and Administrative Services Act of 1949, a body of laws and regulations that has controlled property disposal for over 40 years;

Waive the Stewart B. McKinney Homeless Assistance Act;

Deny DOD the chance for significant land sale proceeds—in the billions of dollars—which could have been used for environmental restoration at closing bases; and

Require conveyance of personal property like wheelbarrows, cots, blankets,

and so forth without consideration, which could require additional expenditures by DOD.

Certainly, I am very sensitive to and understand fully the concerns of many communities around the country about current economic difficulties. Many cities and towns in my own State of Ohio are struggling under the burden of this recession. I also appreciate that base closings can prove greatly disruptive to a local community. However, I do not think that the solution to those problems is to gut the entire property disposal procedure we have operated under for so long, and more specifically, to change the rules on base closure property disposal in the middle of the game. In fact, I suspect that would only be counterproductive to the very goal we seek to achieve.

Let me briefly outline the general reasons why I believe adopting this amendment would be a mistake. I might add that my sentiment is shared by the DOD. In a letter to the Chairman of our SASC concerning a similar proposal, DOD's general counsel says, and I quote:

The Federal Property and Administrative Services Act of 1949, as amended, which stipulates the process and sequence of events to be followed when disposing of real property gives ample opportunity for local communities to acquire surplus property for redevelopment, subsequent to a base closure. The fact that Federal or State agencies have the opportunity to acquire the property or a portion thereof first, would not be a serious roadblock to the community since the redevelopment of the base is usually a cooperative effort undertaken in accordance with a reuse plan developed at the local level.

Mr. President, I agree entirely with this statement. Very sophisticated reuse plans and efforts are underway in communities across the country. These plans will require integration and coordination throughout the local community. To suddenly simply turn over these properties is unfair, sends the completely wrong signal, and sets a very bad precedent.

Such a precedent flies directly in the face of what Congress intended in both the base closure laws and the McKinney Act.

Title II of the Base Closure Act provides for the closure or realignment of all military installations listed in the report of the Commission on Base Realignment and Closure. Disposal of closed bases is governed by section 204(b) of the act. The Secretary of Defense is delegated GSA's authority to:

First, utilize excess property pursuant to section 202 of the Federal Property and Administrative Services Act of 1949;

Second, dispose of surplus property pursuant to section 203 of the Property Act; and

Third, grant approvals and make determinations under section 13(g) of the Surplus Property Act.

But GSA's authority, delegated to DOD under the Base Closure Act, is ex-

pressly limited by the McKinney Act's title V Surplus Property Program, over which the Governmental Affairs Committee has jurisdiction. In addition, the Secretary of Defense is required to exercise this delegated authority in accordance with all regulations in effect governing the utilization of excess property and the disposal of surplus property under the Property Act. * * * DOD is authorized, following consultation with GSA, to issue additional regulations necessary to carry out its delegated authority. But DOD is not permitted to "prescribe general policies and methods for using excess property or disposing of surplus property."

The law is unambiguous, Mr. President. Congress clearly and fully intended that the disposal of base closure property be handled in the same way that it would be handled under Property Act procedures.

It cannot be disputed that the proposal before us would fundamentally alter this method of property disposal, a method that has operated well for over 40 years. As I mentioned earlier, I also am concerned that other legitimate uses for such properties would be shunted completely in this manner.

Suppose NIH, or HHS, or the Department of Agriculture needs some base closure property for some important program—a research lab on AIDS, a Federal scientific lab, or an infinite number of other kinds of facilities. As far as the process currently in place is concerned, the law explicitly defines specific steps that must be taken in order to screen excess and surplus property for such uses. Under this amendment, no such opportunity would be provided. Right from the get go, these other very important Federal uses would have no chance to be considered. The Federal Government will have to pay, probably greatly, to build or lease new facilities. These expenditures are possibly avoidable under current disposal procedures.

As chairman of the Governmental Affairs Committee with jurisdiction over the McKinney Homeless Assistance Surplus Property Program, I am especially concerned about the effect of this amendment on the priority which Congress has for years now attached to facilities to assist the homeless. The title V Surplus Property Program under the McKinney Act requires the publication of surplus real property that is suitable and available for homeless use. There is a growing amount of base closure property being reported and published under this program. At a hearing held before the Governmental Affairs Committee last year, James Forsberg of the Department of Housing and Urban Development testified that:

[We have received property already under the Base Closure Act. Back in late March and early April [1990] we published I think around 1500 to 2000 properties that were coming on line as a result of the base closures

. . . And we have found around 80 percent of that property suitable since many of the properties were in fact family housing.

HUD currently is publishing base closure property. In a conversation with my staff, a HUD official characterized HUD's relationship with the DOD as very good. Not long ago, eight apartment buildings were turned over to nonprofit homeless providers. These buildings were part of base closure listings of associated housing for a base in Virginia. Numerous other properties are being published and considered for homeless uses. Are we really willing to see this progress stopped? That will be the effect of this amendment.

As I noted earlier there are numerous other possible uses for base closure property which will effectively be barred by the approach of this amendment. Among these very important uses are prisons, drug rehab centers, public hospitals, homeless facilities, educational facilities and numerous others. And, of course, if all of these possible public uses have been forestalled, DOD would otherwise have the opportunity to sell this property. It estimates the revenues from the sale of 1988 base closure property alone would be \$1.8 billion. That is money which would be returned directly to base closure activities.

According to a CRS analysis of this provision done at my request, enactment of this provision could have very serious budget and deficit reduction implications. The analysis, which focused on the same provision contained in the DOD authorization bill, notes, and I quote:

* * * if the language of the defense authorization bill dealing with base closures is enacted, whereby a major portion of the property at closed bases will be transferred out of Federal ownership without compensation, there will be a substantial increase in the deficit which may trigger a sequestration in accordance with requirements of section 252 of the Balanced Budget Act.

Mr. President, apart from any of the other reasons I have cited, I am opposed to this amendment on the simple grounds that we have not thoroughly examined it. Any serious effort to make changes in the current property disposal procedures should not be made lightly or without careful study. It seems too much more opportunity for scrutiny needs to be had before we undertake such major changes and I would be pleased to offer to do those hearings, jointly with the Armed Services Committee if necessary, as early as possible.

In conclusion, Mr. President, I must oppose this provision not just because it seeks a change which is undoubtedly and negatively precedential with respect to base closure property, but also because it is simply not fair—to the other potential users, both local and Federal, who would be shut out from applying to use these facilities; and to the communities where considerable

efforts have been made already to plan for integrated reuse. Once we begin down this path, there is no telling where we will stop. Does this mean that all surplus property, including foreclosed FHA and RTC properties will forever now be free of any other possible legitimate uses? Will homeless uses simply be consigned to the lowest possible rung? I cannot and will not condone taking such precipitous action, with such far-reaching implications, in this manner. I intend to continue working to see that this provision is defeated and/or dropped in conference.

I ask unanimous consent to have printed in the RECORD a position paper from DOD, a letter from GSA Administrator Richard Austin, and the analysis of this provision by the Congressional Research Service.

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

GENERAL SERVICES ADMINISTRATION,
Washington, DC, September 11, 1991.

HON. JOHN CONYERS,
Chairman, Committee on Government Operations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning Amendment No. 1034 to S. 1507, a bill cited as the "National Defense Authorization Act for Fiscal Years 1992 and 1993." This measure would undermine the Base Closure and Realignment Act and the Federal Property and Administrative Services Act of 1949 (Property Act), as amended.

Specifically, Amendment No. 1034 (Amendment) would require that military bases selected for closure be offered, at no cost and in order of preference, to an adversely affected local political subdivision, or to the host State, as the laws of that State may designate. Absent specificity in applicable State statutes, the Secretary of Defense would be required to designate the political recipient of the property.

Contrary to current law, such property would not become available for further Federal utilization until and unless it were declined by the local political subdivision or State. In subordinate provisions, the Amendment prescribes timeframes for conclusion of conveyances, certain environmental protection measures, and somewhat of a saving authority through the limited use of Presidential waivers.

As you know, the Base Closure and Realignment Acts give special necessary authorities to the Department of Defense to proceed in measured steps to curtail or conclude military activities that have been identified as dispensable to the national defense. The two laws not only provide for account funding of the considerable costs of the base closure effort from proceeds of property disposals, but also specify the establishment of detailed community reuse plans and economic assistance programs. In contrast, the Amendment would require no reuse plan but would preserve the economic assistance component and other Federal fiscal obligations which could steadily deplete the base closure account and necessitate continuing appropriations by Congress to sustain funding.

The base closure laws also adopt by prescription important qualities of the Property Act which requires Federal realty to be con-

tinuously transferred among executive agencies as long as a Government need is evident, but promptly and judiciously disposed of when it is determined surplus to all Government needs. It is to be especially emphasized that whenever circumstances intervene to prevent the transfer of existing assets to meet Federal requirements, acquisition of new property at additional taxpayer expense is often the only available alternative.

Once the Government's needs have been met, surplus properties found suitable for homeless shelter or related service functions are aggressively publicized and made available under the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, on a priority basis to eligible non-Federal applicants engaged in homeless care delivery efforts. Generally, surplus real property is available for acquisition, often at discounts of up to 100 percent, by units of State and local government, or by certain eligible non-profit entities, for a range of other public benefit purposes specified in the Property Act and related laws; or it is subject to sale through widely advertised, publicly attended competitive bidding.

Under the Property Act, the designated disposal agency appraises each affected property to determine fair market value and to decide other major questions related to its disposal. In doing so, the Government considers the widest possible range of views in evaluating the competing uses of and applications for the property.

The Amendment offers no sure way to responsibly assess the economic impact of a base closure. It would tend to treat base closure property not as the rightful property of all taxpayers, as is the theme of the Property Act, but more as local assets to be disposed of in absolute preference to the perceived needs of the affected State and its communities.

Moreover, in sharp contrast to the Property Act, the Amendment fails to provide for either revestment or other effective mechanism to assure that grantee communities will not merely sell their acquisitions to third parties who can then use the property for private ends and emerge as the chief beneficiaries of the law.

I would be pleased to answer any questions you might have and look forward to working with you in resolving this issue.

Sincerely,

RICHARD G. AUSTIN,
Administrator.

DEPARTMENT OF DEFENSE—
AUTHORIZATION CONFERENCE APPEAL
Appeal Subject: Base Closure Property
Conveyance.

LANGUAGE/PROVISION

The Senate included a provision (Sec. 2906) which would require the Department to convey without consideration closing bases to communities significantly impacted by a base closure.

DOD POSITION

The Senate provision would deprive the Department of as much as \$3.8 billion in expected land sale proceeds. The section would subvert the intent of the Base Closure Act in that funds from the sale of property are to be placed in the Base Closure Account to finance base closures, including environmental restoration. If implemented, the provision would require additional appropriations of \$388 million in FY 1992 and FY 1993 to replace lost receipts, and would result in approximately \$1.9 billion being scored as direct spending between FY 1992 and FY 1993 for the Commission recommendations only.

The Department believes that the provision would work to the detriment of a community's ability to recover economically by:

Undermining a coordinated, phased turnover of the property to a community, consistent with the community's reuse plan, by mandating the date of conveyance;

Potentially requiring the community to accept the burden of operation and maintenance of a base earlier than is presently the case; and

Stressing free transfer rather than the sale of land. The sale of land guarantees new jobs will be created, which is the reason developers are willing to pay for the land. Free transfer provides no such guarantees.

The Senate provision would fundamentally alter the Department's sale in the base closure process. It would forever commit the Department to economic adjustment and community planning assistance, outplacement assistance, and job retraining until such time as "economic stability" of the community is achieved. It would require conveyance of 100 percent of a base, absent a separate Presidential waiver, even though the Department, the Base Closure Commission, the President and the Congress recommended or approved retention of a portion of a base for activities such as reserve centers. It would require conveyance of withdrawn public land, land which was deeded to the Department with reversion clauses, and land that the Department does not own (if the installation closing is in leased space). And it would allow the Federal government to pay for improvements to the property consistent with reuse of the property (such as improvements for an amusement park).

There is considerable evidence that the current property disposal process works to the benefits of all concerned. The Department will continue to work with affected communities to mitigate the economic impact of base closures. Past successes have clearly shown that the greatest economic benefit comes from a comprehensive reuse plus that creates new jobs and opportunities, and not just a free transfer of land and facilities. Current law allows for certain public benefit discounts (free transfers) when disposing of bases. These have been used extensively in the past. Sale of the remaining property for economic development, as planned for by the community reuse planning process, in the engine which fuels economic recovery. Therefore, the Department urges the conferees to reject this restrictive provision.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, September 11, 1991.

To: Honorable John Glenn. (Attention: Lorraine Lewis).

From: Andrew Mayer, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: Senate Amendment to Base Closure Legislation.

Title XXIX of the Defense Authorization Act for 1991 (P.L. 101-510) established procedures for the closure of military bases. Section 2906 of the statute created the "Department of Defense Base Closure Account 1990," and provided for the deposit into that account of funds specifically authorized for the account; funds transferred from certain DOD funds; and "proceeds received from the transfer or disposal of any property at a military installation closed or realigned under this part." Section 2906 also provides that the funds may be used for the purposes spelled out in section 2905, which include

land acquisition, construction of replacement facilities, advance planning, economic adjustment assistance, etc.

The base closure provisions included in P.L. 101-510 were generally similar to those contained in an earlier statute, P.L. 100-526. P.L. 100-526 also created a base closure account, and the language in that statute setting up the account is to all intents and purposes identical to the language of P.L. 101-510. The legislative history of the earlier statute contained a more detailed discussion of this language, but seems equally applicable to the base closure program under P.L. 101-510. In commenting on the earlier bill, the OMB representatives stated that it establishes a Defense Base Closure Account to be administered by the Secretary of Defense for the purpose of paying those costs associated with closing or realigning bases as recommended by the Commission. (U.S. Code Cong. and Adm. News, 1988, p. 3367.)

Throughout the hearings on P.L. 100-526, it was clear that the cost of closing bases would probably be substantial, and therefore an important purpose of establishing the account was to insure that the necessary funds would be available. The problem was explained by Hon. Robert A. Stone, Deputy Assistant Secretary of Defense for Installations, as follows:

"We also face a funding challenge when bases are identified for closure. Specifically, since installations cannot absorb new missions without additional operational and community support, we must plan and budget for new facilities at the receiving bases. Therefore, we cannot close bases unless we are willing and able to pay the price of providing our people the quality working and living areas the need to get the job done at the new sites. That price, which includes the cost of military construction, must be paid before people and equipment can be moved." (U.S. Congress. House of Representatives. Committee on Armed Services. Hearings held March 17, May 18, May 19, and June 8, 1988, on H.R. 1583. H.A.S.C. No. 100-55. At p. 70.)

The base closure program established by P.L. 100-526 has been proceeding since 1988, when the first base closure commission made its recommendations. The only base which has actually been closed is Pease Air Force Base, N.H.; the delay has been due in great measure to the necessity for planning the land acquisition and replacement construction required in connection with the various closures. In the case of Pease, the Department of the Air Force has entered into an agreement whereby it was to receive \$200 million for the transfer of certain facilities. In recent weeks, however, the Senate has adopted new legislative language. The basic purpose of the new section, as set forth in the headnote, is to provide for "Conveyance of Closed Bases to Neighboring communities." In adding this provision to existing law, the amendment makes several very important changes. Perhaps the most drastic change effected by the amendment is in section 2906(i), which provides that no consideration may be required for a conveyance of property pursuant to this section. (Cong. Rec., Aug. 1, 1991, at p. S 11778.)

The Department of Defense has opposed this amendment, noting that it would "undermine . . . existing property disposal procedures." Furthermore, the Department's current estimate is that it should receive in the neighborhood of \$3.5 billion over the next five years from the sale of property at closed military bases. There are no detailed appraisals available at the present time. How-

ever, if sums of this approximate magnitude are not deposited in the base closure account, the entire base closure program could be substantially impeded.

A related problem arises by reason of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). Section 13101 amends section 252 of the Balanced Budget Act to provide that, for fiscal years 1991-1995 . . . any legislation enacted after the date of enactment of this section affecting direct spending or receipts that increase the deficit in any fiscal year covered by this Act will trigger an off-setting sequestration.

The procedures prescribed by the Budget Reconciliation Act, which are designed to insure that the budget deficit is not increased, are extremely complex. However, section 252(b) of the Balanced Budget Act, as amended by section 13101 of the Budget Reconciliation Act, provides that within 15 calendar days after Congress adjourns . . . there shall be a sequestration to offset the amount of any deficit increase . . . caused by all direct spending and receipts legislation enacted after the date of enactment of this section . . .

Consequently, if the language of the defense authorization bill dealing with base closures is enacted, whereby a major portion of the property at closed bases will be transferred out of Federal ownership without compensation, there will be a substantial increase in the deficit which may trigger a sequestration in accordance with the requirements of section 252 of the Balanced Budget Act.

However, there are other problems with this amendment to the base closure legislation. Subsection (b) provides for the conveyance of property to an eligible subdivision or State "Notwithstanding any other provision of law . . ." This language appears to overturn the procedures for disposal of excess and surplus property which have existed for over forty years under the Federal Property Act (40 U.S.C. 471 et seq.). Under that statute, property determined excess to the needs of a Federal agency was screened among other Federal agencies for possible Federal requirements before being made available to States and their subdivisions. The debate on the amendment includes a positive assertion that when these military bases were built "most communities donated the property to the Federal Government" as justification for the new procedure, which would make the property available to States and local governments first. (Cong. Rec., Aug. 2, 1991, at S 11936.) No evidence for this claim is offered, and apparently the views of the Department of Defense on the question were not solicited, since the amendment was adopted without hearings. Also of significance is the fact that, under the amendment, any real property covered by the statutory language which is not accepted by a State or subdivision is offered to other Federal agencies, but if no other Federal agency is interested in the property, then it apparently remains with the Department of Defense, and no other disposition can be made of it. The Federal Property Act, on the other hand, contains a provision authorizing sales to the public, a procedure which has frequently been used in the past. Indeed, it is understood that a number of prospective purchasers in the private sector are currently negotiating for some of the property to become available when bases close.

If we can furnish additional information on this subject, please communicate with me directly at 707-7611.

Mr. INOUE. Mr. President, I ask unanimous consent that the Roth

amendment be temporarily set aside to consider other matters.

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

AMENDMENT NO. 1232

Mr. INOUE. Mr. President, I send an amendment to the desk on behalf of Mr. BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BINGAMAN, proposes an amendment numbered 1232.

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

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

The amendment is as follows:

On page 100, line 9, strike the period at the end of the line and insert "unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act."

Mr. INOUE. Mr. President, this amendment has been cleared by both managers.

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

The amendment (No. 1232) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1233

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. RIEGLE, for himself and Mr. PELL, proposes an amendment numbered 1233:

"SEC. 30. Notwithstanding any other law, the Secretary of Commerce is authorized to accept the transfer of funds from other departments and agencies of the Federal Government as he or she may deem appropriate to carry out the objectives of the Public Works and Development Act of 1965, as amended, provided such funds are used for the purposes for which they are specifically appropriated and provided further that such transferred funds shall remain available until obligated and expended."

Mr. RIEGLE. Mr. President, I rise to offer an amendment on behalf of myself and Senator PELL which would resolve a problem which has prevented full implementation of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990. This act, which became law as part of a floor amendment to the last year's Defense authorization bill which we sponsored, authorized the transfer of \$200 million from the Department of Defense to the Departments of Labor and Commerce to aid individuals and

communities adversely affected by cutbacks in Defense programs. The fiscal year 1991 Department of Defense appropriations bill appropriated the full amount authorized as follows: \$150 million for the Department of Labor and \$50 million for the Department of Commerce.

The transfer of funds to the Department of Labor has proceeded smoothly. However, the transfer of funds to the Department of Commerce has yet to take place. It has been held up by disagreement between the Departments of Defense and Commerce over the appropriate legal mechanism for effecting the transfer. The Department of Commerce has apparently been unwilling to effect the transfer through the authority provided by the Economy Act, which is the mechanism used for effecting the transfer of funds to the Department of Labor.

I and my colleagues who authored this legislation have been frustrated by this delay. As the Department of Defense continues its build-down, it is essential that every effort be made to smooth the transition for the people affected. A base closure or factory closing can be a devastating experience for a community. People whose lives have been thrown into upheaval should not be asked to wait interminably for governmental agencies to unravel redtape before they receive the assistance which Congress provided to help them get back on their feet.

Mr. President, my amendment would cut the redtape which has held up the \$50 million of community adjustment assistance since last year by giving the Commerce Department the authority it says it needs to begin administering the program through the Economic Development Administration. My amendment is acceptable to the Department of Commerce. And from discussions with the Appropriations Committee, it is my understanding that the amendment does not pose a problem for the Department of Defense. Further, the Appropriations Committee advises me that the amendment does not present a scorekeeping problem.

I urge my colleagues to support the amendment. Thank you.

Mr. INOUE. Mr. President, this matter has been cleared by both managers.

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

The amendment [No. 1233] was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1234

Mr. INOUE. Mr. President, I send an amendment to the desk on behalf of Mr. BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Hawaii [Mr. INOUE], for Mr. BINGAMAN, proposes an amendment numbered 1234.

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

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

The amendment is as follows:

On page 146, strike lines 10 to 23 and insert in lieu thereof:

"SEC. 8113. (a) Notwithstanding any other provision of law, cooperative agreements and other transactions undertaken pursuant to 10 U.S.C. 2371 may during fiscal year 1992 be entered into only by the Defense Advanced Research Projects Agency.

"(b) Of the funds appropriated to the Department of Defense during fiscal year 1992, not more than \$75,000,000 may be obligated or expended for Department of Defense dual-use critical technology partnerships: Provided, That such partnerships may be entered into only by the Defense Advanced Research Projects Agency during fiscal year 1992.

"(c) Of the funds appropriated to the Department of Defense during fiscal year 1992, other than amounts in the 'precompetitive technology development' program element referred to in subsection (b), not more than \$25,000,000 may be obligated or expended by the Defense Advanced Research Projects Agency for research, development, test, and evaluation activities undertaken pursuant to 10 U.S.C. 2371."

Mr. INOUE. Mr. President, I am pleased to advise the Senate that the amendment is agreed to by both parties.

Mr. STEVENS. Mr. President, there is no objection.

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

The amendment (No. 1234) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1221, AS MODIFIED

Mr. INOUE. Mr. President, I ask unanimous consent that amendment No. 1221, as offered by the Senator from Oklahoma, be modified to reflect the changes I send to the desk.

The PRESIDING OFFICER (Mr. DODD). The amendment is so modified.

Mr. INOUE. Mr. President, the changes have been approved by both managers.

Mr. STEVENS. Mr. President, this is a technical amendment to an amendment that is already agreed to. It does clarify the original intent as has been agreed to.

The modification is as follows:

(3) \$10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

On page 49, between lines 17 and 18, insert the following:

NATIONAL SECURITY EDUCATION TRUST FUND
For the National Security Education Trust Fund established by section 804 of the Na-

tional Security Act of 1947, \$180,000,000 of funds provided elsewhere in this Act, which shall be available for the purposes set out in subsection (b) of such section.

AMENDMENT NO. 1216, AS FURTHER MODIFIED

Mr. STEVENS. Mr. President, I send a modification of amendment No. 1216 to the desk on behalf of Senator SPECTER.

The PRESIDING OFFICER. The amendment is so modified.

Mr. INOUE. Mr. President, this matter has been cleared by both sides.

The amendment (No. 1216), as further modified, is as follows:

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

Mr. INOUE. Mr. President, I ask unanimous consent that no further amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have consulted with the managers of the bill and with, through staff, the distinguished Republican leader. I am advised that the current status of the bill is that there are no further amendments in order other than those which had previously been agreed to be accepted, specifically the amendment of the Senator from Delaware, and that there is no request on either side for a rollcall vote on final passage.

I note the presence of the distinguished Republican leader, and I am going to momentarily ask him to comment on and confirm what I have just stated.

If that is the case, and if no other Senator seeks a rollcall vote on final passage, then it is the desire of the managers, with which I concur, and with which I believe the Republican leader concurs, that we can proceed to complete action on this bill momentarily without the necessity of a rollcall vote.

Unless we receive an indication in the next few minutes from a Senator—and I hope there will be no such indication—then it is the intention of the managers to complete action shortly and to pass the bill by voice vote. I would like to invite the distinguish Republican to comment.

Mr. DOLE. I thank the majority leader. The majority leader is correct. I

think on this side there is no problem with that, as long as we can be assured there will be a vote on the conference report, a record vote.

Mr. MITCHELL. Yes. It has always been my intention to have a record vote on the conference report, and obviously that would be agreeable at this time. This follows consultation with the managers, and so I inquire of them whether this procedure is agreeable to them.

Mr. STEVENS. It is entirely agreeable with this Senator.

Mr. INOUE. It is agreeable here.

However, if the leader will yield—

Mr. MITCHELL. Yes.

Mr. INOUE. I ask unanimous consent that I be permitted to vitiate the unanimous consent making all amendments out of order, because I have just been advised there is one remaining amendment to be submitted by Mrs. KASSEBAUM.

Mr. STEVENS. It is a technical amendment.

Mr. INOUE. It is cleared by both sides.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, then Senators should be aware that we will proceed shortly to final passage of the pending bill, and that unless some Senator seeks a rollcall vote, it will be by voice vote. If a Senator does seek it, we will have to bring everybody back. So Senators should be aware that that possibility exists, although I think it is extremely unlikely, we not having received any indication throughout all this period of discussion as to a vote on final passage.

So I encourage the managers to proceed to final passage as soon as possible and complete action on the bill.

Mr. DOLE. Mr. President, I wonder if the majority leader might indicate what the program would be for tomorrow and Monday. I would say in advance we have had a discussion in the Senator's office, and we have sort of set forth some possibilities that could happen. It would probably be good news for some of our colleagues.

We have not received agreement yet, but I can tell the majority leader we are still trying on this side.

Mr. MITCHELL. Mr. President, the distinguished Republican leader and I and others have discussed the schedule prospectively for tomorrow, Monday, and the next several days, and included in the list of items which we earlier described last Friday, and since as the measures to be completed prior to the forthcoming recess are the family and medical leave bill, the Unemployment Compensation Reform Act, which now would be in the form of a conference report, the EPA Cabinet level status bill, and the Federal facilities bill, my hope is that we can get agreement to proceed to one or more of those bills on to-

morrow and Monday and do it in a way that would permit us not to have any votes on Monday.

We have not completed our discussions yet—both Senator DOLE and I have been discussing the matter with other Senators—but it is my hope that we can reach an agreement that would make that possible although we do not yet have that understanding. The bills which I have mentioned would be among those to be included for immediate consideration should we be able to reach agreement.

Mr. DOLE. Mr. President, if in fact we could reach an agreement between now and sometime early morning, if it works, we hope it might work, then there probably will not be any rollcall votes tomorrow or Monday.

Mr. MITCHELL. That is possible. But we are not in a position to state that yet because we do not have agreement on any of the measures which we have described, there being a number of Senators to be consulted on each of them.

Mr. DOLE. I thank the majority leader.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER (Mr. DODD). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, earlier today there had been an agreement on an amendment, the sense-of-the-Senate resolution where there had been a change made after the amendment had been accepted. When a question was raised later, there was a subsequent modification of the amendment. I want to make a very brief statement so that the RECORD is clear on what occurred with the technical amendment which the managers have submitted.

Mr. President, the original amendment provided as follows. Perhaps the best way to handle this is to ask unanimous consent that I may submit the amendment in its original form for the RECORD at this point. I ask unanimous consent that it appear in the RECORD in its original form.

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

AMENDMENT NO. 1216

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the acceptance of the recommendations issued by the Base Closure Commission.

Mr. SPECTER. There was then a change in the amendment, which was adopted, which struck the words "the integrity of"—

Mr. INOUE. Will the Senator yield?

Mr. SPECTER. I will.

Mr. INOUE. That amendment has already been cleared and adopted by the Senate.

Mr. SPECTER. Yes. I know. I thank the distinguished chairman. I want to make sure that the RECORD is clear on what we have done.

After the original language had been apparently agreed to, there was some concern, and the language was stricken on "the integrity of" and the word "acceptance" was changed to "approval". Then there was a concern as to the additional words of the base closure process so that, in its final form, the amendment which was accepted reads as follows:

At the appropriate place in the pending bill, add the following:

It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

That is the language which was modified in the technical amendment by the managers. I just wanted to be sure—I could not be on the floor when that technical amendment was offered—that this sequence is understood because, as explained before and as agreed to, the purpose is that the recommendations of the base closure commission as to the closure of specific bases has been accepted by the Congress, but the Congress has not taken any position as to whether the procedural requirements of the act have been complied with by the commissioner of the Department of Defense.

So that is a question open yet for judicial interpretation on pending litigation.

I just wanted to make that statement.

I thank the Chair. I thank my distinguished colleague.

Mr. INOUE. Mr. President, I ask unanimous consent that the pending business, the Roth amendment, be temporarily set aside to permit the submission of an amendment in behalf of Senator KASSEBAUM.

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

AMENDMENT NO. 1235

Mr. INOUE. Mr. President, I send the 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 Hawaii [Mr. INOUE], for Mrs. KASSEBAUM, proposes an amendment numbered 1235.

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

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

The amendment is as follows:

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

"OPERATION AND MAINTENANCE, ARMY

"*Provided further*, That of the funds appropriated under this heading, \$6.8 million shall be available for the refurbishment and modernization at existing railyard facilities at Fort Riley, Kansas."

Mr. INOUE. Mr. President, this amendment has been cleared by both managers.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1235) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RICHARD COLLINS' BIRTHDAY

Mr. INOUE. Mr. President, I have just been advised that today happens to be the birthday of the subcommittee's staff director, Mr. Richard Collins.

So, if I may, in behalf of the U.S. Senate, I extend to him our congratulations and to thank him for helping us pass this bill.

Mr. STEVENS. I join with that. He is a courageous man. He still has his beard and mustache.

[Laughter.]

The PRESIDING OFFICER. The Chair informs the distinguished manager of the bill that the Senator in the chair, acting in his capacity as a Senator from Connecticut, would also like to join in that recognition since the distinguished gentleman being recognized is from Connecticut. Without objection, the request is granted.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, I ask unanimous consent that the pending business be set aside to permit the Senator from Texas to speak.

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

Mr. GRAMM. Mr. President, as you know, I am a strong supporter of the V-22 Osprey. I am also a firm believer in the need to continue to modernize our defense forces. For these reasons, I am very concerned about the small level of funding provided for the V-22 in this Defense appropriations bill, and the decision to restart a CH-46E production line that has been closed for nearly 20 years.

This bill will not improve the Marines' medium-lift capability. In fact, it will only delay the V-22 program, increase its cost, and unnecessarily prevent our troops from receiving in a timely fashion the equipment they need. The development team has already accomplished many successful flight and aircraft carrier tests. We need to maintain momentum on this important program. I hope we can resolve this issue in conference and keep the V-22 program moving ahead, rather than resurrecting programs from the distant past.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, I ask unanimous consent that Senator BUMPERS be added as an original cosponsor of amendment 1230.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1236

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1236.

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

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

The amendment is as follows:

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

"*Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be available only for the modernization and upgrade of the Poker Flat Rocket Range."

Mr. STEVENS. Mr. President, this is an amendment to provide the moneys that are necessary for the upgrade and modernization of the Poker Flat Rocket Range. They were previously in the bill for the NASA appropriations. This facility has not been transferred to NASA yet. I am going to put it in this bill, so that when the facility is transferred to NASA, it will have the money available for the modernization.

Mr. INOUE. Mr. President, this has been discussed with the manager on the majority side. We have no objection.

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

The amendment (No. 1236) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1231, AS MODIFIED

Mr. INOUE. Mr. President, I am pleased to advise the Senate that the modifications to the Roth amendment have now been completed and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1231), as modified, is as follows:

On page 163, on line 10, after the word "law", insert the following: "and agreed to by the local community or communities".

On page 163, on line 13, strike all after the comma through line 7 on page 164 and insert in lieu thereof the following: "the Secretary shall then offer title of the property to the local community.

"(3) If the local community refuses the property of fails to notify the Secretary of the community's acceptance of the property within 6 months after the date on which the Secretary makes the offer to the community, the Secretary shall offer the property to the country in which the property is located.

"(4) If the county refuses the property or fails to notify the Secretary of the county's acceptance of the property within 3 months after the date on which the Secretary makes

the offer to the county, The Secretary shall offer the property to the State in which the property is located.

"(5) If the State refuses the property or fails to notify the Secretary of the State's acceptance of the property within 60 days after the date on which the Secretary makes the offer to the State, the Secretary shall offer the property to other departments and agencies of the Federal Government by publishing the offer in the Federal Register.

"(6) If no department or agency of the Federal Government requests the property within 30 days after the date on which the offer is published in the Federal Register, the Secretary shall dispose of the property to the highest responsible bidder.

"(7) All offers of title under subparagraphs (A), (B), and (C) of this paragraph shall be in writing and shall contain the conditions, if any, under which the property is to be conveyed."

Insert on page 166, before line 18, the following new subsection:

"(C) Within 30 days after the transmittal of a certification under paragraph (1)(B) in the case of any property on the basis of a determination under paragraph (1)(A)(ii), the local community, county, or State shall be offered, in the order of precedence and manner specified in subsection (e) general planning and zoning authority and usage regulation regarding such property."

Insert on page 170, prior line 6, the following new subsection:

"(4) the term "local community", with respect to property at a military installation closed under a base closure law, means—

"(A) the incorporated town, village, city, or other political subdivision or similar entity of the State in which the property is located;

"(B) any other entity, including development districts, authorized to accept or administer property transferred by the incorporated town, village, city, or similar entity of the State in which the property is located; or

"(C) if the property is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property."

Mr. INOUE. Mr. President, I am pleased to advise the Senate that this matter has been cleared by both managers.

The PRESIDING OFFICER. Without objection, the amendment as modified is agreed to.

So, the amendment (No. 1231), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I say I have not had time to study in detail the provisions as applied to the West. I may have some suggestions to make in conference with reference to this bill as it applies to public land States.

Mr. INOUE. Mr. President, I am pleased to announce to the Senate that the Committee on Appropriations has completed its work. We have no further amendments, no further business. Let us have final passage.

MINUTEMAN III REDEPLOYMENT

Mr. BAUCUS. Mr. President, I rise today to express my concerns about an amendment adopted in the closing hours of the Defense Authorization debate last August. The amendment, section 1139 of S. 1507, is also referenced in the Senate report on the currently pending DOD appropriation bill. The effect of the amendment would be to prevent the expenditure of any funds for the redeployment or transfer of Minuteman III missiles.

This amendment would have extremely negative consequences for Malmstrom Air Force Base in Great Falls, MT. In an effort to consolidate America's existing Minuteman III bases from four to three, the Air Force has indicated its desire to move 150 Minuteman III to Malmstrom Air Force Base. These missiles will take the place of 150 Minuteman II missiles currently occupying the silos.

The Air Force wants to utilize Malmstrom's silos because of the unique strategic advantages they provide. The amendment would waste this valuable U.S. asset.

This issue involves more than Malmstrom Air Force Base. The consolidation of Minuteman III bases will save U.S. taxpayers \$26 million a year in operating costs, a critical consideration in a time of massive budget deficits. Consolidation is also important if the United States is to meet its missile reduction obligations under the START Treaty. Finally, consolidation is consistent with broader U.S. goals of trimming the military to better reflect the current international environment.

I have expressed my concerns about this amendment in strong terms to Senator NUNN, Senator DIXON, and House conferees. I have strongly urged the conferees to strike the amendment in conference, as an unwise and wasteful interference in the consolidation of our strategic forces.

IN SUPPORT OF SDI

Mr. SIMPSON. Mr. President, I am pleased that the amendment to severely cut back funding for the SDI Program was defeated. SDI remains a very relevant program, even given the recent dramatic political changes in the Soviet Union. The President and Congress fully recognize the need to reconfigure this purely defensive program in order to take into account the immediate threat of an accidental launch of a missile or an attack by a Third World country.

Because the world is a much different place than it was a few years or even, months ago, western nations have been forced to reconsider their defense postures and place an increased emphasis on economic activities throughout the world. All of these factors have caused the President and Secretary Cheney to redirect and reshape the defense budget of the United States. It is obvious that we are going to have a leaner and

meaner fighting machine and that includes SDI.

But this does not mean that you do away with weapons systems or weapons development programs in which millions have been invested without determining through research the capabilities and lethality of such weapons, while the relations between the United States and the Soviets have improved dramatically, we just do not have any way of knowing which factions will be in charge of the Soviet Union in a few years, or what other nations may pose a threat to our security.

The question has arisen, who will control the nuclear capabilities of our potential adversaries in the future? These are uncertainties and they underscore the need for the United States to continue development of the strategic defense initiative. The Persian Gulf war has also shown us that there is a very real need for effective defenses against possible missile attacks.

The President's new strategic defense proposal has redirected the focus of SDI from defending the United States against a massive, calculated nuclear strike from the Soviet Union to defending the United States from a purely accidental missile strike or against a terrorist action. New threats to America and its allies come from the spread of missile technology to increasing numbers of Third World countries including Libya, North Korea, and Syria. I support this refocusing of the SDI Program and will continue to support the President and Secretary Cheney on this most important issue.

Iraq's Scud missile attacks against Israel and Saudi Arabia during the gulf war were America's first warning that the deadly nature of warfare in the third world is becoming even more deadly and ruthless. We now predict that 24 Third World countries will have ballistic weapons by the year 2000. We must be prepared to meet this threat.

This new SDI plan pares back America's SDI requirements to meet the fiscal and military requirements of the 1990's. Unlike the earlier version of the SDI Program, this new program will give the United States and its allies a superior defense against limited, perhaps even accidental, attacks by up to 200 missile warheads. This plan is also less expensive with overall costs reduced by about \$12 billion.

For these reasons given, we cannot and must not cut the funding for SDI. We must continue to develop better, longer range and more precise missile interceptors and missile launch detection systems in order that we can effectively protect our own citizens and those of our fine allies. To do otherwise is sheer folly.

RESOURCES, STRATEGY, AND PRIORITIES: THE TRUE MEANING OF THE FISCAL YEAR 1992 DEFENSE APPROPRIATIONS BILL

Mr. MCCAIN. Mr. President, our debate over the fiscal year 1992 Defense

Appropriations Act has for the most part been another annual exercise in defense budgeting. We face changes that required fundamental shifts in U.S. policy and strategy, and in our defense priorities. If we had made these shifts in the right way, we could have aided the American people and our economy, developed a force posture that would meet the new strategic needs of the 1990's, and funded the forces we need by canceling projects whose time and value has passed.

We have missed an opportunity. We will continue to waste billions on dinosaurs like the B-2 and SSN-21, while failing to protect our men and women in uniform.

GIVING THE AMERICAN PEOPLE A REAL PEACE DIVIDEND

Let me begin by discussing the issue of defense spending. I believe that there is little doubt that if the current trends in the Soviet Union continue, we will be able to make future cuts in defense spending. At the same time, I believe we must be cautious in overestimating the size of those cuts, and cautious in the way we use the resulting savings.

We often find it easy to forget that we began to take a peace dividend long before the failure of the recent coup attempt in Moscow and the Soviet Union began to decisively cut back on its military efforts.

I realize that budget numbers and military statistics can be boring, but there are times when we must pay close attention to their importance. We have cut defense spending in constant dollars for 6 straight years, and we are in the midst of even more serious cuts. Real defense spending will drop by an additional 13 percent between fiscal year 1991 and fiscal year 1996, and this will create a cumulative cut of 32 percent between fiscal year 1985 and fiscal year 1996.

Our force plans call for a 25 percent cut in our military forces by fiscal year 1996, and cuts of 33 percent in our number of active divisions, 40 percent in our reserve divisions, 18 percent in our naval battle force, 38 percent in active tactical air wings, and 33 percent in our strategic bombers.

Defense spending will also drop sharply as a percentage of both Federal spending and our GNP. Defense spending which was 57 percent of the Federal budget at the height of the cold war, and which was 27 percent during the height of the Reagan buildup, will drop to below 18 percent by 1995. Measured differently, defense spending will drop from a postwar high of 11.9 percent of the GNP, and 6.3 percent during the Reagan administration, to 3.6 percent.

I believe that still further cuts will be possible as we obtain confirmation that the changes taking place in the Soviet Union are making still further reductions in the threat. Nevertheless, we are already enjoying a significant

peace dividend that will release substantial resources for use in domestic spending, reducing our budget deficit, and stimulating our economy.

I also believe that as such cuts become possible, we must be extraordinarily careful about rushing out to shift the resources we save into yet another exercise in Federal spending. There are some who already would allocate defense funds to aid to the Soviet Union. There are others who plan to use the same money to fund still more exercises in domestic spending or their particular pet rocks.

I believe that this is the last thing the American people want or need. As we close this appropriations debate, let us remember that the current budget agreement has totally failed to bring the deficit under control. Let us also remember that the majority of the American people want a sound economy, jobs, and lower taxes, not more exercises in congressional efforts to manage their lives and personal budgets.

In short, Mr. President, let us remember that the best solution to our domestic problems is to allow the American people to solve them by reducing the budget deficit and/or Federal taxes. This is the path to a full and robust economic recovery, to more jobs and high wages, to the growth that funds better schools and services, and to a stronger America.

Before any member of this body, or the other house, moves in the future to suggest we shift defense funds to any other Federal activity, he or she owes the American people a full explanation. That explanation must be detailed and comprehensive, and it must decisively show that such shifts are more important than cutting our deficit or reducing taxes.

THE IMPORTANCE OF STRATEGIC CHANGE

Second, Mr. President, we must not rush to take a further peace dividend before we are certain we can still fund the forces we need. There is no question that we live in a time of strategic change, and that our present strategy and forces do not reflect that change.

The bipolar world that has shaped our history since 1945 has gone with the wind just as surely as the antebellum South. The Iron Curtain has shattered and the Berlin Wall has crumbled. The Soviet Union and the Warsaw Pact no longer exist, and the new regimes of Eastern Europe, and the former Soviet Republics no longer pose an ideological or direct military threat to the United States.

We will have to change our forces far more drastically during the next few years than we have yet admitted in shaping this year's defense authorization and appropriations acts. Barring some almost incredible set of political reversals within Russia, we can look forward to an era of East-West cooperation, rather than conflict, and new na-

tional security challenges in the Far East and the developing world.

We must be careful, however, to make these changes at the right pace. We cannot lose sight of the fact that the future nature and leadership of the Soviet Union are still highly unpredictable, that the future of the Soviet Union's military forces remains uncertain. Above all, we cannot ignore the fact that we still need military forces to defend our interests and those of our allies in other parts of the world.

I would not argue for a moment that we need everything funded in our current defense budget. As I have already argued in this body, programs like the B-2 have become a strategic albatross, and programs like the SSN-21 have become the equivalent of a lead balloon, and we can certainly make further cuts in our forces for Europe and the so-called reconstitution forces whose only purpose is to fight world war III.

We need to firmly recognize, however, that we have been spending our peace dividend for more than half a decade. We need to recognize that the ongoing reductions in defense spending will bring us close to the bare minimum we will need to make orderly cuts and changes in our forces, and to convert from a cold war strategy and force posture to one oriented toward the power projection missions of the future.

This power projection strategy, and the force posture necessary to implement it, are the inevitable result of our position in the world. We cannot stand aside from history and try to shape it at the same time. We cannot seek a peaceful world, and global economic interdependence, and pretend there will not be new Saddam Hussein's in the future.

We need this strategy, and the proper forces, for the same reasons we needed a maritime strategy from the time we attacked the Barbary Pirates to the beginning of World War II. We need it for the same reasons we have used military force more than 220 times since the end of World War II to defend the interests of our citizens, our friends and allies, and our Nation in contingencies that had nothing to do with the Soviet Union and the Warsaw Pact.

We also should not have any illusions about the size of the forces we are cutting. We did not size or structure our forces to challenge the Soviet Union alone. We shaped them to take account of alliances like NATO, our alliance with Japan and South Korea, and our alliances with a host of friendly states like Israel, Egypt, and Saudi Arabia.

We also have made countless compromises in the past, in order to reduce the burden defense places on our economy. In fact, we have long accepted the military risk of having only about half the total mix of forces for NATO and power projection missions that many joint staff studies have shown we really need.

The resulting shortfalls were exemplified during Operation Desert Storm. We must remember that this crisis came at a time when many Members of this body were stating there were no major threats in the developing world, and when some were saying that the Iran-Iraq war had brought a new stability to the region. We must remember that our victory was only made possible because Saddam Hussein sat and waited for 5 months, and failed to bring his forces to the readiness they had shown against Iran only 2 years before.

We must remember that we encountered major shortfalls in airlift and sealift during the buildup for Operation Desert Storm. We must remember that we were critically short of heavy armor and firepower for our Army and Marine forces up to the final weeks before the war began. We must remember that we used many of our ground forces for NATO, virtually all of our combat deployable carrier strength, at least two-thirds of our Marines, and a large portion of our tactical aviation and bombers for this one contingency.

We must remember that even this buildup was only possible because of the cooperation of friends like Bahrain, Saudi Arabia, and the UAE. We must remember, for all our successes, that the political and strategic outcome might have been dramatically different if it had not been for Israel's courage and restraint, and if we had to escalate to a very different level of conflict. We must remember that we were part of a coalition and that our forces were successful because they fought alongside the forces of Britain, France, Egypt, and many other nations.

We cannot afford the illusion that we have a vast surplus of forces we can easily eliminate. We must not cut defense spending without a clear picture of the force posture we wish to preserve and the strategic capabilities we wish to preserve or create.

We do not have a surplus of power projection capabilities, and it is important to note that our current defense spending and force plans will leave them badly short of sea and airlift, modern amphibious forces, long range tactical strike aircraft, mobile armored forces, and a host of other capabilities. As we cancel programs suited to the cold war, we may well need to shift these resources to the other military capabilities that will ensure we can rapidly and decisively project power without suffering serious casualties.

Above all, we must not confuse a new period in history with the end of history. Like it or not, we have become the one power in the world that can project enough military force anywhere in the world to halt aggression, deter conflict, and protect our interests and those of our allies.

SETTING NEW PRIORITIES FOR DEFENSE SPENDING

This leads me to my final point, the need to set new priorities for defense spending. I believe that we need to urgently concentrate our resources on power projection missions, and that we need to ensure that we fully fund the core forces we have in being, and the necessary air and sea lift, rather than indulge in high cost and high technology experiments that we may never be able to afford.

To be specific, we should not cut our carrier task groups or our Marine Corps combat forces. We should not cut the combat ready Army and tactical Air Force units, and their reserve counterparts, whose primary mission is power projection. We should keep key elements of our forces forward deployed for missions in Asia, the gulf, and Europe, not rush forces home that we will need to redeploy in the emergencies and crises that are certain to come.

Where we can make cuts is in the nuclear forces that will be cut as part of START, and which are certain to be the subject of ongoing force cuts as our relations with the Soviet Union or its successors improve. We can legitimately demand that it is our European allies that bear the overwhelming burden of their own defense, as we shift to a power projection role.

We can ruthlessly pare our active and reserve force structure to eliminate those forces whose primary mission was to fight a prolonged conventional war in Europe. We do not need these forces, or the expensive shell of a reconstitution mission, and this should permit major further cuts in our force structure, support structure, and headquarters in the United States.

We need to recognize that as the Soviet threat continues to diminish, we need to emphasize maintaining our high quality of men and women in uniform, and the overall readiness of our forces, not technology per se. This is why we should have killed expensive dinosaurs like the B-2 and SSN-21. This is why we must show extreme caution in depriving our defense industrial base of proven weapons and munitions in the hope that we actually produce sweeping advances in technology after the year 2000.

We cannot afford to throw away two birds in our hands for one in the bush. We cannot afford to leave tactical aviation unfunded to buy the B-2. We cannot afford to consume 25 percent of our ship building budget by buying an SSN-21 whose only justification is that the Navy failed to budget for the smaller submarine we actually need.

We cannot afford to halt production of all our current fighters in the hope some aircraft whose technical details remains uncertain may become a reality. We cannot halt the production of proven and easily ungradable armored

weapons, and helicopters like the AH-64, for promises of unknown price and performance.

We also owe a debt to those in uniform, and their families, that we must not ignore. The military technology we used in Operation Desert Storm had a major impact in winning the war. That technology, however, would never have been effective if our service men and women had not been willing to work 16-20 hour days month after month during the period from August 2, 1990 to the beginning of combat operations.

It took countless hours of effort by the best trained and most skilled force in our history to adapt our weapons to a new terrain, set of weather conditions, and tactical needs. It took an incredible degree of courage, sacrifice, and professionalism to fight such a decisive battle. It was men and women, not things, that won the Gulf War.

This, Mr. President, is why we cannot reward these same men and women by coldly forcing them out of military service. Manpower quality is the most important single aspect of readiness, and that quality is dependent on the willingness to volunteer. This is why I sponsored legislation that will temporarily block a careless policy of involuntary separation to buy equipment that is often still on the drawing board. We need an effective and honorable separation program that will ease the transition of service men and women who will be affected by the coming force reduction.

STRATEGIC CHANGE AND THE ROLE OF CONGRESS

In conclusion, let me emphasize one central fact. It is a fundamental responsibility of the Congress to ensure that necessary changes in our strategy and defense posture are implemented.

We cannot foresee all of those changes today. However, unless we make the right beginnings we will deprive the American people of the true peace dividend they deserve, we will pursue the wrong strategy and threaten the peace, and we will continue to waste billions we cannot afford on forces and equipment we do not need. The central issue is how to cut our spending and our forces in a way that will preserve and expand the power projection forces we need for the future.

SUBMARINE LASER COMMUNICATION PROGRAM

Mr. GORTON. Mr. President, yesterday I offered an amendment to fence \$10 million for the submarine laser communications program. There were no funds requested by the Department this year due to alleged high costs and a weak technology base. Nevertheless, in May of this year, after the budget submission, an astonishing accomplishment was achieved with an aircraft aloft and a submarine at operational depth communicating with each other. Heretofore, this was done with the submarine at or near the surface, risking detection.

Despite Department reluctance and based on this year's success, the Senate Armed Services Committee adopted \$20 million for the program. In subsequent communications, I understand that the program can survive this year at \$10 million, giving the Department an opportunity to submit in fiscal year 1993. I further understand that the \$10 million can be accommodated within this bill's overall ceiling.

I thank both Senator INOUE and Senator STEVENS for accepting this amendment.

THE NATIONAL RENEWABLE ENERGY LAB

Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the Solar Energy Research Institute [SERI], located in Golden, CO, and to congratulate this research facility for achieving national laboratory status. On September 16, 1991, SERI received official designation as a national laboratory and will now be called the National Renewable Energy Laboratory [NREL].

This designation represents an important achievement in the ongoing research being conducted at this world class solar and renewable energy research laboratory. With its new name and its new national laboratory status, NREL joins a distinguished group of national research facilities engaging in important scientific research for the benefit of humankind. The years of significant, pathbreaking work by the scientists and staff at NREL is now enjoying the recognition which it so rightly deserves.

Mr. President, the road to recognition for NREL has been a challenging one, and this designation stands as a testament to the fortitude and unwavering commitment of those employed at NREL. The historic challenges faced by NREL reflects upon our Nation's lack of a rational energy policy and our fixation on cheap, imported oil. Hopefully, this designation will usher in new national energy priorities which focus on renewable energy technologies—technologies which will help reduce our dependence on imported oil and are good for the environment as well as our national economy.

The National Renewable Energy Laboratory, which began in 1977 as the Solar Energy Research Institute, was established as a result of a mandate under the Solar Energy Research Development and Demonstration Act of 1974. Congress established NREL under this act to consolidate Federal solar energy research. Since its inception, NREL has broadened its solar energy research programs to include research on other renewable energy resources.

During the first years of operation, when national interest in more secure energy resources was at an all-time high, NREL maintained an annual budget of about \$125 million. A 1979 congressional study showed that while maintaining a rapid growth rate, the

United States could reduce its energy expenditures by 25 percent—if the level of funding toward solar energy research and development were maintained. In spite of these findings, solar energy research and development funding was reduced by 80 percent during the 1980's. Our national solar energy program was deemphasized in the 1980's in favor of cheap sources of foreign oil. During the past several years however, NREL's funding has increased significantly—growing last year at a rate of about 30 percent.

Despite the budget shortfalls of the 1980's, NREL has managed to maintain its status as the world's foremost laboratory in solar technology. The scientists at NREL remained diligent in their research through the difficulties of the 1980's because of their commitment to alternative energy research and their foresight that these technologies could eventually help solve our national energy woes. Their dedication is our Nation's gain.

NREL is currently engaged in a wide range of exciting solar and renewable energy technology research. NREL's solar energy research includes photovoltaics, solar concentrators and solar thermal energy. NREL's photovoltaics research has achieved world record conversion efficiencies of more than 30 percent while dramatically reducing the cost of photovoltaics by a factor of three. NREL's solar concentrator research represents new and existing methods of destroying toxic substances by harnessing the sun's rays into a single beam of energy equivalent to the power of 20,000–60,000 suns. In addition to its solar energy research, NREL has programs underway examining the future potential of renewable energy resources such as converting algae to gasoline, converting crops and trees to ethanol, and creating better more efficient wind generators.

The elevation of NREL to national laboratory status, as well as the recent increases in research dollars, represents a renewed appreciation of the place that solar and renewable energy technologies can play in our national energy policies. If we are serious about reducing our reliance on imported oil and on reducing environmental degradation, then we must continue to support the research activities of NREL.

I applaud the efforts of all those who helped NREL achieve this distinction. I especially want to recognize NREL Director Duane Sunderman and the scientists and staff at NREL for a job well done.

UNDERGRADUATE NAVAL FLIGHT OFFICER

Mr. BOND. The amendment I had intended to offer today pertains to the Undergraduate Naval Flight Officer [UNFO] Training Program. It would require the Navy to authorize Sabreliner Corp., the company which received the contract award, to begin to provide the

training services the Navy agrees Sabreliner is ready to provide. The amendment also says the Navy must authorize Sabreliner to begin training immediately, before September 30, 1991, or risk losing the funding for the UNFO Program.

This is an urgent matter. Sabreliner has been performing the UNFO contract since contract award in March 1990. The contract envisioned a period of approximately 18 months before the training would actually begin. During that time, Sabreliner business jets would be reconfigured to approximate military planes, and be fitted with state-of-the-art radar. Over the past 18 months, Sabreliner has undergone extensive and numerous program reviews regarding all aspects of UNFO training services, including the Sabreliner aircraft and radar system. Sabreliner delivered its first plane for testing to the Navy ahead of schedule in June 1991. It has been working around the clock with the Navy to resolve open items.

To date, Sabreliner has expanded more than \$75 million to perform the UNFO contract. It is crucial to note that Sabreliner only receives its first dollar from the Navy when it achieves initial training capability [ITC]. Twenty million dollars from the Navy's Operations and Maintenance [O&M] budget has been set aside for this program, but must be dispersed before September 30, 1991.

In August, after Sabreliner had delivered its planes to the Navy, with training services expected to begin imminently, the Navy suddenly expressed serious dissatisfaction with the air-to-ground radar system provided by Sabreliner and its subcontractor, Westinghouse. I am not expert enough to judge whether the radar meets the Navy's contract specifications or whether it is operationally effective. It does appear, however, that the radar works as designed, and that the Navy has been continuously involved with the radar system that Sabreliner and Westinghouse intended to provide and voiced no objections to the radar during any of the many previous program reviews.

Sabreliner and Westinghouse take the position that the Westinghouse radar that has been provided to and tested by the Navy fully complies with the requirements of the contract for air-to-ground services. Nevertheless, Sabreliner and Westinghouse have committed to system modifications needed to meet the Navy's operational expectations, which would take 7–9 months but appear to satisfy the Navy. They have also put forth several proposals for fully meeting the Navy's air-to-ground training needs in the interim period while the radar is being modified. These proposals include slowing down the speed of the training aircraft, flying at lower altitudes, and making

minor adjustments to the training routes.

The Navy has not yet made a final decision about how to handle the interim period. However, certain Navy program officials have indicated a preference for having Sabreliner contract with Cessna, the incumbent, to provide air-to-ground radar training during the interim period until the radar is modified. As one who has followed the history of this program carefully, I find that proposal to be extraordinarily ill-advised. Cessna was judged by the Navy to be substantially inferior to the other competitors when the contract was awarded. Moreover, because of errors by the Navy in the procurement process, and some inexplicable decisions by the Small Business Administration in administering its Certificate of Competency Program, the Navy has already found itself forced, by a settlement imposed by a Federal district court, to contract with two companies, Sabreliner and Flight International, to provide the same training services. The last thing that the Navy needs, or the Congress wants, is for the Navy to begin paying a third company to provide the same UNFO training services.

The UNFO Program has been marred by procurement errors, controversy between the Navy and the SBA, a bid protest, and Federal court litigation. Through all of this, Sabreliner's consistent and committed performance has stood out. Sabreliner has hit every milestone, stayed on budget, and until the Navy's dissatisfaction with the air-to-ground radar suddenly surfaced, fully expected to begin providing services. I think that Sabreliner has earned the chance to work with the Navy in resolving any problems that have arisen and, working with its radar subcontractor, Westinghouse, I am confident that they can do just that. But I am forced to bring this amendment because the Navy has shown little recognition of the significance of the rapidly approaching September 30 date. If Sabreliner is not authorized to provide ITC, it will lose \$20 million. Such a loss would jeopardize the line of credit that has enabled Sabreliner to perform this contract for the past 18 months, posing a real threat to Sabreliner's ability to continue in business.

Sabreliner's continued existence is important to our national security not just because it is the contractor for these critical UNFO services, but also because it is a supplier of critical services and products to all branches of the Pentagon. It is providing 600 T-37 SLEP kits to the Air Force. It has a contract to overhaul and deliver 400 Army T-53 engines for the UH-1 helicopter and it provides logistical support for the Navy's fleet of T-39's. In addition, Sabreliner is a contractor for several other Federal agencies including NASA, the FAA, the U.S. Marshal Service, and the FBI. All of these pro-

grams would be jeopardized if Sabreliner is forced out of business next week due to the Navy's action.

Sabreliner is ready to begin training and has been for weeks. The Navy has agreed that Sabreliner's UNFO system meets or exceeds contract specifications for the radar air-to-air and nonradar sorties that comprise 79.4 percent of the fiscal year 1992 UNFO training requirement; in other words, 80 percent of the sorties envisioned for fiscal year 1992 can be performed to the Navy's satisfaction today. There is no justification for the Navy to delay authorization of ITC in these areas simply because of a dispute over the air-to-ground radar, particularly when the foreseeable consequence of further delay could force Sabreliner out of business. By adopting this amendment today, the Senate would be telling the Navy to begin the training that is ready to begin, allow Sabreliner to receive a first payment for the work that it has been doing for 18 months, keep Sabreliner in business, and keep this important program going.

Mr. INOUE. Mr. President, I have spoken with the Senator from Missouri about his amendment. I understand his concerns and I certainly am sympathetic to the dilemma Sabreliner now faces. I understand that talks are currently underway between Navy officials and Sabreliner executives to attempt to resolve this issue, and I hope that they are successful so that Sabreliner will be authorized for ITC by Monday. Because these talks are ongoing, I am pleased that he has decided not to offer his amendment with the assurance that, if this issue is not resolved by Monday through the issuance to Sabreliner of initial training capability, I and the rest of the Senate conferees will seek a resolution in conference.

Mr. BOND. I thank the Senator for his views and his assurance that he will seek redress for Sabreliner in conference and work to ensure that the taxpayers are not forced to waste further dollars on this program.

Mr. GRASSLEY. Mr. President, I supported two of the amendments offered earlier on this bill by my friend from Tennessee, Mr. SASSER. The third amendment I did not support—that of the MX rail garrison—a program which I have traditionally supported, and one which is of minimal savings and which therefore did not necessarily comport, in my view, with the overall thrust of Senator SASSER's very compelling and persuasive argument; that is, that we need to redress many of the decisions we have made in the past involving big-ticket items.

Let me review those arguments and elaborate on them, Mr. President. The reasons I supported these amendments are both budgetary and defense in nature.

And, there is one additional reason—and that is common sense.

In my view, these amendments represent a commonsense approach to amending the long-term effects of past decisions that have not matched up either to our planning expectations or to what has actually occurred in the real world. This is a commonsense approach to budgeting and planning which is rarely practiced at the Federal level. State governments practice this year after year after year. But not us here in Washington, it seems.

As Senator SASSER has explained, there is a significant savings gap that's required in 1994 and 1995 if we are to squeeze discretionary spending within the agreed-to spending caps. Right now, we have 5 pounds of rice, and only a 4-pound sack. It's not all going to fit in. That remaining pound of rice represents, allegorically, what needs to be saved. What Senator SASSER was trying to do in these amendments is to account for less than half of that pound of rice.

Unlike domestic programs, big-ticket defense programs take a long time to produce savings. That's why we have to act now in order to have the desired impact in 1994 and 1995 in the Defense budget. We have heard repeatedly in testimony before the Budget Committee that the time to make decisions for 1994 and 1995 is this year. This point is certainly not in dispute among defense analysts.

What these amendments also imply, Mr. President, is that the savings required for 1994 and 1995 will not come from only domestic spending. The needs for domestic spending continue to escalate, while the threat to our national security is diminishing. The Defense Department's planned 25-percent budget reduction over 5 years was programmed prior to the recent collapse of the Union of Soviet Republics. Clearly, additional cuts are warranted.

Accordingly, in the new post-cold war world, the need for many of the weapons systems with expensive technologies that are in many ways yet unproven is certainly diminishing. In my view, we should not be afraid to take advantage of the new opportunities presented to us by favorable changes in the world. We should begin now to determine which programs are useful and which are not in a restructured strategic defense plan designed to address a new and diminished threat. This is what I believe is the major significance of the Sasser amendments, and why I supported them.

MAGNETOHYDRODYNAMIC PROPULSION

Mr. JOHNSTON. Will the distinguished chairman yield for a short discussion of a matter of importance?

Mr. INOUE. I will yield to the distinguished Senator from Louisiana.

Mr. JOHNSTON. This year has been a particularly difficult period in making

hard national defense choices under the financial constraints imposed by the budget agreement and competition among programs for available dollars.

It is unfortunate, however, that these constraints prevented more funding for certain DARPA efforts. The services, in general, do a fine job of research and development for the near future, but it falls to DARPA to provide the innovative technologies that will enable our land, air, and naval forces to meet longer range challenges of 10, 20, or more years from now. Superior technology is the key to winning, as we learned from the recent Iraqi war. It is DARPA's role to ensure that we do not face 21st-century challenges with 20th-century technology.

A most promising program that meets this criteria, Mr. President, is Magnetohydrodynamic [MHD] propulsion for advanced submarine design. MHD, in what may be a significant breakthrough in naval propulsion technology, has the potential to do away with the propeller shaft and reduction gears which have been used on modern submarines since their creation. Recent studies completed by DARPA show that an MHD propulsion system eliminates all external rotational noises including those arising from large water disturbances created by the propeller. In other words, this very advanced technology could make our nuclear submarines significantly quieter which, of course, would considerably increase their stealth capability. Combat survivability also will be enhanced since the MHD thruster is segmented. A single damaged segment will not destroy the vehicle's propulsion capability. In addition, the potential for installing an MHD propulsion system in nontraditional locations could create increased internal space for other military purposes, such as greater weapons payload.

The MHD system operates by using superconducting magnet technology to eject seawater from the MHD propulsor to accelerate the submarine. Much work has been done on MHD propulsion by the Japanese and the Soviet Union. The Japanese have constructed a surface ship with MHD propulsion. The Soviet Union, in spite of its domestic problems, continues to improve its already formidable submarine fleet and is actively evaluating MHD propulsion technology for naval applications.

It was for these reasons, Mr. President, that the Senate Armed Services Committee, provided \$5,000,000 in DARPA's Tactical Technology Program to continue its investigation of [MHD] propulsion for submarines. The funding would provide for the construction of an appropriate vehicle and to conduct an open ocean hardware test of the MHD concept.

Mr. President, am I correct in understanding no money was appropriated for this purpose because DARPA may

have funds available which could be used by the Agency's Undersea Warfare Office to construct the hardware and to conduct the open ocean test of MHD technology?

Mr. INOUE. The Subcommittee has recommended \$55 million for the DARPA program which develops advanced submarine technology, SUBTECH. DARPA has indicated that additional funds would be required to build the hardware and conduct the open ocean test you have described.

Mr. JOHNSTON. Am I also correct in understanding that MHD propulsion represents one of the innovative technologies that DARPA was created to pursue?

Mr. INOUE. Indeed, the MHD propulsion concept may offer an approach allowing the United States to develop quieter, more survivable submarines. Development and demonstration of MHD propulsion technology within the current DARPA SUBTECH Program would be appropriate.

Mr. JOHNSTON. I would be grateful, Mr. President, if action could be taken to incorporate language in the conference report encouraging DARPA to pursue construction of a MHD Open Ocean Test Vehicle in fiscal year 1992 and eventually conduct such a test of this technology.

Mr. INOUE. We will do our best in conference on this matter.

ARMY NATIONAL GUARD 35TH DIVISION TRAINING CENTER

Mr. DOLE. Mr. President, I rise today to express support for the Army National Guard 35th Division Training Center at Fort Leavenworth, KS. This center was designated to provide all Army National Guard units a modern training facility for the conduct of tactical war gaming exercises for divisional and brigade staffs. Utilizing computers and the newest software available, this center will have direct links to the U.S. Army Combined Arms Center at Fort Leavenworth. The training center will require no new construction or additional personnel. The facility is complete in all respects except for the computers and support equipment. It has a briefing and debriefing lecture hall, fiber-optic telecommunication hookups, and even a dining facility for in-training units. This center will have the capability to conduct the most up-to-date tactical exercises while simultaneously interacting with other on-site or off-site exercises. Although the training center building was completed in February 1990, the computers are still needed to make it a fully operational training center for the entire U.S. National Guard.

Mr. INOUE. Mr. President, may I ask the senior Senator from Kansas what the requirements are to make this facility a fully operational training center?

Mr. DOLE. Mr. President, in answer to the distinguished chairman's ques-

tion I believe that the Senate Committee for Armed Services' authorization of \$2 million will meet the need of the 35th Division Training Center.

Mr. INOUE. Mr. President, will the senior Senator from Kansas discuss the amount of annual training utilization that would be expected at the center?

Mr. DOLE. Mr. President, the center would be capable of over 20 full scale exercises a year. I believe that it is important to remember that because of its compatibility of operation with the U.S. Army software and equipment, the center could be used in conjunction with the many command and general staff college exercises at Fort Leavenworth. This would have the added benefit of allowing joint training between National Guard and army personnel.

Mr. INOUE. Mr. President, as I understand the senior Senator from Kansas, this center will give all of our National Guard units the opportunity to train in joint exercises with their army counterparts, and allow National Guard divisional and brigade command staffs to conduct the entire spectrum of planning and tactical execution.

Mr. DOLE. Mr. President, the distinguished chairman is correct. The center will allow National Guard staffs to plan and execute a tactical operation while saving valuable training dollars and man hours. In the era of tight budgets, this type of training will allow the staffs to improve their performance, and save valuable training time and dollars when they actually go to the field.

Mr. STEVENS. Mr. President, having reviewed the procurement proposal and the training that can be derived from this project, I support using \$2 million of the funds appropriated to the Army National Guard equipment account for the procurement of computer work stations and necessary support equipment for the 35th Division Training Center. This center could be a model for the future, allowing national guard units to work with their army counterparts and ensure that they understand and learn each others tactics and operational procedures. This type of classroom exercise will give our National Guard commanders the ability to train and maintain readiness in this era of the come-as-you-are confrontations.

Mr. INOUE. Mr. President I agree with the distinguished vice chairman. With the force structure changes now being implemented, it is vital that Army and National Guard units train together, and be able to execute an operational plan at any time. As the Senate Committee on Armed Services fully supported this project with specific language and the center is completely ready to begin operations, this project will allow realistic training while savings millions of training dollars and man-hours in the field. I too fully support this use of these funds.

Mr. DOLE. Mr. President, I thank my distinguished colleagues for their con-

sideration of the 35th Division Training Center at Fort Leavenworth.

FUNDS FOR THE LEASE OF GEAR INFAC EQUIPMENT

Mr. DIXON. Mr. President, if the distinguished Senator from Hawaii would agree, I would like to engage in a short colloquy regarding funds for the lease of Gear INFAC equipment.

In brief, the Defense Logistics Agency awarded a contract in 1989 to a not-for-profit research organization [IIT Research Institute] for the operation of an Instrumented Factory for Gears—the Gear INFAC. The Gear INFAC is a program designed to improve the supply of gears to the Department of Defense by strengthening the U.S. gear industry through research, education, and industrial expansion. The equipment for the INFAC factory floor is to be provided under lease with U.S. equipment manufacturers, which carry a possible early-termination liability of \$4 million. A not-for-profit organization such as IIT Research Institute is not in a position to incur such a liability.

Mr. President, I understand that the Senate Defense appropriations bill provides a lump sum under the Office of the Secretary of Defense for a consolidated manufacturing technology program, as authorized by the Senate Defense authorization bill. I also understand that the House version of the Defense Appropriations bill does not provide the consolidated lump sum, but rather identifies and appropriates individual programs. During the conference deliberations on the resolution of this question, it is my hope that \$2 million can be earmarked for lease of Gear INFAC equipment from within the Defense agencies allocation for manufacturing technology.

Would the distinguished chairman of the Defense Appropriations Subcommittee be willing to address this matter in conference?

Mr. INOUE. I agree with my colleague that an appropriate place to address the problem of leasing equipment for the Gear INFAC program would be within the Defense agencies allocation. I will give every consideration to this problem during our conference deliberations on the issue of a consolidated manufacturing technology program.

THERMIONIC SPACE POWER

Mr. SHELBY. Mr. President, will the distinguished chairman of the subcommittee please yield?

Mr. INOUE. I am happy to yield to my colleague from Alabama, Senator SHELBY.

Mr. SHELBY. I thank the chairman for yielding. The chairman is to be commended on the yeoman service of his committee in bringing this bill to the floor. I would like to take this opportunity to discuss with him the application of thermionics technology to generate electrical power for space platforms.

Mr. President, 2 years ago, Congress provided \$10 million to initiate a program with the Air Force to develop thermionics to greatly increase the electrical power available for space platforms. Thermionics technology is of particular interest to the Air Force because of its application in the 5 to 40 kilowatt range. Thermionics technology may provide a more efficient and more compact space nuclear power supply. Work is now underway by the Air Force at the Phillips Laboratory in New Mexico and by universities and contractors under their direction.

The Air Force has used the funds provided 2 years ago for basic materials research and some preliminary systems design. That work supported a study by the Air Force Scientific Advisory Board which recommended increased Air Force participation in space nuclear power technology development.

Mr. INOUE. The Air Force has budgeted \$300,000 in fiscal year 1992 for research on thermionics technology. I understand that the Air Force is considering a long range program for development of thermionic power technology.

Mr. SHELBY. The Air Force, SDIO, and the Department of Energy have recently signed a memorandum of understanding for a cooperative program that will expand work on thermionics. The use of this nuclear power technology could offer some improved survivability features while providing greater electrical power to increase the capability of surveillance and communication spacecraft.

Mr. INOUE. The committee requested OSD to submit with the fiscal year 1993 budget request a new comparison of the acquisition cost, performance, size, weight, and cost effectiveness of thermionics technologies with other space power options. The committee will carefully review this information in evaluating the fiscal year 1993 budget request.

Mr. SHELBY. The House Appropriations Committee added \$10 million for thermionics to Air Force R&D funding. These funds would help ensure that the program outlined in the recently completed memorandum of understanding would be adequately supported in fiscal year 1992. I would greatly appreciate the chairman's consideration of the program when the issue is raised in the conference on the Defense appropriations bill.

Mr. INOUE. We will do our best in conference on this matter.

Mr. SHELBY. I thank the Senator for his time, consideration and leadership on this issue and the many details of the bill we have under consideration today.

BLOOD SUBSTITUTES

Mr. HEFLIN. Mr. President, I rise to discuss with my two distinguished colleagues on the Appropriations Committee, Senator INOUE, Chairman Defense

Subcommittee and the ranking Republican on the subcommittee, Senator STEVENS, a very important matter concerning the progress being made in the field of blood substitutes.

Mr. INOUE. I would be pleased to discuss with my colleague this matter.

Mr. STEVENS. I am glad to have the opportunity to discuss this important matter with my colleague.

Mr. HEFLIN. As you know Mr. President, there have been tremendous efforts undertaken by researchers and scientists from the private, Government as well as academic sectors to develop a blood substitute. There are significant potential benefits of blood substitutes in providing medical assistance to troops, in the unfortunate but inevitable occurrence, during conflicts armed. I am aware that within the Defense Department both the Army and the Navy have been researching technologies as well as funding private research in the field of blood substitutes. As you know Mr. President, blood substitute would extend shelf life as well as mitigate problems of cross-matching, sourcing, screening, testing, shipping, and storage associated with whole blood.

Mr. President, I understand the House and Senate report accompanying the Defense authorization bill requested the Defense Department to conduct a study of the technologies available. It is my understanding that you share the interest of the authorizing committees and support the research efforts currently underway, but have not provided specific funds in this bill for construction of private or Federal facilities for the production of blood substitutes.

Mr. INOUE. The Senator is correct. Blood substitute research enjoys support in both Chambers as we all realize the many potential benefits in both military and civilian applications. However Mr. President, no product has been approved by the Food and Drug Administration for clinical trial, much less commercial use, as an approved blood substitute. Therefore, any funds provided in this bill is to provide support of research into this field within the various "research, testing, development and evaluation" accounts. Further, as I understand, the Department has agreed to conduct a study of all blood substitute technologies. Therefore, it would be premature to provide funds for any type of facility to accelerate product development in fiscal year 1992.

Mr. STEVENS. I agree with my chairman, that the Defense Subcommittee supports the tremendous efforts by scientists and researchers to develop blood substitutes. However, along with the chairman, I intend to review the Department's inclusive study before appropriating funds for facilities. Further, I insist that any funds appropriated for the award of

blood substitute research abide by the requirements set forth in the Competition in Contracting Act.

Further, I understand that the Department may not be able to complete a comprehensive study within the target date specified. I consider the study to be of great importance and therefore suggest the Department notify Congress if it needs additional time to analyze and disseminate the information collected for the study.

Mr. HEFLIN. I appreciate the comments of the chairman and the ranking Republican member on this important issue. I look forward to working with my colleagues on this issue and await the Department's study.

Mr. President, I yield the floor.

THE NATIONAL GUARD

Mr. LAUTENBERG. I would like to direct a few questions to the chairman about the language in this bill and the accompanying report on the National Guard.

It is my understanding that this bill would maintain the existing combat force structure for the National Guard.

Mr. INOUE. That is my understanding.

Mr. LAUTENBERG. It is my understanding that the language in this bill would prevent the Pentagon from eliminating the 50th Armored Division headquarters in New Jersey in fiscal year 1992.

Mr. INOUE. That is also my understanding.

Mr. LAUTENBERG. It is my understanding that the language in this bill would prohibit the Pentagon from deactivating units in New Jersey that are scheduled to be deactivated in fiscal year 1992.

Mr. INOUE. I believe it would.

Mr. LAUTENBERG. Would it also prevent the Pentagon from consolidating the 50th Armored Division with the 26th Infantry Division in Massachusetts and the 42nd Infantry in New York?

Mr. INOUE. It is my understanding that it would.

Mr. LAUTENBERG. I thank the chairman for clarifying these points for me.

REPLACEMENT OF AV-8B AIRCRAFT

Mr. BOND. Mr. President, as I understand it, the President has requested the replacement of six AV-8B aircraft lost during Operation Desert Shield/Desert Storm as part of an upcoming supplemental appropriations bill. Without getting into the committee's position regarding the purchase of replacement of AV-8B, may I inquire if the committee's stated position in this bill regarding the termination of AV-8B would preclude the replacement of these aircraft?

Mr. INOUE. The Senator raises an important issue to which I am happy to respond. The committee recommendation provides \$40 million to cover the termination of the AV-8B program.

This recommendation is consistent with the President's fiscal year 1992 budget request which included no funds to continue production of this program. The committee added this amount believing that current funding is insufficient to cover the costs to shutdown the AV-8B program. However, in recommending termination of the AV-8B program, the committee has not precluded the purchase of replacement aircraft lost in Desert Storm. The purchase of replacement aircraft is dependent on passage of a Desert Storm supplemental providing such funding.

Mr. BOND. I thank the chairman for the clarification. I wish to state for the record my strong support for replacing the six AV-8B Harriers lost in Operation Desert Storm and I know from talking with my colleagues that others share that view.

Mr. INOUE. I thank the Senator for raising this issue and assure him that we will give this matter our careful attention in conference.

LETTERMAN ARMY MEDICAL CENTER

Mr. CRANSTON. I would like to ask the distinguished subcommittee chairman if he would yield for the purpose of a brief colloquy?

Mr. INOUE. I would be glad to yield to the senior Senator from California [Mr. CRANSTON].

Mr. CRANSTON. I want to thank the distinguished chairman for all his work in ensuring that the Department of Defense meets its obligations to prevent any degradation of the facilities at the Presidio of San Francisco before its transfer to the Department of the Interior. The committee directed the Army to provide at least \$10,000,000 to cover costs of emergency and deferred maintenance repairs in fiscal year 1992, funds that are sorely needed so that the Presidio will not be a liability for the National Park Service when the transfer finally takes place.

As the distinguished Senator from Hawaii knows, the closure of the Presidio is unique. Public Law 92-589, which created the Golden Gate National Recreation Area, stipulated that any or all lands of the Presidio of San Francisco deemed excess to the needs of the Department of Defense are to be transferred to the Department of the Interior to be preserved as part of the Golden Gate National Recreation Area and the National Park Service.

Since the Presidio was identified for closure, the Golden Gate National Recreation Area has been spearheading a comprehensive planning process to determine the future disposition of the many historic and varied facilities at the Presidio.

One such facility is the Letterman Army Medical Center. In response to concerns about alternative health care for military retirees presently served by Letterman, the committee has directed the Department of the Army to

cooperate with the Veterans' Administration to explore the option of having the VA acquire Letterman.

Does the distinguished chairman agree that this report language is in no way intended to circumvent the planing process already underway for the Presidio?

Mr. INOUE. Yes; the Senator is correct. I understand that the VA is interested in moving into Letterman, but there are other possible tenants for Letterman who are not precluded from full consideration by this language. When the Army leaves Letterman, the facility will be transferred to the National Park Service which has full decisionmaking authority over its future disposition. The committee did not intend to give a preference to any one tenant, especially while the planing process for Presidio is ongoing.

Mr. CRANSTON. I thank the Senator for his remarks and clarification on this issue.

ADVANCED CRUISE MISSILE

Mr. DANFORTH. Mr. President, I rise today to discuss the advanced cruise missile with the bill manager. Earlier this year, three of my colleagues and I wrote to the distinguished chairman and ranking member of the Defense Appropriations Subcommittee regarding continuing dual source procurement of this weapon system. We noted that in the 1991 appropriations conference report, Congress reversed its previous commitment to dual source by directing that a downselect to one ACM contractor be conducted in fiscal year 1992. We stated that we took issue with that directive.

A July 23, 1991 OSD ACM acquisition decision memorandum required that ACM production be consistently reliable and that the missiles be of high quality before proceeding with acquisition strategy that continues head-to-head competition for fiscal year 1992, with a fiscal year 1993-95 buyout for the remaining baseline program.

The ADM is correct in requiring that quality issues be addressed before it is appropriate to downselect to one company. In addition, I am concerned that, because the prime contractor is the sole source for the Variant missile of the ACM, once it is time to make a downselect, the prime contractor may be at an unfair advantage, based upon the imbalance in quantity allocation.

Mr. INOUE. If the Senator would yield, I understand the issues which the senior Senator from Missouri raises with regard to this important Air Force system. I agree with Senator DANFORTH that quality issues must be resolved before a downselect to one contractor occur. In addition, I understand the Senator's concern that the prime contractor may be at an unfair advantage once it is deemed time for the downselect to occur. I assure the Senator that I will work to see that the following points be incorporated into

the conference report for the Department of Defense appropriations bill: that the Air Force will not downselect to a single contractor until all quality issues regarding the ACM program are resolved; that once the decision to move to a downselect is made, the Air Force will take the necessary steps to ensure that the contractors involved compete on a level playing field; and that the downselect occur no earlier than fiscal year 1993.

Mr. STEVENS. I agree with the chairman that these measures are important to ensure a quality ACM program, and I too will be an advocate for them in conference.

Mr. DANFORTH. I thank the distinguished chairman and ranking member for their generous consideration of my request and look forward to working with them as they go to conference. I yield the floor.

NATIONAL SCIENCE CENTER FOUNDATION

Mr. FOWLER. Mr. President, as the Senate debates the Defense Appropriations Act, I would like to draw my colleagues' attention to the critical work being done at the National Science Center Foundation [NSCF] in Augusta, GA. The NSCF is a nonprofit organization whose goal is to improve performance of students in the United States in mathematics and science by creating new technological tools for teaching those subjects and implementing them in our schools.

The NSCF's initial objective is to develop a computer-based teaching system, including courseware, to improve the teaching and learning of secondary math from algebra I through calculus. To date, this vital project has been funded by the private sector and the State of Georgia, and, very recently, received a grant from the National Science Foundation [NSF] and the Office of Naval Research [ONR]. Hence, the Department of Defense recognizes the importance of developing our Nation's math/science capabilities and the role this project can play in realizing this goal.

I wonder if in conference on this bill, we could explore the possibility of adding language urging the Secretary of Defense to assess the extent to which these capabilities NSCF is helping to develop are useful to the Department in accomplishing its defense mission?

Mr. INOUE. The distinguished Senator from Georgia raises a very significant matter and I assure you that I will work in conference to obtain language urging the Secretary to make such an assessment.

Mr. FOWLER. I thank the chairman.

SUBMARINE LASER COMMUNICATIONS PROJECT; ADVANCED SUPERCONDUCTING MULTICHIP MODULES

Mr. INOUE. Mr. President, earlier during the consideration of this Defense appropriations measure, the committee agreed to add funds for two research projects: the submarine laser

communications project in the Navy account and the advanced superconducting multichip modules/diamond substrates project in the Defense Advanced Research Projects Agency.

I would briefly like to provide additional guidance about these projects.

In agreeing to the new allocation for multichip module work, the committee expects that none of the additional funds shall be obtained by reducing any other project for which the committee specifically added or earmarked funds for fiscal year 1992 during its deliberations on the Defense budget request.

The committee further expects that before the Navy obligates funds for the submarine laser communications project, it will provide the information as mandated in the committee's report on the fiscal year 1992 Defense appropriations measure.

THEATER MISSILE DEFENSE PROGRAMS

Mr. WARNER. Mr. President, I rise to express concern about the Defense Subcommittee's action regarding the important theater missile defense program. By deferring \$252.4 million for certain theater missile defense programs, the committee is delaying by at least a year the fielding of a significantly improved theater missile defense system to protect U.S. troops deployed abroad, as well as our friends and allies.

Mr. President, the committee terminated all funds for the theater high altitude air defense system, known as THAAD. As the committee report noted, "THAAD is intended to be the centerpiece weapon of the new theater missile defense architecture." Given the strong support for theater missile defense in the Defense Appropriations Subcommittee, I am surprised that the committee markup completely eliminates all funding for this critical program. The committee also deferred funding for the ground-based radar, or GBR, which is essential for improving Patriot capability, for supporting THAAD, and as a technology program for the development of a ground-based radar supporting the strategic missile defense program outlined in the Armed Services Committee's Missile Defense Act.

According to the committee report, the funds were deferred because these "projects lack firm military requirements or program plans," and that "the program managers have been unable to provide specific justification for the budgets they are requesting." It is my understanding, based on information from the Strategic Defense Initiative Organization, that the Army has prepared requirements for theater missile defenses, while the Joint Chiefs of Staff have validated the mission need statement for theater missile defense. I also point to a letter I received from the Chairman of the Joint Chiefs of

Staff on June 5, 1991, in which he characterized missile defense programs as a "top military priority." Mr. President, I ask unanimous consent that Colin Powell's letter be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WARNER. The report also states that there are significant disagreements between the intended operator of the THAAD and GBR programs—the Army—and the SDIO on military and performance requirements, technologies to be developed, and acquisition strategy. While it is true that there have been some differences, most notably with the acquisition strategy for the GBR, the Army and SDIO are in full agreement on the TMDI program, including the technical approach and acquisition strategy.

Mr. President, while I have concerns about the language in the Appropriations Committee report, I have tremendous faith in the distinguished chairman and ranking member of the subcommittee, Senators INOUE and STEVENS, to resolve this issue in a way that will not needlessly delay the deployment of this vastly improved theater missile defense program. I am very encouraged with the recent statement of Senator INOUE in a letter to the Director of SDIO in which Senator INOUE stated that SDIO would be given ample opportunity to provide the Defense Subcommittee with the information necessary to " * * * enlighten us further on these programs." I am particularly pleased with his closing statement that he looks " * * * forward to working closely with you so that we may be able to provide required funds for both THAAD and GBR at the conclusion of the fiscal year 1992 appropriations process," and that he is " * * * confident that the ultimate outcome of our deliberations will be to your satisfaction." I have the highest regard for the distinguished chairman of the subcommittee and believe strongly that he will give this issue his careful consideration and make the right decision.

Mr. SHELBY. Mr. President, if I could add to what Senator WARNER has said, the Defense Science Board recently endorsed SDIO's technical and acquisition approach to theater missile defenses. The Senate Armed Services Committee also endorsed SDIO's TMD approach in their authorization bill which was then approved by the full Senate. Moreover, the House Armed Services Committee and the House Defense Subcommittee have also endorsed the Pentagon's plans for theater missile defenses. I am very concerned, therefore, that the Senate committee chose to slow down a program that, according to Colin Powell, Chairman of the JCS, characterized as a "top national priority."

Mr. President, I believe the committee's action sends the message that the Senate is retreating from the Congress' decision last year to accelerate development and deployment of theater missile defenses. It would also be contrary to recent Senate actions in its Defense authorization bill which directed the Secretary of Defense to "aggressively pursue the development of a range of advanced TMD options, with the objective of downselecting and deploying such systems by the mid-1990's." While we are all concerned that any defense program be conducted in a prudent and cost-effective manner, I do not think the best approach is to eliminate funds for these vital programs.

Mr. NUNN. Mr. President, I wish to associate myself with the remarks made by my colleagues. I am concerned by the committee action deferring one-third of the funds for the theater missile defense program and hope that this can be corrected in conference. While I do have concerns that the THAAD system is being pushed toward an unrealistic deployment date, I do not believe it should be zeroed in fiscal year 1992. I am particularly disappointed in the elimination of most of the fiscal year 1992 funding for the GBR, since that radar is an essential element of the Grand Fork's ABM architecture recommended by the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my colleagues for their informed remarks, and wish to make it clear that I recognize the Defense Subcommittee's overall support for theater missile defenses. Indeed, it was the subcommittee that last year took the lead in advocating TMD. This is clear from their conference report, which states "that a U.S. tactical ballistic missile system with the necessary capabilities should be fielded as soon as technologically and fiscally feasible."

Mr. President, I notice that my dear friend and distinguished colleague from Alaska, Senator STEVENS, has been listening to this colloquy and I would like to ask him if he supports Senator INOUE's view of how this program will be addressed in the Appropriations Committee conference.

Mr. STEVENS. Mr. President, I have listened closely to this colloquy and I want to state for the record that I fully endorse the importance of the THAAD and GBR Programs. While I had concerns about the programmatic development of the GBR Program in particular, I share Senator INOUE's view that additional information from SDIO will go a long way to alleviate my concerns. I also pledge my strong support in conference for these programs, and as Senator INOUE stated, I believe the ultimate outcome of our deliberations will be to the satisfaction of the administration.

EXHIBIT NO. 1

THE CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington DC, June 5, 1991.

HON. JOHN WARNER,
Committee on Armed Services, U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The refocused Strategic Defense Initiative (SDI) and the military requirement for ballistic missile defense have been subjects of considerable congressional interest. Consequently, I want to provide you the position of the Joint Chiefs of Staff on these important issues.

The Joint Chiefs of Staff fully support the President's decision refocusing SDI to provide global protection against limited strikes (GPALS). It is a clear and correct response to the threat posed by the proliferation of ballistic missiles. In DESERT STORM, we vividly witnessed the impact ballistic missile defenses had in bolstering the coalition arrayed against Iraq. Today, 20 nations have ballistic missiles. In the not-too-distant future, there is the potential for very accurate missiles with mass destruction warheads to be available to numerous Third World nations. Ultimately, some of these missiles could have the capability of directly attacking the United States. Providing protection against limited ballistic missile attacks for our deployed forces, friends and allies, and the United States should be a top national priority.

The President's decision to refocus SDI is totally consistent with JCS requirements. First, for strategic defense, specific requirements set out in our 1987 requirements document include high defense effectiveness against limited ballistic missile attacks, man-in-the-loop control, survivable systems, and the ability to destroy specified percentages of warheads during a major Soviet attack. Meeting these requirements is important because Soviet offensive and defensive strategic forces continue to be modernized. In a post-START world, the Soviet Union will remain the only nation capable of destroying the United States within 30 minutes. Second, the related issue of theater missile defense was addressed by the Joint Chiefs of Staff in 1988 when we established the requirement to protect U.S. forces from an increasingly sophisticated threat. At the time, the threat was primarily based on Warsaw Pact and Soviet capabilities. Now, the situation has changed.

The end of the Cold War and the proliferation of theater missile capabilities outside Europe, graphically demonstrated in DESERT STORM, are redefining the threat. We are reviewing requirements in light of the new situation, but it is clear that defense against theater ballistic missiles will be even more imperative in the future. GPALS is a very positive step in the right direction and one we support on its own merits. In addition, the SDI program should continue to develop the technologies and systems needed to make an informed choice for proceeding with a more robust missile defense should the geopolitical environment warrant.

In short, the Joint Chiefs of Staff fully support the President's decision refocusing SDI to provide global protection against limited strikes and urge the Congress to do so as well. This decision is in full consonance with military requirements, and it preserves our ability to expand the system to meet a much larger threat should a decision be made to do so in the future.

Sincerely,

COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

Mr. INOUE. Mr. President, as my colleague from Virginia noted, our Defense subcommittee indeed took the lead last year in directing the Defense Department to accelerate its efforts to develop theater missile defenses.

The committee position on these programs is clearly stated in our report on the fiscal year 1992 Defense appropriations measure. I also ask unanimous consent to have printed in the RECORD at this point, my letter to the Director of the Strategic Defense Initiative Organization, which elaborates further on these important issues.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 23, 1991.

HON. HENRY F. COOPER,
Director, Strategic Defense Initiative Organization,
The Pentagon, Washington, DC.

DEAR AMBASSADOR COOPER: Thank you for your letter of September 20, 1991, regarding the Defense Subcommittee's recommendations for the Strategic Defense Initiative and Theater Missile Defense Initiative. I understand and appreciate your concerns.

Let me assure you from the outset that our recommendations—now endorsed by the Full Appropriations Committee—are in no way intended to disrupt or terminate either the Theater High Altitude Area Defense (THAAD) program or the Ground Based Radar (GBR) effort. The Subcommittee believes that both programs are important and valuable components of our national effort to develop effective defenses against ballistic missiles.

Our concerns with the THAAD and GBR are not fundamental—but programmatic—in nature. They focus on the issues of unfinished operational requirements and changing acquisition strategies. They are based on a desire to establish the firmest possible foundation from the beginning for these programs. For example, the Subcommittee understands that the Department of Defense has decided to pursue an acquisition strategy for the Ground Based Radar which already delays contract award by at least 7-8 months. We further understand that a validated operational requirement does not exist for an interim THAAD deployment in 1995. Also, this program may well be delayed due to the need to satisfy the established departmental acquisition procedures.

Our goal in making the recommendations is to encourage the Department to address these and other uncertainties as a matter of high priority. We hope they can be resolved satisfactorily as we approach a Joint Conference with our House counterparts, because our objective would be to restore whatever funds are appropriate for both programs for next fiscal year.

Please rest assured that your organization will have ample opportunity to provide us with whatever additional information you think will enlighten us further on these programs. I look forward to working closely with you so that we may be able to provide required funds for both THAAD and GBR at the conclusion of the fiscal year 1992 appropriations process. I am confident that the ultimate outcome of our deliberations will be to your satisfaction.

Sincerely,

DANIEL K. INOUE,
Chairman, Senate Appropriations,
Subcommittee on Defense.

BIOREMEDIATION TECHNOLOGY

Mr. RIEGLE. Mr. President, the bill we are considering today includes report language providing \$3.5 million for biological remediation demonstration projects for cleanup of soils and ground water on U.S. military sites contaminated by petroleum spills and other toxic chemicals wastes, including volatile organic, and chlorinated hydrocarbon; (for example, PCE, TCE, and chlorophenol wastes. The demonstration projects would be conducted by the Michigan Biotechnology Institute, a Lansing, MI, based nonprofit corporation with considerable expertise in applied environmental bioremediation technology.

The current total estimated cost for the 11,000 U.S. military sites warranted for cleanup is at least \$40 billion. The biological demonstration projects which I will briefly describe have the potential to reduce total cleanup costs for those targeted wastes by more than 25 percent, that is, \$10 billion.

The first proposed demonstration project would be for the cleanup of U.S. military site ground water contaminated with the light fractions of gasoline such as benzene, toluene, and xylene [BTX]. Currently, cleanup costs using traditional treatment methods range from \$80,000 to \$100,000 per site for smaller sites and above \$1 million for larger sites. Current cleanup methods include pumping contaminated ground water to the surface for the removal of contaminants by adsorbing them onto an activated carbon source, which must then be either incinerated or landfilled. A second method is air stripping the contaminants, transferring the problem from the ground water to the air. Often cleaning the air stream from air strippers is done by adsorption onto granular activated carbon.

In neither instance is the contaminant destroyed unless the carbon is incinerated appropriately. The biological demonstration project uses a simple reactor system where specially selected microbes, immobilized on granular activated carbon are used to degrade the BTX to carbon dioxide and water. This system has been shown to remove 99 percent of the petroleum spill contaminants from ground water. The cost to treat 1,000 gallons of ground water contaminated with BTX using this method is only 46 cents, compared with \$1.62 per 1,000 gallons for air stripping, and \$2.87 per 1,000 gallons for carbon absorption.

The second demonstration project is for the biological treatment and control of toxic volatile organics found in the air at a number of the targeted Superfund sites. Current treatment methods include incineration and the use of carbon to absorb the waste. Aside from being highly costly treatment methods, the same problems of waste disposal are incurred here as de-

scribed above for the cleanup of petroleum contaminated ground water. The biological treatment system, used in combination with vacuum extraction is a low-capital treatment system which uses micro-organisms to consume the pollutant extracted from contaminated soils by applying a vacuum as a food source. These microorganisms are placed in a contained reactor system where they convert the contaminants to carbon dioxide, water and cell mass. It is estimated that if volatile organic from 20 percent of the sites used this method of cleanup, there is a potential savings of 50 percent of capital investment and 40 percent of the operating costs, over current treatment methods.

The third demonstration project, 1 to 2 years away, is for biological treatment of soils and groundwater on U.S. military sites contaminated with chlorinated hydrocarbons, such as PCE. As with the two previous projects, current treatment technologies include air-stripping and the use of carbon to trap the target wastes. Therefore, the same disposal problems exist. The biological demonstration project uses unique and efficient microbes, which exist in an oxygen-free environment, to eliminate the toxic compounds found in the wastes, and in general convert the pollutant to a less chlorinated and less toxic form that can be readily degraded using aerobic processes.

The major advantage of biological treatment systems is that they are as effective as the alternative systems described, but are considerably cheaper to establish and operate. Cost savings of 2 to 3 times that of activated carbon, 5 to 10 times that of incineration, and 2 to 3 times that of a combined air stripping/carbon system can be expected. The one perceived drawback with biological systems is that they tend to be slower. However, given the potential savings, this latter factor is not important in most instances.

To close, I wish to note that the citizens of the United States are going to hold the Government accountable for the wise deployment of dollars to handle this cleanup. Preliminary estimates of cleanup costs have forecast billions of dollars in cleanup investment; it is in the nation's best interest to carefully consider these new biological technologies which offer substantial potential for efficient destruction of these wastes at a substantially reduced cost over currently available technologies.

MANUFACTURING EXTENSION PROGRAMS CRITICAL TECHNOLOGY APPLICATION CENTERS PROGRAM

Mr. WOFFORD. Mr. President, I am going to vote for this bill. But I am disappointed that it does not fund two new authorized programs: the Manufacturing Extension Program and the Critical Technology Application Centers Program.

I'd like to commend my friend Senator BINGAMAN for his untiring work on these programs, and I look forward to working with him to convince the conferees that these important programs need funding this year.

Our technological and industrial base is also in danger of becoming obsolete. Many of our companies are in a free fall, suffering from changes in our defense needs, a soft economy and the national budget.

In particular, our small- and medium-sized industrial companies are suffering. These are the same companies that have helped us to become a superpower both economically and defensively. While I fully support reductions in our defense budget, I think it's clear that we also have to do something to protect our industrial base. I believe these programs would help.

These programs would help companies like Lavelle Aircraft, a small precision sheetmetal parts manufacturer in Philadelphia. Lavelle recently lost a contract for F-15 and F-16 military aircraft parts. This loss will force Lavelle to lay off almost 10 percent of its work force and this 10 percent represents the only skilled workforce in the U.S. currently producing these F-15 and F-16 parts.

And according to DOD, Lavelle is not alone. These losses are happening more and more as our industrial capabilities are withering away.

Even as our defense spending needs are shrinking, the war has taught us one lesson: We need to be technologically prepared for the emergencies that can arise in an unsettled world. And that means a strong industrial base. It is crucial that the Federal Government play a role in keeping this base alive, by helping our States to help firms to upgrade and diversify their operations.

Many States are already trying to address these issues. Pennsylvania's Industrial Resource Centers Program, established in 1988, is a perfect example. The program's eight regionally based IRC's have provided 2250 substantive services to 1,100 small- and medium-sized Pennsylvania firms. Federal support, through the Manufacturing Extension Program, would allow the program to expand and assist even more of the State's 18,000 manufacturing firms, an investment that will pay off in better product quality, improved technology, and more jobs in the manufacturing sector.

The Critical Technology Application Centers [CTAC's] Program would provide the next step in a coordinated program of services. The CTAC's would provide applied R&D and a full range of technology services, giving smaller firms a chance to turn their ideas and expertise into commercial products and processes. Many States have begun this effort with Government-industry-university partnerships and are unique-

ly positioned to commercialize the state-of-the-art development of these enterprises. Pennsylvania businesses are provided with this intensive R&D assistance through a successful program in which the State has invested over \$200 million.

Mr. President, we're spending billions and billions of dollars in this defense spending bill. Are we going to continue to require innovative Americans to take their ideas to foreign nations for development? Are we going to ask our taxpayers to foot the bill for poor-quality, out-of-date hardware that might not protect them in the event of a war? Are we going to put our national security on the line by depending on foreign industry to build weapons?

These programs are pro-defense, pro-technology, pro-business, pro-employment and pro-American. I urge my colleagues to work with us to support them.

Mr. BINGAMAN. Mr. President, I thank the Senator from Pennsylvania for his statement. In his brief tenure here in the Senate, Senator WOFFORD has already become a strong voice for maintaining our Nation's security through technological and economic strength. And his State of Pennsylvania has been a leader in developing public programs that stimulate and leverage industry's investment in technology commercialization and manufacturing modernization.

I too hope to convince the conferees that these programs need funding this year. Toward that end, let me take a few minutes to explain why a National Manufacturing Extension Program and Critical Technology Application Centers are so important to national security.

NATIONAL MANUFACTURING EXTENSION PROGRAM

A National Manufacturing Extension Program, by leveraging programs such as Pennsylvania's IRC's, would address the problems of small and midsized manufacturing firms, perhaps the weakest link in our defense technology base. These firms consistently lag both larger U.S. firms and smaller foreign firms in adopting new process technology and production management techniques. These firms are a major part of our competitiveness problem, and they have become a major national security headache as well. The 1991 Joint Chiefs of Staff Net Assessment concludes that the loss of manufacturers of subsystem components is a threat to our Nation's ability to field state-of-the-art weapons systems.

Pennsylvania is one of a number of States where State extension programs are addressing the problems of defense manufacturing firms. In Ohio, Wright-Patterson Air Force Base has two projects underway aimed at modernizing aerospace suppliers. Wright-Patterson is relying on extension agents in Ohio and Pennsylvania to conduct on-

site assessments and provide day-to-day help with manufacturing upgrading. Similarly, California set up a Supplier Improvement Program to link aerospace suppliers with publicly funded manufacturing technology centers.

Few of these manufacturers supply just to DOD; most operate with one foot in the defense market, the other in the civilian market. As DOD reduces its procurement budget, the ability of these firms to compete commercially is increasingly important to their survival as defense suppliers. Here too, manufacturing extension is vital. The experience of a Springfield, MA, defense subcontractor is typical: The State's Center for Applied Technology helped the firm reorganize its production operation and upgrade worker skills. The firm was able to bid successfully on a commercial contract and, by remaining economically viable, maintain its defense contracts.

CRITICAL TECHNOLOGY APPLICATION CENTERS

Critical Technology Application Centers are designed to address the other major weakness in our national technology base, namely the inability to turn technology into new products and processes quickly and inexpensively. Experts agree that the much larger and more dynamic commercial marketplace will increasingly drive the military technologies of the future. A recent report from the private sector Council on Competitiveness entitled "Gaining New Ground" warned that the U.S. position in many critical technologies, defense and nondefense, is slipping and, in some cases, has been lost altogether. The council concluded that, "unless the nation acts immediately to promote its position in critical generic technologies, U.S. *** competitiveness will erode further, with disastrous consequences for American jobs, economic growth and national security."

Critical Technology Applications Centers [CTAC's] would address the critical importance of technology commercialization application. Organized existing geographic concentrations of firms—such as optics in Rochester, aircraft engines in Wichita, or electronics in Phoenix—CTAC's would provide applied R&D and a range of technology services, such as equipment testbed and scale-up facilities, prototype test and development, and education and training. These activities represent a kind of technology application infrastructure that is often lacking for all but the largest U.S. firms. By drawing together firms from complementary sectors, this infrastructure will also strengthen member firms through closer linkages to their customer and supplier firms, a major strength of the Japanese production system.

Our intent is that DOD would concentrate on technologies of interest to it and that the Commerce Department would pursue a separate program for

nondefense technologies or for dual-use technologies not adequately funded by DOD.

The States have developed isolated programs to enhance technology commercialization and application. But those efforts lack sufficient scale and scope, often focusing on a particular need, say for seed capital or incubators, rather than the range of impediments to technology commercialization and application.

Successful models do exist, however. The Ben Franklin Partnership Program in Pennsylvania is one. Ohio's Thomas Edison Centers, designed to enhance that State's existing strengths in materials and manufacturing, are another. For example, the Edison Welding Institute in Columbus is operated by its 228 industrial members. The institute conducts research both inhouse and through Ohio State University, delivers customized education and training services, and provides engineering services and other assistance with technology application.

The effectiveness of the Edison Centers illustrates an important lesson that CTAC's are designed to reinforce: In global competition, the key elements of competitive performance are intensely local. The Edison Centers and others like it are contributing significantly to the vitality of regionally based sectors critical to both our civilian and our defense technology base.

REQUESTED APPROPRIATIONS

S. 1507, the fiscal year 1992 Defense Authorization Act, authorized \$50 million for a National Manufacturing Extension Program and the same amount for Critical Technology Application Centers. I hope that conferees will see the value of appropriating the authorized amounts for those two important programs. In addition, I hope they will increase by \$25 million the Senate's appropriation for a DARPA precompetitive technology program element, for a total of \$100 million. This program element funds jointly financed DOD-industry partnerships to develop critical dual-use technologies identified in the annual Defense Critical Technologies Plan.

SUMMARY

One of the challenges we face in the current Congress is adjusting our defense technology strategy to the realities of the 1990's. Over the past decade we, and even more so the Soviets, have come to realize that national security means far more than merely military deterrence. A nation's security ultimately rests on its technological and industrial strength and its economic vitality.

For many years, DOD supported the development of technologies that yielded important civilian applications. Over the past 20 years, however, defense R&D has been less effective at fostering commercial technology development, in part because DOD has nar-

rowed its own horizons. In a sense, our legislation represents a call to DOD to again broaden its horizons, to recognize that our national security is inextricably linked to the health of our industrial sector, especially at a time when DOD is no longer the dominant customer of high technology products it once was.

The programs I am proposing are very directly related to national security properly defined. I believe that DOD has been remiss in not supporting programs such as manufacturing extension and critical technology centers long ago. And I believe it is high time for DOD to readopt the long-term horizons it once had with respect to technology development. U.S. industry's short-term myopia has been extremely harmful to our Nation's economic position. We ought not allow DOD to maintain a similar short-term focus at the expense of technology development and manufacturing improvement with broad application in an increasingly integrated economy.

DARPA

Mr. GRAHAM. Mr. President, the current crisis in Iraq has been precipitated in part by our lack of adequate technology to monitor nuclear proliferation without putting inspectors in harms way. U.N. personnel are being held virtual hostage in Baghdad as we speak. The United States and the United Nations should not be limited to a reliance on ground inspection teams or helicopter inspection. Rather, we need to develop the capability of remote nuclear monitoring to verify the elimination of nuclear and chemical weapons and to prevent their proliferation.

Unless we do, we risk a crisis every time we attempt to determine a country's nuclear capability. I know Mr. MACK, my colleague from Florida, shares my sentiments.

The Defense Advanced Research Projects Agency [DARPA] has developed a number of successful technologies as part of its nuclear monitoring program. We need to harness this successful research and develop technology that will allow us to monitor the spread of nuclear weapons, targeting clandestine nuclear weapons and verifying their destruction.

DARPA is already working on some promising research utilizing satellite remote imaging of gamma rays given off nuclear arms, even those weapons which may be buried or otherwise concealed.

It seems only prudent to pursue this research, and quickly. I therefore would like the Congress to require that the Office of the Secretary of Defense identify the extent to which all Federal departments and agencies are now conducting research in this area. The report should determine the cost of future research, and whether the results will warrant such expenditures. Fi-

nally, the report should estimate how long it will take to develop adequate technology and what role, if any, private companies and universities should play in such an effort.

Mr. INOUE. Mr. President, I share my colleague's interest in this issue and would support such a study.

Mr. GRAHAM. Mr. President, would the distinguished chairman agree to work in conference to obtain direction for such a study in the conference report.

Mr. INOUE. We will do our best in conference on this matter.

Mr. GRAHAM. I thank the chairman. I very much appreciate his cooperation on this matter.

LEXINGTON BLUE GRASS ARMY DEPOT

Mr. MCCONNELL. Mr. President, I do not intend to delay final passage of H.R. 2521, but I'd like to express my concerns with two sections of this bill that affect the Lexington Blue Grass Army Depot [LBAD] in Richmond, KY.

The methods for disposing of our chemical weapon stockpiles have been heatedly and repeatedly debated in public forums in my State. Of the eight chemical agent/munitions storage sites in the United States, LBAD possesses the least percentage to be destroyed—a mere 1.6 percent of the total stockpile. While the communities around Richmond continue to examine disposal options, the Army has expressed its intentions to construct on-site incinerators at all eight locations.

LBAD distinguishes itself from other sites not only by the small percentage of its stockpile, but also by the character of the cities and towns surrounding the depot. With over 57,000 people living within a 7-mile radius of LBAD, and two schools only a stone's throw away, it is no wonder that the Army has noted Kentucky to be the State most vocally opposed to an onsite incinerator. My voice can be heard in the chorus of opposition to this disposal method.

The successful transport of chemical munitions from Germany to Johnston Island between July and November 1990 demonstrates the Army's ability to safely move and store chemical weapons. I firmly believe the transportation and disposal of weapons at a national site is a viable option. However, the opposition to such an alternative is great—I have repeatedly heard my colleagues vow that no chemical weapons will pass through their States.

To those doubting Thomases, let me quote from a letter I received from Army Assistant Secretary Susan Livingstone—Installations, Logistics and Environment. She wrote: "The chemical stockpile can be moved safely within the United States. The Army has always said that given enough resources it could do so." Let me reiterate what I have just said: the Army successfully and safely moved chemical weapons out of Germany. In both actions and

words, it is clear the transportation of chemical munitions can be done.

What brings me to the Senate floor today is sections 8108 and 8109 of this bill. These sections have the appearance of being hastily added, almost in hopes that no one would take notice. I find these sections to be grossly ill-timed.

Preempting the conclusion of phase I of the Army Site-Specific Environmental Impact Statement [SSEIS] for LBAD, these sections restrict funding for further study of the transportation option. I understood full and fair consideration would be given to all proposals, but this no longer appears to be the case. Let me pose a simple question—should the SSEIS determine alternate disposal methods need to be examined, will the transportation option—by way of this bill—be off limits? These sections hardly create a level playing field.

In the days to come, the chorus of opposition to the on-site incinerator will only grow louder. With Daniel Boone resolve, the citizens of Richmond—and all of Kentucky—will continue to press for the safe disposal of chemical weapons at the Lexington Blue Grass Depot.

ON THE V-22/CH-46E "GAP FILLER"

Mr. SPECTER. Mr. President, as you know, I am a strong supporter of the V-22 Osprey Program. I am concerned about the small amount of funding for the V-22 in this bill—only \$165 million of prior year funds and no additional aircraft for operational test and evaluation. I am also concerned that this bill would fund a restart of the CH-46 helicopter production line, which is the helicopter the V-22 is intended to replace.

The bill views the new CH-46 helicopters as a gap filler to meet the Marine Corps medium lift requirements until the entire V-22 question is resolved. However, it is my belief that if we continue the V-22 program at a more robust research and development level, there will not be a need for a gap filler.

I am advised that the CH-46 production line has been closed for nearly 20 years—the last ones were built about the time the Vietnam war ended—and it is very costly to reopen that line for such a small number of aircraft. In addition, I am advised further that it will take about as long to restart that line and deliver new helicopters as it would to continue with V-22 development and field the V-22, assuming the testing continues to be successful.

The CH-46 helicopters are very old. No one questions the need to replace them, and all the studies to date have shown the V-22 to be the most cost effective replacement.

But it is also my understanding that the Marines can make the current CH-46 helicopters last a bit longer, with additional maintenance and overhauls, until the V-22 completes its oper-

ational evaluation and a production decision is made.

Therefore, although the intention is well-meaning, it seems to me that by not increasing the funding for V-22 development, we are actually making the problem worse instead of better because we are slowing down the effort to replace the CH-46 helicopters.

Mr. President, there does not appear to be any reason for slowing the V-22 effort. The flight testing has gone very well, with 4 aircraft in the flight test program and more than 450 flights. In addition, the first aircraft carrier tests and external loads testing have been very successful thus far, the V-22 has performed better than expected.

Unfortunately, a fifth aircraft was destroyed this past June on its maiden flight, but not because of a problem with the V-22—the mishap was the result of improper installation of some of the wiring in the flight control system. This was an unfortunate accident, but this type of thing does occur during development programs. Even the F-117 Stealth fighter suffered a similar loss during its development.

The V-22 aircraft, however, has resumed flight testing, and there is no technical reason to slow the development effort.

STATEMENT ON VOTES MISSED ON SEPTEMBER 25, 1991

Mr. KERREY. Mr. President, I was unavoidably absent on September 25,

1991, for Senate rollcall votes 206 and 207, the Sasser amendments on the B-2 and strategic defense initiative. Had I been present, I would have voted against the motion to table the Sasser amendment on the B-2 rollcall 206. I would have voted against the motion to table the Sasser amendment on the strategic defense initiative, rollcall 207.

BUDGET COMMITTEE SCORING

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2521, the fiscal year 1992 defense appropriations bill and has found that the bill is under its 602(b) budget authority allocation by \$753,000 and under its 602(b) outlay allocation by \$3.7 million.

I compliment the distinguished manager of the bill, Senator DANIEL INOUE, and the distinguished ranking member of the Defense Appropriations Subcommittee, Senator TED STEVENS for their work on this bill. They have made some difficult choices this year, and, according to the terms of the budget agreement, will face many more in the years ahead.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the defense appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2521

DEFENSE SUBCOMMITTEE—SPENDING TOTALS
(In billions of dollars)

Bill summary	Budget authority	Outlays
H.R. 2521:		
New budget authority and outlays	\$270.4	\$275.4
Enacted to date	0	98.9
Adjustment to conform mandatory programs to resolution assumptions		
Scorekeeping adjustments	0	0
Bill total	270.4	275.4
Senate 602(b) allocation	270.4	275.4
Total difference		
Discretionary:		
Domestic	0	0
Senate 602(b)	0	0
Difference	0	0
International	0	0
Senate 602(b)	0	0
Difference	0	0
Defense	270.2	275.2
Senate 602(b)	270.2	275.2
Difference		
Total discretionary spending	270.2	275.2
Mandatory spending	2	2
Mandatory allocation	2	2
Difference	0	0
Discretionary total above (+) or below (-):		
President's request	-5	-1.3
Senate-passed bill	NA	NA
House-passed bill	-2	

MILITARY CONSTRUCTION—1992 APPROPRIATIONS

(In thousands of dollars)

	President's request		House-passed		Senate reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Discretionary spending:										
Domestic:										
New spending in bill	0	0	5,000	1,250	0	-775				
Outlays prior	0	0	0	0	0	0				
Supplementals (P.L. 102-27)	0	0	0	0	0	0				
Scorekeeping mandatory adjustments	0	0	0	0	0	0				
Subtotal	0	0	5,000	1,250	0	-775				
602(b) allocation	NA	NA	0	0	0	0				
Above/below (+/-) allocation	NA	NA	5,000	1,250	0	-775				
International:										
New spending in bill	0	0	0	0	0	0				
Outlays prior	0	0	0	0	0	0				
Supplementals (P.L. 102-27)	0	0	0	0	0	0				
Scorekeeping mandatory adjustments	0	0	0	0	0	0				
Subtotal	0	0	0	0	0	0				
602(b) allocation	NA	NA	0	0	0	0				
Above/below (+/-) allocation	NA	NA	0	0	0	0				
Defense:										
New spending in bill	270,781,222	177,644,351	270,396,692	176,324,193	270,243,247	176,352,343				
Outlays prior	0	98,832,658	0	98,832,658	0	98,832,658				
Supplementals (P.L. 102-27)	0	33,272	0	33,272	0	33,272				
Scorekeeping mandatory adjustments	0	0	0	0	0	0				
Subtotal	270,781,222	276,510,281	270,396,692	275,190,123	270,243,247	275,218,273				
602(b) allocation	NA	NA	270,454,000	275,355,000	270,244,000	275,222,000				
Above/below (+/-) allocation	NA	NA	-57,308	-164,877	-753	-3,727				
Total discretionary:										
New spending in bill	270,781,222	177,644,351	270,401,692	176,325,443	270,243,247	176,351,568				
Outlays prior	0	98,832,658	0	98,832,658	0	98,832,658				
Supplementals (P.L. 102-27)	0	33,272	0	33,272	0	33,272				
Scorekeeping mandatory adjustments	0	0	0	0	0	0				
Subtotal	270,781,222	276,510,281	270,401,692	275,191,373	270,243,247	275,217,498				
Mandatory Spending:										
New spending in bill	164,100	164,100	164,100	164,100	164,100	164,100				
Permanent appropriations	0	0	0	0	0	0				
Outlays prior	0	0	0	0	0	0				
Subtotal mandatory	164,100	164,100	164,100	164,100	164,100	164,100				
Resolution scoring adjustment	-100	-100	-100	-100	-100	-100				
Adjusted mandatory total	164,000	164,000	164,000	164,000	164,000	164,000				

MILITARY CONSTRUCTION—1992 APPROPRIATIONS—Continued

(In thousands of dollars)

	President's request		House-passed		Senate reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Bill total:										
Discretionary	270,781,222	276,510,281	270,401,692	275,191,373	270,243,247	275,217,498				
Adjusted mandatory	164,000	164,000	164,000	164,000	164,000	164,000				
Subtotal	270,945,222	276,674,281	270,565,692	275,355,373	270,407,247	275,381,498				
602(b) allocation	NA	NA	NA	270,618,000	270,408,000	275,386,000				
Above/below (+/-) allocation	NA	NA	-52,308	-163,627	-753	-4,502				
Discretionary total compared to:										
President's request	NA	NA	-379,530	-1,318,908	-537,975	-1,292,783				
House-passed	379,530	1,318,908	NA	NA	NA	26,125				
Senate-passed	537,975	1,292,783	158,445	-26,125	NA	NA				

The PRESIDING OFFICER. Are there further amendments to the bill?

If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2521), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical and clerical corrections in the engrossment of the Senate amendments to H.R. 2521.

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

Mr. INOUE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. DODD) appointed Mr. INOUE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Mr. STEVENS, Mr. GARN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, and Mr. HATFIELD conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,385th day that Terry Anderson has been held captive in Lebanon.

EL SALVADOR PEACE AGREEMENT

Mr. HATFIELD. Mr. President, there have been many reasons to celebrate these past 2 years: the unshackling of Eastern Europe, the loosened grip of communism upon the Soviet Union, growing democracy in Latin America and the possibility of peace in Cambodia. But the news that El Salvador's guns may soon be stilled is, to me, of great importance.

For over a decade the people of El Salvador have suffered. Nearly 75,000 men, women, and children died in a war of attrition. Some of these deaths brought worldwide attention and grief—the assassination of Archbishop Romero, the murder of the churchwomen, and the massacre 2 years ago of the Jesuits and their employees—all were reported globally. But each of these publicized deaths was matched by the quiet grief of hundreds of families who suffered their own losses in isolation from the world's knowledge.

For the past decade I have followed the tragedy of El Salvador. The Three reports compiled by my office and issued by the Arms Control and Foreign Policy Caucus unveiled the tremendous poverty and corruption of that country. They were important, I think, to the effort to end a misguided policy which only fed a military run amok.

But in the end, it is the people of El Salvador who will bring peace to the country. The events in New York this week prove clearly that the will is there. I am hopeful that the agreements reached at the United Nations will lead to a ceasefire by the end of the year.

SALUTE TO SOUTH CAROLINA'S FIREFIGHTERS

Mr. HOLLINGS. Mr. President, in each and every one of our local communities, firefighters are held in a very special regard. Americans respect these men and women because we know that, day in and day out, they stand ready to put their lives on the line to protect our safety and property. This is an awesome burden—a burden which firefighters take on willingly and with great pride. We owe them a profound debt of gratitude.

Accordingly, Mr. President, it is fitting that, as a Nation, we will set aside October 8 this year as National Firefighter Day. On the 8th, in ceremonies and celebrations across the country, citizens will salute the bravery and service of America's firefighters.

Mr. President, this will be a richly deserved occasion of respect and appreciation. Senators will recognize National Firefighter Day in a variety of ways on October 8. I rise today simply to express my own personal sense of admiration for the men and women of fire departments across South Carolina. They perform a superb and noble service. I thank them for the job they do for my family and for all the citizens of my State.

THE UNITED STATES SHOULD SUPPORT SELF-DETERMINATION IN UKRAINE

Mr. PELL. Mr. President, on August 24, 1991, in the wake of the failed coup against President Gorbachev, the Ukrainian Parliament adopted a resolution of independence. Later this year, Ukrainians are expected to endorse the parliament's action at the polls where they will also elect a president.

Seventy-three years ago, the Ukrainian Republic declared its independence, and established a democratic government guaranteeing many of the basic rights which we in the United States enjoy. Regrettably, just a few years later, the young republic was overtaken and incorporated into the new Soviet regime. Ukrainians have never lost their desire to determine their own fate, however, and Ukraine now has a renewed opportunity to do just that. As it forges ahead on its path to independence and democracy, I believe that the

United States must continue to advocate the principle of peaceful self-determination.

Over the years, the Ukrainian-American community has helped keep alive the aspirations of the Ukrainian people for freedom and democracy. In fact, just this past weekend, Ukrainian-Americans from all over the United States gathered here in Washington to seek United States support for Ukraine's bid for independence. I believe that it is fitting in the wake of that gathering and in anticipation of Chairman Kravchuk's visit to offer our endorsement of the Ukrainian people's right to fulfill their national aspirations.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 316. John J. Easton, Jr., to be General Counsel of the Department of Energy.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

John J. Easton, Jr., of Vermont, to be General Counsel of the Department of Energy.

NOMINATION OF JOHN J. EASTON, JR.

Mr. WALLOP. Mr. President, on September 25, 1991, the Committee on Energy and National Resources favorably reported the nomination of John Easton to be general counsel for the Department of Energy by a unanimous vote.

Mr. Easton is extremely well qualified for the position to which he has been nominated. After graduating from Georgetown Law School in 1970, he spent many years in the practice of law, both in public service and in the private sector.

From 1981 to 1985, he served as attorney general for the State of Vermont. Prior to that time, he served 3 years as that State's assistant attorney general and 2 years as director of rate setting. He spent approximately 8 years in the private practice of law.

In October 1989, Mr. Easton was confirmed as Assistant Secretary of Energy for International Affairs and Energy Emergencies. During that confirmation hearing, he pledged his commitment to working toward improving the Nation's energy security, and he

fulfilled that promise. He has worked closely with Admiral Watkins and Deputy Secretary Moore during the development of the national energy strategy, and played an important part in coordinating the successful response of the International Energy Agency during the Persian Gulf war.

Mr. Easton is well aware of the legal challenges facing the Department of Energy; and his background and experience have prepared him to take on these important responsibilities.

Mr. President, I urge my colleagues to join me in supporting Mr. Easton's confirmation as general counsel for the Department of Energy.

LEGISLATIVE SESSION

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

EXTENSION OF NATIONAL EMERGENCY WITH RESPECT TO EXPIRATION OF THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On September 30, 1990, in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401, *et seq.*), I issued Executive Order No. 12730, declaring a national emergency and continuing the system of export regulation, including antiboycott provisions, under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless I publish in the *Federal Register* and transmit to the Congress notice of its continuation.

I am hereby advising the Congress that I have extended the national emergency declared in Executive Order No. 12730. Attached is a copy of the notice of extension.

GEORGE BUSH.

THE WHITE HOUSE, September 26, 1991.

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park;

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month";

S.J. Res. 95. Joint resolution designating October 1991 as "National Breast Cancer Awareness Month"; and

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish-American Heritage Month."

The enrolled bill and joint resolutions were subsequently signed by the Vice President.

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 296) to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

The message also announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 332) making continuing appropriations for the fiscal year 1992, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1674. An act to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 3291. 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; and

H.J. Res. 332. Joint resolution making continuing appropriations for the fiscal year 1992, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bill, received from the House of Representatives for concurrence on September 25, 1991, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2181. An act to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio; to the Committee on Energy and Natural Resources.

The following bill received from the House of Representatives for concurrence was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1674. An act to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of September 19, 1991, the Committee on Environment and Public Works was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 2387. An act to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 26, 1991, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 363. An act to authorize the addition of 15 acres to Morristown National Historical Park;

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month";

S.J. Res. 95. Joint resolution designating October 1991 as "National Breast Cancer Awareness Month"; and

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish-American Heritage Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the POW/MIA Affairs, without amendment:

S. Res. 185. An original resolution to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs.

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. BUMPERS (for himself, Mr. PRYOR, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SARBANES, Mr. LIEBERMAN, Mr. AKAKA, Mr. DODD, Mr. ADAMS, Mr. FOWLER and Mr. METZENBAUM):

S. 1755. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1756. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 1757. A bill to suspend temporarily the duty on Fenbendazole; to the Committee on Finance.

S. 1758. A bill to suspend temporarily the duty on fenoxaprop-ethyl and fenoxaprop-ethyl; to the Committee on Finance.

S. 1759. A bill to suspend temporarily the duty on halofuginone hydrobromide; to the Committee on Finance.

S. 1760. A bill to suspend temporarily the duty on Tralometrin; to the Committee on Finance.

By Mr. DASCHLE:

S. 1761. A bill to regulate above ground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSTON (by request):

S. 1762. A bill to amend subsection 31(e) of the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 1763. A bill to amend title 5, United States Code, to improve retirement counseling for Federal Government employees; to the Committee on Governmental Affairs.

S. 1764. A bill to amend the Older Americans Act of 1965 to establish a grant program to provide health and retirement information, counseling, and assistance to individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD (for himself and Mr. SASSER):

S. 1765. A bill to amend the Tennessee Valley Authority Act; to the Committee on Environment and Public Works.

By Mr. FORD (for himself and Mr. STEVENS):

S. 1766. A bill relating to the jurisdiction of the United States Capitol Police; considered and passed.

By Mr. MURKOWSKI:

S.J. Res. 205. A joint resolution to designate November 4, 1991 as "Diplomatic Security Day"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. PELL, Mr. SHELBY, Mr. LEVIN, Mr. KERRY, Mr. LAUTENBERG, Mr. SARBANES, Mr. EXON, Mr. DURENBERGER, Mr. HELMS, Mr. CRANSTON, Mr. GARN, Mr. GRASSLEY, Mr. METZENBAUM, Mr. ROBB, Mr. BRADLEY, Mr. DOLE, Mr. INOUE, Mr. DIXON, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mr. SASSER, Mr. GRAHAM, Mr. REID, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. SIMON, Mr. GLENN, Mr. MURKOWSKI, Mr. SPECTER, Mr. PRESSLER and Mr. BREAUX):

S.J. Res. 206. A joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 185. An original resolution to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs; from the POW/MIA Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. PRYOR, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SARBANES, Mr. LIEBERMAN, Mr. AKAKA, Mr. DODD, Mr. ADAMS, Mr. FOWLER, and Mr. METZENBAUM):

S. 1755. A bill to reform the concessions policies of the National Park

Service, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT

Mr. BUMPERS. Mr. President, I rise today to introduce a bill to reform the way we offer concessions in our national parks. The Concessions Policy Act of 1965, under which the Park Service now operates, is in need of major reform.

I offer this bill on behalf of myself, Mr. PRYOR, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SARBANES, Mr. LIEBERMAN, Mr. AKAKA, Mr. DODD, Mr. ADAMS, Mr. FOWLER, and Mr. METZENBAUM.

Briefly, Mr. President, in order to tell you what the bill does, let me tell you how we operate now. The present policy is so egregious that last year the concessioners in national parks—and there are over 500 of them, many of them small businesses—generated \$531 million in revenues, for which the Federal Government got the princely sum of \$13 million. You think about that kind of a return on \$531 million in sales. One of the primary reasons for that is a provision in today's concessions act which provides that if you build a certain building, the Park Service will give you a possessory interest in that building. You can depreciate it on your tax return, and if at any time you ever want to give this up—and that is about the only way you can get rid of one, is for somebody to give it up, because it is like grazing fees, they just renew them and renew them and renew them—if you want to get rid of it we will pay what they call sound value.

If you build a hotel, for example, in Yosemite that costs \$10 million, and 20 years later that hotel has a \$20 million value, even though the concessioner may have totally depreciated the thing and gotten the tax benefit of it, the U.S. Park Service would still be obligated, not to pay him \$10 million, not to pay him nothing because he has already depreciated it out, but the sound value, which may have appreciated to twice what it costs.

Reason No. 2, before you can let a contract to another concessioner, and get rid of an existing concessioner, you have to give the one that is there now the right to match any bid that anybody makes. Think about that. You talk about a bird's nest on the ground. Some guy comes in and says I will give you twice what this guy is giving you and he says, well, I will give you twice. Incidentally that kind of example will give you some idea of what kind of a ripoff this is. But the guy who has the concession right now—they are called concessioners—he is entitled to it as long as he is willing to match whatever anybody else will give. Which means you can virtually never get him out of it.

There is much more to this. I hope my colleagues will take the time to

read this in the RECORD, or have their staff read it, because it makes very interesting, novelistic type reading.

But what my bill does is change all of that so we buy the property back at its depreciated value, so we have actual competitive bidding. As a matter of fact, we would use 50 percent of the franchise fees paid to the U.S. Government from these parks to buy that possessory interest and the other 50 percent will go to the National Park Service.

Mr. President, this policy is as bad as a whole host of other policies that need to be changed. For example, like the 1872 Mining law, the grazing fees, and all the rest. I do not say that to raise people's hackles who support those things. They are very controversial.

Mr. President, the Concessions Policy Act of 1965, the law under which the National Park Service authorizes concessioners to provide visitor services inside units of the National Park System, is in need of major reform. The existing law is outdated, does not ensure an adequate financial return to the Federal Government, and is anti-competitive. Today I am introducing the Concessions Policy Reform Act to make much-needed changes in the current system and ensure that the American public gets a fair return for allowing these private entities the privilege of doing business in these spectacular areas.

Private visitor services have been operating in our national parks for nearly 100 years. Prior to 1965, the National Park Service provided for in-park visitor services by administrative action under very general provisions in the 1916 Park Service Organic Act. In 1965, Congress enacted the Concessions Policy Act, making the National Park Service the only Federal land-managing agency with a specific concessions statute.

Current concession operations in national parks vary in size from small, family-owned businesses providing services like canoe rentals and livery services, to major hotel and restaurant facilities operated by large corporations. Although the number fluctuates because of seasonal changes, there are currently some 560 such operations inside units of the National Park System.

Concession permits are issued for most smaller or seasonal operations, while concession contracts are used for larger, more long-term operations. Total gross revenues generated by concessioners were \$531 million in 1990. About 10 percent of the concessioners account for 80 percent of these revenues.

Concessions policy and the need for significant reform have been topics of intense interest for many years. Numerous congressional oversight hearings have been conducted, including two hearings last summer before the

Subcommittee on Public Lands, National Parks and Forests, which I chair. In addition, this issue has been the subject of numerous studies, reports, and analyses prepared by Congress, the General Accounting Office, the Department of the Interior's inspector general, the National Park Service, and a variety of private research organizations. All of these studies have identified problems with the current law which need to be addressed.

This spring, in response to two new reports issued by the National Park Service and the inspector general, Interior Secretary Manuel Lujan announced a series of policy initiatives for concessions management in national parks. And last month the Department of the Interior issued proposed regulations which would address many of the deficiencies in the existing park concessions policies. This is the first time, since I came to the Senate in 1975, that a Secretary of the Interior has taken an active role in attempting to reform the existing concessions system, and Secretary Lujan is to be commended for his leadership in this area. While the Secretary has proposed positive administrative changes, I feel strongly that changes in the law itself are also necessary. As I noted earlier, congressional hearings and the General Accounting Office's and inspector general's reports have consistently identified several areas in the existing law that need to be corrected.

One of the problems with the current system concerns franchise fees, the fees paid by concessioners to the Government, and indirectly to the American people, for the privilege of operating a business inside a national park. These fees are too low and should be increased. This is especially true for the larger concessioners who are operating under long-term concessions contracts entered into many years ago. At present, the U.S. Treasury receives just \$13.2 million in franchise and related fees from concessioners who do in excess of 531 million dollars' worth of business in our national parks. This is an unacceptably low rate of return to the American public—2.5 percent—and represents a giveaway of some of this Nation's most valuable resources.

In addition, the widespread Park Service practice of significantly reducing franchise fees in exchange for capital and other improvements in the parks, should be reexamined. As construction and operating budgets for parks have shrunk, the Park Service has often sought to provide additional visitor facilities by negotiating reduced franchise fees from concessioners in exchange for new building programs, roads, or maintenance activities.

The fact is, the Park Service does not have the capability to determine whether such arrangements are fair and reasonable, and whether the public

interest is served, since there is currently no system to ensure that these improvements, and other activities, are equal in value to the franchise fees being forgone.

Rather than arbitrarily setting a minimum franchise fee in the legislation, my bill will ensure that these fees will increase to a more realistic level by encouraging and facilitating increased competition for concessions contracts.

Under existing law, franchise fees are deposited as miscellaneous receipts in the U.S. Treasury. Since these funds do not directly benefit the parks or the people who use them, there is not much incentive for the Park Service to aggressively pursue increased fees, or for concessioners to pay them. My legislation would deposit these receipts into a special account in the Treasury. Fifty percent of this account would be used, subject to appropriation, to acquire these outstanding possessory interests, thereby reducing future barriers to competition. The remaining half of the account would be used to benefit park operations.

While I believe it is important that the Federal Government receive a better return on these contracts, the operation of facilities in national parks should not necessarily be determined simply on the basis of the highest bid. My legislation explicitly states that consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas. In addition, the bill grants the Secretary the authority to reject any bid, regardless of the amount of franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or is not responsive to the objectives of protecting and preserving the park area.

The most egregious practice today is the statutory preferential right to contract renewal which, as currently interpreted by the Park Service, gives an existing concessioner the right to meet the terms of a better offer submitted by a competitor and to retain the contract if the existing concessioner's offer is substantially equal. In my view, this is anticompetitive and should not be granted as a matter of law. While such a preference may have been warranted years ago to encourage certain developments in parks and ensure the continuity of concession operations, it can also limit both the Park Service's influence in dealing with concessioners and the ability of most Americans to compete for concession contracts. In many instances, the right to provide visitor services inside national parks is a very desirable, and very valuable, privilege which can attract a host of extremely competent and qualified prospective concessioners. The Park Service ought to be able to choose from these qualified ap-

plicants without being constrained by a preferential right. My legislation will eliminate the preferential right of renewal in any future concessions contracts.

It is also apparent that the Park Service does not adequately publicize new concession contracts or contract renewal opportunities, nor does it always provide interested parties with the specific financial and other submission requirements needed to submit competitive proposals. The Concessions Policy Reform Act would establish a detailed competitive bidding procedure for the awarding of all concessions contracts. This process would require that advance notice of all concessions contracts be published in the Federal Register, that specific minimum bid requirements be established and made public, and that the previous contract for the park area and other important information be published.

Perhaps the most substantial impediment to competition involves the current law's allowance of granting a concessioner a possessory interest. When a concessioner makes an improvement on land inside a national park, that concessioner is entitled, with the approval of the Secretary, to a possessory interest in that improvement which consists of all incidents of ownership except legal title. The method of valuation for this property interest as set forth in the 1965 act is sound value. Sound value is defined as "current reconstruction cost, less depreciation, not to exceed fair market value." This effectively gives concessioners a right of compensation of the appreciated value of their improvements. This current practice of routinely granting sound value can result in concessioners being entitled to millions of dollars in possessory interest, which can effectively make it impossible for the National Park Service to terminate a contract or award it to a new concessioner. This practice is not warranted, serves as a barrier to new and qualified concessioners, and limits the Park Service's flexibility in managing concessions facilities.

The legislation I am introducing today will continue to recognize a current concessioner's possessory interest, if there is one. With respect to new concessions contracts, however, my bill provides that if a concessioner's contract is terminated, the concessioner shall be entitled to the actual cost of building or acquiring the structure, less depreciation. The cost is to be amortized over the life of the concessions contract, meaning that at the end of the contract, the concessioner's interest in the structure will be extinguished.

In addition to these major changes, my legislation would adopt a number of other recommendations identified by the General Accounting Office, the in-

spector general, and the Department's concessions task force.

Before I conclude, Mr. President, let me make two additional observations. First, the purpose of this bill is not to eliminate concession operations from our national parks. I do not subscribe to the theory that all visitor facilities in national parks are inappropriate. Many of the facilities and services provided by concessioners are entirely appropriate and benefit the park visitors. I only want to ensure that when concession contracts are awarded, the American people receive a fair return.

Second, I know that many concessions services are performed by small business men and women under annual concession permits. Many of these operations gross less than \$100,000 annually and involve little, or no, capital improvements or facilities. I recognize that many of the provisions of my proposal may not be appropriate, or workable, in such instances. I want to ensure these concessioners that in the months ahead I will be looking at ways to make this legislation flexible enough to deal with the special needs of the small concessions operators.

Mr. President, major changes in the Concessions Policy Act will not come easy. Efforts to reform the existing system have been ongoing for over 20 years and little improvement has been made. For several reasons, I hope that this year will be different. First, for the first time, the Secretary of the Interior favors changing the system. Without support from the highest levels of the Department, any meaningful reform would be very difficult to achieve.

More importantly, I believe the American people expect Congress to more closely examine Federal programs to guarantee that the Government is receiving a fair return on its investment. In recent years many of us in the Congress have sought changes to the Federal onshore oil and gas leasing program, the Federal timber sale programs, the 1872 mining law, and the Federal grazing program. The goal of each of these efforts has been, and continues to be, to ensure a fair return to the public for the use of public resources. I feel strongly that the concessions program of the National Park Service should be examined in this same light.

I ask unanimous consent that a copy of the bill, a section-by-section analysis, and a summary of major issues be printed in the RECORD.

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

S. 1755

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Concessions Policy Reform Act of 1991".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—In furtherance of the act of August 25, 1916 (39 Stat. 535), as amended, (16 U.S.C. 1, 2-4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation of park values requires that public accommodations, facilities, and services be limited to those necessary to carry out the approved management objectives for each park area.

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

(1) public facilities or services shall be provided within a park area only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park area;

(2) if the Secretary determines that public facilities or services should be provided within a park area, such facilities or services shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic values of the park area;

(3) such facilities and services should be awarded only through competitive bid procedures; and

(4) such facilities or services should be provided to the public at reasonable rates.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "bid" means the complete proposal for a concessions contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary;

(2) "concessioner" means a private person, corporation, or other entity to whom a concessions contract has been awarded;

(3) "concessions contract" means a contract, including permits, to provide facilities or services, or both, at a park area.

(4) "facilities" means improvements to real property (including related personal property necessary to the operation thereof) within park areas used to provide accommodations, facilities, or services to park visitors;

(5) "park area" means an area administered by the National Park Service, including units of the National Park System and affiliated areas; and

(6) "Secretary" means the Secretary of the Interior.

SEC. 4. REPEAL OF CONCESSIONS POLICY ACT OF 1965.

The Act of October 9, 1965, Public Law 89-249 (79 Stat. 969, 16 U.S.C. 20-20g), entitled "An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes", is hereby repealed. The repeal of such Act shall not affect the validity of any contract entered into under such Act, but the provisions of the Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

SEC. 5. CONCESSIONS POLICY

Subject to the findings and policy stated in section 2 of this Act, and upon a determination by the Secretary that facilities and services are necessary and desirable for the accommodation of visitors at a park area, the Secretary shall, consistent with the provisions of this Act, laws relating generally to the administration and management of units

of the National Park System, and the park's general management plan, authorize private persons, corporations, or other entities to provide and operate such facilities and services as the Secretary deems necessary.

SEC. 6. COMPETITIVE BID PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), any concessions contract entered into pursuant to this Act shall be awarded only through competitive bid procedures. Within 180 days after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing such procedures.

(b) TEMPORARY CONTRACTS.—Notwithstanding the provisions of subsection (a), the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park area.

(c) PUBLICATION OF CONTRACT REQUIREMENTS.—At least 120 days prior to soliciting bids for a concessions contract at a park area, the secretary shall publish in the *Federal Register* the minimum bid requirements for the contract, as set forth in subsection (d). The Secretary shall also publish the terms and conditions of the previous concessions contract awarded for such park area, and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services during the preceding contract period as the Secretary determines is necessary to allow for the submission of competitive bids. Any concessions contract entered into pursuant to this Act shall provide that the concessioner shall waive any claim of confidentiality with respect to the potential disclosure of such information by the Secretary.

(d) MINIMUM BID REQUIREMENTS.—(1) No bid shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to, the amount of franchise fee, the duration of the contract, and facilities or services required to be provided by the concessioner.

(2) The Secretary may reject any bid, notwithstanding the amount of franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or that the bid is not responsive to the objectives of protecting and preserving the park area or of providing appropriate facilities or services to the public at reasonable rates.

(3) If all bids submitted to the Secretary either fail to meet the minimum bid requirements or are rejected by the Secretary, the Secretary shall establish new minimum bid requirements and re-initiate the competitive bid process pursuant to this section, except that the Secretary shall solicit bids for the new concessions contract for 60 days after the revised minimum bid requirements are published.

(e) CONGRESSIONAL NOTIFICATION.—(1) The Secretary shall submit any proposed concessions contract with anticipated gross receipts in excess of \$100,000 or a duration of five years or more to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(2) The Secretary shall not ratify any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(f) NO PREFERENTIAL RIGHT TO NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner

to provide new or additional services at a park area, nor shall the Secretary grant a preference in the renewal of concessions contracts under this Act.

SEC. 7. FRANCHISE FEES.

(a) IN GENERAL.—Franchise fees, however stated, shall be determined competitively and shall not be less than a minimum level which the Secretary has deemed appropriate, consistent with a reasonable opportunity for the concessioner to realize a profit on the operation as a whole commensurate with the capital invested and the obligations assumed. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing appropriate facilities and services for visitors at reasonable rates.

(b) PERIODIC REVIEW.—A concessions contract entered into pursuant to this Act and for a duration of greater than seven years shall provide for a review and possible readjustment of the franchise fee by the Secretary at least every five years.

SEC. 8. USE OF FRANCHISE FEES.

All receipts collected pursuant to this Act shall be covered into a special account established in the Treasury of the United States. Amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(1) 50 percent shall be used by the Secretary for the acquisition of outstanding possessory interests in units of the National Park System, in a manner to be determined by the Secretary;

(2) 25 percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research; and

(3) 25 percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

SEC. 9. DURATION OF CONTRACT.

(a) MAXIMUM TERM.—A concessions contract entered into pursuant to this Act shall be awarded for a term not to exceed ten years unless the Secretary determines that the capital investment required by the contract necessitates a longer term, but in no case shall the term be longer than that required for full amortization of the investment.

(b) TEMPORARY CONTRACT.—A temporary concessions contract awarded on a non-competitive basis pursuant to section 6(b) of this Act shall be for a term not to exceed two years.

SEC. 10. TRANSFER OF CONTRACT.

(a) IN GENERAL.—(1) No concessions contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary. The Secretary shall not approve the transfer of a concessions contract to any individual, corporation, or other entity if the Secretary determines that such individual, corporation, or entity is, or will be, unable to adequately provide the appropriate facilities or services required by the contract.

(2) The Secretary shall reject any proposal to transfer, assign, sell, or otherwise convey a concessions contract if the Secretary determines that such transfer, assignment, sale, or conveyance is not consistent with

the objectives of protecting and preserving the park area, or of providing appropriate facilities or services for visitors at reasonable rates.

(b) CONGRESSIONAL NOTIFICATION.—Within 30 days after receiving a proposal to transfer, assign, sell, or otherwise convey a concessions contract, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of such proposal. Approval of such proposal, if granted by the Secretary, shall not take effect until 90 days after the date of notification of both committees.

SEC. 11. PROTECTION OF CONCESSIONER INVESTMENT.

(a) EXISTING STRUCTURES.—(1) A concessioner who before the date of the enactment of this Act has acquired or constructed, or has commenced acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park area, pursuant to a concessions contract and with the approval of the Secretary, shall have a possessory interest therein, to the extent provided by such contract.

(2) The provisions of this subsection shall not apply to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

(3) With respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) shall apply to any existing structure, fixture, or improvement as defined in paragraph (a)(1), except that the actual value of such structure, fixture, or improvement shall be the value of the possessory interest as of the termination date of the previous concessions contract.

(b) NEW STRUCTURES.—On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park area pursuant to a concessions contract and with the approval of the Secretary, shall be entitled to receive from the United States or a successor concessioner payment equivalent to the actual costs of acquiring or constructing such structure, fixture, or improvement, less amortization, in the event that such contract expires or is terminated prior to recovery of such costs. Such actual costs shall be amortized over the term of the concessions contract and such amortization shall be accounted for in the schedule of rates and charges arrived at pursuant to this Act. Title to any such structure, fixture, or improvement shall be vested in the United States.

(c) INSURANCE, MAINTENANCE AND REPAIR.—Nothing in this section shall affect the obligation of each concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

(d) PUBLIC REVIEW.—(1) The construction of any new, additional, or replacement structure, fixture, or improvement involving costs of \$100,000 or more, provided or financed by a concessioner, upon land owned by the United States within a park area shall be authorized only after public review, including an opportunity for public hearings, to determine whether such construction is appropriate and consistent with the purposes of the National Park System, the laws relating generally to the administration and manage-

ment of the System, and the park's general management plan. The requirements of this subsection may be satisfied by the public review and hearings associated with the development of the general management plan for the park area.

(2) Approval by the Secretary of any construction proposal pursuant to paragraph (1) shall not take effect until 90 days after the Secretary has transmitted such proposal to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 12. UTILITY COSTS.

(a) IN GENERAL.—A concessions contract entered into pursuant to this Act shall provide that the concessioner shall be responsible for all utility costs incurred by the concessioner.

(b) CONFORMING AMENDMENT.—Section 1 of the Act of August 8, 1953 (16 U.S.C. 1b) is amended in paragraph 4 by striking "concessioners".

SEC. 13. RATES AND CHARGES TO PUBLIC.

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

SEC. 14. CONCESSIONER PERFORMANCE EVALUATION.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary shall publish in the *Federal Register* after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within park areas.

(b) ANNUAL EVALUATION.—(1) The Secretary shall conduct annually an evaluation of each concessioner operating under a concessions contract pursuant to this Act, to determine whether such concessioner has performed satisfactorily. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall prepare an analysis of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(2) The Secretary shall conduct a subsequent evaluation within 90 days after issuing an unsatisfactory rating. If the Secretary continues to rate the concessioner's overall operation unsatisfactory, the Secretary shall terminate the concessions contract within 30 days unless the concessioner complies with the minimum operational requirements established by the Secretary.

(3) The concessioner shall be responsible for all costs associated with any subsequent evaluations resulting from an unsatisfactory rating.

(4) If the Secretary terminates a concessions contract pursuant to this section, the Secretary shall solicit bids for a new contract consistent with the provisions of section 6 of this Act.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of each unsatisfactory rating and of each concessions contract terminated pursuant to this section.

SEC. 15. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purposes of audit and examination, have access to such records and to other books, documents and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner or subconcessioner related to the contracts or contracts involved.

SEC. 16. EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303B), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this Act.

SEC. 17. CONFORMING AMENDMENT.

Subsection (h) of section 2 of the Act of August 21, 1935, the Historical Sites, Buildings and Antiquities Act (49 Stat. 666; 16 U.S.C. 462(h)), is amended by striking out the proviso therein.

NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT OF 1991—SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "National Park Service Concessions Policy Reform Act of 1991."

Section 2 contains the Congressional findings and policy.

Section 3 defines certain terms used in the Act.

Section 4 repeals the Concessions Policy Act of 1965 in its entirety. The section provides that the repeal is not to affect the validity of existing concessions contracts, except that the provisions of this Act are to apply to existing contracts to the extent the provisions of this Act are not inconsistent with the express terms and conditions of the contract.

Section 5 sets forth the concessions policy for the National Park Service. The section authorizes the Secretary of the Interior (the "Secretary") to permit concessions operations within National Parks, consistent with the provisions of this Act, laws relating generally to the management of units of the National Park System, and the specific park's general management plan.

Section 6 provides for the awarding of concessions contracts through competitive bid procedures. Subsection (a) states that except for temporary contracts awarded pursuant to subsection (b), all contracts must be awarded only through competitive bid procedures. The Secretary is directed to promulgate appropriate regulations within 180 days after the date of enactment of this Act.

Subsection (b) states that the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park area.

Subsection (c) requires that the Secretary publish the minimum bid requirements for a

concessions contract in the Federal Register at least 120 days prior to soliciting bids for the contract. The Secretary is also directed to publish the terms and conditions of the previous concessions contract and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services as the Secretary determines is necessary to allow for the submission of competitive bids.

Subsection (d) provides that the Secretary may not consider any bid which fails to meet the minimum bid requirements as determined by the Secretary. The minimum bid requirements include, but are not limited to, the amount of franchise fee, the duration of the contract, and the facilities or services required to be provided by the concessioner.

Subsection (e) requires the Secretary to submit to the appropriate Congressional Committee any proposed concessions contract with anticipated gross receipts in excess of \$100,000, or for a duration of five years or more. The Secretary is prohibited from ratifying any such proposed contract until at least 60 days after such Congressional notification.

Subsection (f) prohibits the Secretary from granting a concessioner a preferential right of renewal or preferential right to provide new or additional services at the park area.

Section 7 provides that franchise fees are to be determined competitively and shall not be less than a minimum level that the Secretary has deemed appropriate, consistent with a reasonable opportunity for the concessioner to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed. Subsection (a) makes clear that consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing appropriate facilities and services for visitors at reasonable rates.

Subsection (b) states that a concessions contract for a duration of greater than seven years shall provide for a review and possible readjustment of the contract at least every five years.

Section 8 establishes a special account in the Treasury of the United States for all receipts collected pursuant to this Act. Subject to appropriation, 50 percent of the franchise fees receipts are to be used by the Secretary for the acquisition of outstanding possessory interests in units of the National Park System, 25 percent are to be allocated among park units in the same proportion as the percent of franchise fees collected, and 25 percent are to be allocated among park units on the basis of need, in a manner to be determined by the Secretary. Monies expended for park areas are to be used for resource management and protection, maintenance activities, interpretation, and research.

Section 9 provides that a concessions contract shall be awarded for a term not to exceed ten years unless the Secretary determines that the capital investment required by the contract necessitates a longer term to amortize the investment.

Subsection (b) states that a temporary concessions contract shall be for a term not to exceed two years.

Section 10(a) provides that no concessions contract may be transferred, assigned, sold, or otherwise conveyed without prior written notification to, and approval of the Secretary. The Secretary is prohibited from approving any conveyance if the Secretary determines that the new concessioner will be unable to adequately provide the appropriate

facilities or services required by the contract or that the conveyance is not consistent with the objectives of protecting and preserving the park area or of providing appropriate facilities or services at reasonable rates.

Subsection (b) directs the Secretary to notify the appropriate Congressional Committees within 30 days after receiving a proposal to convey a concessions contract. Secretarial approval of any conveyance may not occur until 90 days after such notification to the Committees.

Section 11 pertains to the protection of concessioner investments. Subsection (a) provides that a concessioner who has commenced acquisition or construction of any structure on Federal land within a park area shall have a possessory interest in such structure, to the extent provided by such contract. Paragraph (2) makes clear that this provision does not create a new possessory interest for concessioners whose contract does not include recognition of a possessory interest.

Paragraph (3) states that with respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) (dealing with new structures) shall apply to such structure, except that the actual value of the structure shall be the value of the possessory interest as of the termination date of the previous concessions contract.

Subsection (b) provides that on or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure within a park area shall be entitled to receive from the United States or a successor concessioner payment equivalent to the actual costs of acquiring or constructing such structure, less amortization, in the event the contract expires or is terminated by the Secretary.

Subsection (c) makes clear that the provisions of this section do not affect the obligation of a concessioner to insure, maintain, and repair structures assigned to the concessioner.

Subsection (d) provides that construction of a new, additional, or replacement structure involving costs of \$100,000 or more, provided or financed by a concessioner on Federal land within a park area, shall be authorized only after public review, including an opportunity for public hearings. The Secretary is also required to notify the appropriate Congressional Committees prior to approving any such construction.

Section 12 requires that a concessions contract must provide that the concessioner shall be liable for all utility costs incurred by the concessioner.

Subsection (b) makes a conforming change to existing law by deleting the Secretary's authority to provide utility services to concessioners on a reimbursement of appropriation basis.

Section 13 provides that the reasonableness of a concessioner's rates and charges to the public shall be judged primarily by comparison with those rates and charges for similar facilities and services.

Section 14(a) directs the Secretary to publish regulations establishing standards and criteria for evaluating the performance of concessions operations within 180 days after the date of enactment of this Act.

Subsection (b) requires the Secretary to conduct an annual evaluation of each concessioner to determine whether such concessioner has performed satisfactorily. The subsection also sets forth procedures, including potential termination of the contract, should

a concessioner be evaluated as performing unsatisfactorily.

Subsection (c) states that the Secretary is to notify the appropriate Congressional committees of each satisfactory rating and of each contract terminated pursuant to this section.

Section 15(a) requires each concessioner to maintain such records as the Secretary requires to enable the Secretary to determine that all terms of the concessioner's contract are being faithfully performed. The subsection also authorizes the Secretary to have access to such financial information as the Secretary deems necessary to ensure that the terms and conditions of the contract are being complied with.

Subsection (b) provides that the General Accounting Office shall have access to financial records of a concessioner for five years after the close of the fiscal year of each concessioner.

Section 16 states that the provisions of a 1932 Act relating to the leasing of Federal buildings and properties shall not apply to concessions contracts.

Section 17 makes a conforming amendment to the Historic Sites Act of 1935.

CONCESSIONS POLICY REFORM ACT OF 1991— COMPARISON OF MAJOR ISSUES

LENGTH OF CONTRACT

The 1965 Act does not provide for any limitation on the length of concessions contracts. At some of the larger national parks, the Park Service has entered into 30 year contracts.

The Concessions Policy Reform Act would limit a concessions contract to not more than 10 years, unless the Secretary of the Interior determines that a longer period is necessary to amortize the investment.

FRANCHISE FEES

Currently franchise fees are determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the contract.

The Concessions Policy Reform Act provides that franchise fees shall be determined competitively and shall not be less than a minimum level which the Secretary has deemed appropriate, commensurate with a reasonable opportunity for the concessioner to realize a profit on the operation as a whole.

COMPETITIVE BIDDING

The 1965 Act simply authorizes the Secretary to take such actions as may be appropriate to encourage and enable concessioners to provide and operate services and facilities in the National Park System.

The Concessions Policy Reform Act provides that concessions contracts may only be awarded through competitive bidding procedures. The Secretary is required to publish detailed bid requirements in the Federal Register, including the terms and conditions of the previous concessions contract for the park area, along with such financial information of the existing concessioner pertaining directly to the concessions operation as the Secretary determines necessary to allow for the submission of competitive bids. The Secretary may reject any bid, notwithstanding the franchise fee offered, if the Secretary determines that the bid is not responsive to the objectives of protecting and preserving the park area.

PREFERENTIAL RIGHT OF RENEWAL

Existing law provides that the Secretary shall grant a preferential right of renewal to existing concessioners who have performed

satisfactorily. The Secretary is also authorized, but not required, to grant an existing concessioner a preferential right to provide new or additional services at the park.

The Concessions Policy Reform Act would prohibit the Secretary from granting a concessioner a preferential right of renewal or a preferential right to provide new or additional services at a park area.

POSSESSORY INTEREST

The existing Concessions Policy Act states that a concessioner who acquires or constructs any structure within a national park pursuant to a concessions contract shall have a possessory interest in such structure. The possessory interest is defined as "all incidents of ownership except legal title" and is valued as the replacement cost of the structure, less depreciation. If the concessioner's contract is terminated, or the contract is awarded to a new concessioner, then the Park Service or (in the case of a new contract) the new concessioner is responsible for compensating the previous concessioner for the possessory interest, which for all practical purposes is the fair market value of the structure.

The Concessions Policy Reform Act provides that an existing concessioner who has already constructed, or who has commenced acquisition or construction of a structure pursuant to a concessions contract, shall have a possessory interest to the extent provided by the current concessions contract. If the concessioner does not currently have a possessory interest, the bill makes clear that no new possessory interest is created.

The bill also provides that with respect to new concessions contracts, a concessioner who constructs or acquires a structure within a national park shall, in the event the contract expires or is terminated, be entitled to receive payment equal to the actual cost (as compared with the existing law's requirement of replacement cost) of acquiring or constructing the structure, less depreciation.

Finally, the bill states that if an existing concessioner with a possessory interest is awarded a new concessions contract, the value of the possessory interest is modified from the replacement costs to the actual construction cost, less amortization.

Under the Concessions Policy Reform Act, upon the expiration of a concessions contract, there will be no possessory interest, since the bill requires that the cost of the structure be amortized over the duration of the contract.

USE OF CONCESSIONS REVENUES

The 1965 law provides that the revenues derived from franchise fees are deposited into the Treasury of the United States.

Under the Concessions Policy Reform Act, revenues would be deposited into a special account in the Treasury. Subject to appropriation, 50 percent of the revenues are to be used by the Secretary for the acquisition of outstanding possessory interests, 25 percent are to be allocated among units of the National Park System in the same proportion as franchise fees collected, and 25 percent are to be allocated among park units on the basis of need, to be determined by the Secretary.

CONCESSIONS POLICY

The 1965 Act states that development of concessions facilities shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area and that are consistent to the highest practicable degree with the preservation and conservation of the area.

The Concessions Policy Reform Act provides that facilities and services shall be pro-

vided within a park area only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park area.

If facilities or services are to be provided within a park area, they shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic value of the park. The bill also states that facilities or services should be awarded only through competitive bidding procedures and that they should be provided to the public at reasonable rates.

By Mr. THURMOND:

S. 1756. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 1757. A bill to suspend temporarily the duty on Fenbendazole; to the Committee on Finance.

S. 1758. A bill to suspend temporarily the duty on fenoxaprop-ethyl and fenoxaprop-p-ethyl; to the Committee on Finance.

S. 1759. A bill to suspend temporarily the duty on halofuginone hydrobromide; to the Committee on Finance.

S. 1760. A bill to suspend temporarily the duty on Tralomethrin; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce five bills which will suspend the duties imposed on certain chemicals used in manufacturing and agricultural industries. Currently, these chemicals are imported for use in the United States because there is no known domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill will extend the duty suspension on naphthalic acid anhydride until December 31, 1995. This chemical is used in the production of special pigments, which are called perylenes. These pigments, when combined with a second group known as

the quinacridones, form the principal colorants in making various shades of red, scarlet, and maroon paints. The paints from these pigments are extremely stable when exposed to sunlight, thus making them important to the automotive industry.

Mr. President, similar legislation was introduced in the 101st Congress to suspend the duty on this chemical. The duty suspension was incorporated into the Customs and Trade Act of 1990 and will expire on December 31, 1992.

Mr. President, the next four bills I am introducing will suspend the duty on certain chemicals until December 31, 1994. This is the first time a duty suspension has been requested for these items.

The first bill will temporarily suspend the duty on methyl 5-(phenylthio)-2-benzimidazolecarbamate, commonly called Fenbendazole. After importation, this chemical is domestically formulated into paste, suspension, and premix products and packaged. This product, known by the trade name "Safeguard," is used to treat a wide variety of animals for protection against parasitic worms. Animals for which the drug is approved in the United States are: horses, cattle, swine, dogs, and bighorn sheep.

The second bill will temporarily suspend the duty on fenoxaprop-ethyl and fenoxaprop-p-ethyl. This chemical is a key ingredient in herbicides which have several different end-uses. It is imported and formulated with other products to produce the finished herbicides marketed. Fenoxaprop is used as an important raw material in herbicides which control weeds in turf, rice, soybeans, as well as wheat.

The third bill will temporarily suspend the duty on halofuginone hydrobromide. After this chemical is imported, it is domestically formulated and packaged into premix products. These products are used for the prevention of coccidiosis, which is a protozoal

disease of the intestinal lining in chickens and turkeys.

The final bill will temporarily suspend the duty on Tralomethrin. This chemical is used in the manufacturing of a pyrethroid pesticide which controls pests in cotton and soybeans. This product is unique because smaller amounts of the active ingredient are used, thus creating a more environmentally friendly pest control program.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. There are no known domestic producers of these materials, therefore suspending the duty on these chemicals will not cause economic harm to domestic companies. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the RECORD immediately following my remarks.

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

S. 1756

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

Heading 9902.30.22 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/95".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1757

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

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 Fenbendazole (provided for in subheading 2931.00.22)	Free	No change	No change	On or before 12/31/94".
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SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1758

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

"9902.31.12 Ethyl 2-(6-chloro-2-benzozoly) oxy phenoxy propanoate (provided for in subheading 2934.90.14)	Free	No change	No change	On or before 12/31/94".
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SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1759

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

"9902.31.12 Halofuginone hydrobromide (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/94".
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SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

"9902.31.12 (1R.35)3(1'2'2'-tetrabromoethyl)-2,2-dimethylcyclopropanecarboxylic acid (S)-alpha-cyano-3-phenoxybenzyl ester (provided for in subheading 2926.90.27)

S. 1760

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

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

Free	No change	No change	On or before 12/31/94"
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SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. DASCHLE:

S. 1761. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

ABOVEGROUND STORAGE TANK ACT

Mr. DASCHLE. Mr. President, I rise to introduce legislation to correct the glaring oversight in Federal law that leaves the environment and the public vulnerable to hazardous substance and petroleum leaks from aboveground storage tanks. The bill addresses this problem by amending the Solid Waste Disposal Act to establish regulations designed to prevent, detect, control and clean up spills from these facilities.

It is an appalling fact that no single Federal statute, or combination of statutes, adequately addresses the prevention and cleanup of spills from many aboveground storage tanks. The EPA has no authority to protect ground water from spills from these facilities. While the Federal Government has moved to tighten regulation of higher profile tanker spills at sea or in harbors, leaks from aboveground tank farms go largely unnoticed outside the communities affected by them.

It may be difficult to picture dangerous transparent vapors or contaminated ground water. But that does not make such spills any less dangerous to the people who live near them. And no one knows that fact better than the residents of Sioux Falls, SD.

In 1987, a slow leak of at least 20,000 gallons of gasoline from an aboveground storage tank facility in my State's largest city went undetected until the underground water source was completely contaminated and gasoline fumes had infiltrated an elementary school to the point where school children had to be evacuated. Today, 4 years later, the ground water remains contaminated, the Hayward Elementary School has been torn down and local residents continue to live with the fear that the aquifer below their homes contains gasoline.

A proper detection system would have identified this Sioux Falls leak well before it reached the crisis stage. It would have precluded the evacuation and condemnation of the Hayward Ele-

mentary School building. It would have prevented any harm to drinking water and the astronomical cost of cleanup.

The Sioux Falls spill is not an isolated incident. There have been over 110 known petroleum spills from aboveground storage tanks in the last 4 years in South Dakota alone, and this does not include hazardous substances leaked from tanks or spills from piping. In the absence of comprehensive Federal legislation, my State has forged ahead to develop prevention, detection and cleanup rules, which are currently being implemented. However, effective State regulation remains the exception rather than the rule nationwide.

And make no mistake about it; nationwide, we do have a serious problem with aboveground storage tank leaks.

EPA's rough estimates for known releases during the 3-year period from 1988 to 1990 show an average of 6,000 spills nationally that released an average of 14 million gallons of petroleum or some other regulated substance. Earlier this year, a General Accounting Office report decried the absence of an effective Federal program to prevent pollution from petroleum facilities. And it has been reported that an EPA official involved in the cleanup of a recent above ground storage tank spill declared that he could "go to every [tank farm] in the country and find a problem."

It has been demonstrated that the absence of regulation of many aboveground storage tanks has set stage for future disasters waiting to happen. Furthermore, there is no way of knowing how many aboveground storage tank leaks do occur, or what potential leaks lurk ahead, because no comprehensive data collection system for assessing the state of these facilities exists.

Few areas are exempt from this potential threat. I urge my colleagues to examine their own backyards.

In fact, consider a recent incident in our backyard here in Washington. I refer to the spill that occurred this summer just across the Potomac River in Fairfax, VA, when an estimated 250,000 gallons of diesel oil, jet fuel, and gasoline leaked from a tank farm and spread about 1,000 feet. Potential leaks into basements, wells, and streams now threaten the area. Risks of fire and explosions also exist.

While Virginia State law sets penalties on the industry for spills, it has no provision for prevention. State offi-

cials have already begun working to fill that gap.

Mr. President, the legislation I am introducing today will establish a comprehensive approach for dealing with the problem of inadequate regulation of aboveground storage tanks. It will not duplicate any existing law. Its emphasis is on the prevention of future spills through the establishment of standards for construction, corrosion protection, compatibility, and integrity of new and rebuilt tanks. These standards will ensure that quality tanks are constructed and maintained properly.

The bill will also require release detection systems, periodic inspections, and secondary containment. These safeguards should prevent leaks such as those that occurred in Sioux Falls and Fairfax.

To address spills that do occur, the bill will authorize the development of corrective action plans, allow for shutting down faulty tanks, and establish financial responsibility for cleanup.

Finally, the bill will establish a notification system to identify existing tanks, tanks not in operation, and future tanks. It will provide us with more accurate aggregate numbers and facilitate monitoring of the tanks.

Each one of us who investigates this problem in our home States will find that our constituents potentially face enormous problems from leaking aboveground storage tanks. It is time to take action to minimize the potential for future aboveground leaks and give EPA the authority to ensure that cleanup of spills is conducted quickly and correctly.

It is extremely fortunate that, as far as we know, no one in South Dakota became seriously ill from inhaling gasoline fumes or from drinking contaminated water as a result of the 1987 spill. Future Americans may not be so fortunate.

It is time we realize that whether a leak comes from underground or aboveground tanks, whether it is released into surface water or into the ground, the effect is equally dangerous and should be managed in an equally conscientious and effective manner. I urge my colleagues to join the effort to prevent the degradation of our environment and the endangerment of our people from aboveground storage tank spills by supporting effective Federal oversight of these facilities.

Mr. President, I ask unanimous consent that a summary of the legislation

I am introducing be printed in the RECORD.

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

ABOVEGROUND STORAGE TANK REGULATION ACT OF 1991

SEC. 10001. DEFINITIONS AND EXEMPTIONS

The initial section identifies the types of tanks that are regulated and those that are not; the substances to be regulated; and the responsible parties.

SEC. 10002. NOTIFICATION

It will require the reporting of existing tanks; those taken out of operation; and future tanks. It also identifies those who share in the responsibility of reporting.

Each state will designate an agency to receive the notification.

Each state will develop two inventories—one for petroleum and one for all other regulated substances defined in CERCLA.

SEC. 10003. RELEASE DETECTION, PREVENTION AND CORRECTION REGULATIONS

Promulgation of Regulations.—The Administrator will issue regulations that will take effect no later than 30 months after enactment for petroleum tanks and no later than 36 months for other regulated substances.

Distinctions in the Regulations.—The Administrator may distinguish aboveground tanks by type, class, or age. Some of the factors the Administrator may consider in making these distinctions include the following: location of the tanks, soil and climate conditions, age of the tank, current industry recommended practices, national consensus codes, national fire protection codes, water table, size of the tanks, and the compatibility of the regulated substance and the materials of which the tank is fabricated.

Regulation requirements.—The regulations issued will include the following requirements: maintaining a leak detection system; maintaining records of any monitoring or leak detection system; prevention requirements (including certified inspection, secondary containment * * *); reporting of releases; corrective action plan; closure of the tank; and maintaining evidence of financial responsibility.

Financial responsibility.—The requirements for demonstrating financial responsibility include: the methods; those liable; the minimum liability and listing of waivers to that amount; and conditions for suspension of financial responsibility.

Performance Standards.—The Administrator will issue performance standards for new and rebuilt tank standards to take effect no later than 30 months after enactment for petroleum tanks and no later than 36 months for other regulated substances. Interim prohibition is established during the period that is more than 180 days after the date of enactment and before the issuance of the standards. Installation may be considered during this time if the tank meets specific standards.

EPA Response Program.—The EPA or a State approved program will undertake corrective action under specific conditions both before regulations are issued and after. It stipulates how priority order for corrective action will be assigned and the means for recovering cost.

SEC. 10004. STATE PROGRAMS

The Act will allow States to conduct the program if the State includes all requirements and standards of the Federal law and provides adequate enforcement of compliance.

The EPA will provide technical assistance to States to assist in compliance.

States considering this option will undergo a review and approval process.

States have the authority to set standards or requirements that are more stringent than those that are listed.

SEC. 10005. ACCESS TO INFORMATION

The owner or operator of an aboveground storage tank will, upon the request of EPA, State, or designated representative: furnish information relating to tanks, associated equipment and contents; conduct monitoring or testing; or have access for corrective action. This information will be subject to public access with some confidentiality exceptions.

SEC. 10006. FEDERAL ENFORCEMENT

The Administrator can issue an order of compliance and order prohibiting the use or operation of any or all of the facility. Includes the procedures, contents of order and civil penalties associated with such order.

SEC. 10007. FEDERAL FACILITIES

All executive, legislative and judicial branches must follow the requirements of this section.

The President may exempt an aboveground storage tank of a department, agency or instrumentality in the Executive branch from compliance with a requirement if the President determines it to be in the interest of the United States to do so.

SEC. 10008. STUDY OF ABOVEGROUND TANKS

The Administrator will conduct two studies. One will be completed in 12 months and address petroleum. The second will be done within 36 months and address all other aboveground storage tanks. Elements of the study are defined.

A third study is required of the Administrator which addresses farm and heating oil tanks. The elements are different from those of the first two. It will include the number and location of tanks and analysis of potential releases. A report with recommendation of necessity to regulate these tanks will be prepared.

SEC. 10009. AUTHORIZATION OF APPROPRIATION

This Act authorizes the appropriation of such funds necessary to comply with the program.

By Mr. JOHNSTON (by request):

S. 1762. A bill to amend Subsection 31(e) of the Mineral Leasing Act, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL LEASING ACT AMENDMENTS

• Mr. JOHNSTON. Mr. President, I am introducing today at the request of the Department of the Interior a bill to amend subsection 31(e) of the Mineral Leasing Act, and for other purposes.

I ask unanimous consent that the bill and the communication which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

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

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 31(e) of the Mineral Leasing Act, as amended (41 Stat. 450, 30 U.S.C. 188(e)) is amended to delete the first sentence in the unnumbered paragraph at the end of subsection.

DEPARTMENT OF THE INTERIOR,

Washington, DC, September 24, 1991.

Hon. J. DANFORTH QUAYLE,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a proposed bill, "To amend subsection 31(e) of the Mineral Leasing Act, and for other purposes."

We recommend that the proposed bill be introduced, referred to the appropriate Committee, and enacted.

Prior to enactment of title IV of the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2462, 30 U.S.C. 188) the Secretary of the Interior (Secretary) had no discretion under the Mineral Leasing Act to reinstate an oil and gas lease terminated automatically for failure to pay rental in a timely fashion, unless rental was tendered within 20 days after the due date (30 U.S.C. 188(c)). However, the later Act provided authority to consider petitions for reinstatement, subject to fulfillment of certain other conditions in subsections 31(d) and (e) even though rental was not tendered within that 20-day period. Included in these conditions is FEDERAL REGISTER publication of the proposed reinstatement 30 days in advance, including terms and conditions of the lease.

In addition to publication in the FEDERAL REGISTER, the final paragraph in subsection 31(e) requires the Secretary to notify the House Committee on Interior and Insular Affairs and Senate Committee on Energy and Natural Resources of any proposed reinstatement 30 days prior to the reinstatement, by furnishing a copy of the FEDERAL REGISTER notice, together with additional information concerning rental, royalty, volume of production, and anything else the Secretary considers significant in the decision to reinstate. The draft bill would eliminate only the provision for separate notice to the Committees.

Since the Secretary had no authority prior to 1983 to reinstate a lease in absence of payment of the rental within 20 days of the due date, the enactment of the new provisions in subsections 31(d) and (e) created a new avenue for many lessees to pursue and secure reinstatement of their terminated leases. In addition, it changed the situation for those whose petitions were under consideration at that time. Because of the retroactive features of the law, although limited, the Bureau of Land Management (BLM) initially was presented with large numbers of cases to process under the new authority. After resolving these cases, implementation of the new reinstatement features was integrated into the overall oil and gas leasing program and has been carried out in a routine manner at the BLM's field level without any significant hindrance or controversy.

It is our view that the Committee notification requirement is duplicative in light of the FEDERAL REGISTER notice already provided, and no longer serves a purpose sufficient to support the paperwork and review burden it imposes on the BLM and affected Committees of Congress, respectively.

While the Committee notification feature that would be deleted by the proposed draft bill might have been prudent at the beginning of the implementation effort in 1983, it now seems unlikely that the Committees in question would have a continued interest in reviewing the notices, especially since the very same information is readily accessible in the Federal Register.

In summary, insofar as it would improve efficiency, reduce paperwork, and relieve Congressional Committees of the burden of an additional layer of review, we believe

elimination of the formal notification procedure as proposed by the draft bill would be beneficial.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

DAVE O'NEAL,
Assistant Secretary.●

By Mr. GRAHAM:

S. 1763. A bill to amend title 5, United States Code, to improve retirement counseling for Federal Government employees; to the Committee on Governmental Affairs.

S. 1764. A bill to amend the Older Americans Act of 1965 to establish a grant program to provide health and retirement information, counseling, and assistance to individuals, and for other purposes; to the Committee on Labor and Human Resources.

RETIREMENT COUNSELING

Mr. GRAHAM. Mr. President, on May 30, 1990, I convened a Senate Aging Committee hearing in St. Petersburg, FL, on retirement planning.

According to abundant testimony, many individuals do not contemplate the financial, health, and social implications and consequences of their retirement years. The majority of Americans do not plan comprehensively for their retirement; they do not consider the potential outcomes of typical decisions made at or before retirement, such as relocating, utilizing Medicare and supplemental insurance, living solely on Social Security and/or a pension, and experiencing extended periods of leisure time.

Research shows that Americans become aware of these issues as a reactive mechanism, often when it is too late to change major lifestyle decisions. Many folks expend more time and effort planning a 2-week vacation than the 20-plus years they could spend in retirement.

As the U.S. population ages more rapidly, persons will spend increasing years in retirement. According to the National Center for Health Statistics, average life expectancy for Americans in 1950 at 65 years was 13.9 years, while average life expectancy in 1989 at 65 years was 17.2 years.

As most retirees rely on Federal programs, such as Medicare and Social Security for health insurance and retirement income respectively, lack of health and retirement planning has substantial long-term costs for the Federal Government. Lack of retirement planning also impacts quality of life.

Persons who anticipate retirement-related changes can plan socially and financially, alleviating relocating without accessible social, community, and health services. Retirees who do not evaluate retirement-related decisions could experience social dislocation and unanticipated financial and

health needs, causing despair and dependence on Government health and social services' programs.

Mr. President, for these reasons, I am introducing two bills to increase public awareness and facilitate retirement and health planning.

The Retirement and Health Planning Act would authorize demonstration projects in up to three States to establish and improve retirement and health planning programs for individuals 55 and older. Persons would be counseled on health issues—diet, fitness, risk factors, long-term care insurance, Medicare, Medigap, and living wills—retirement issues—Social Security, pensions and overall financial planning, lifestyle changes, legal issues, housing and relocating, and volunteering—and other appropriate issues. Ten million dollars would be authorized for the demo programs.

States would be required to report back to Congress each year on the status of the demonstrations. The Health and Human Services Secretary will also evaluate the programs to determine their efficacy in meeting the retirement and health needs of participants and to decide whether planning decreases Federal costs of health and assistance programs and improves quality of life for persons.

It is my hope that this bill can be considered during the upcoming floor debate on the Older Americans Act and taken as a part of that reauthorization.

The other bill I am introducing today would require the Federal Government to set an example for the rest of the country. It would require each Federal agency to designate at least one retirement planning counselor within the agency. Many agencies currently provide these services. The bill also establishes a phone service, administered by the Office of Personnel Management, which annuitants may call for information on retirement benefits.

Mr. President, I am also in the midst of discussions with the Social Security Administration [SSA] regarding the inclusion of brief retirement planning information on the personal earnings and benefits estimate statement [PEBES]. At this time, all workers can request a PEBES form from the SSA. Under law, all workers must receive a PEBES form by the year 2000.

I recently asked the Social Security Commissioner to include retirement planning information on the PEBES form. I ask unanimous consent that a copy of my letter to the Commissioner be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, September 20, 1991.

GWENDOLYN KING,
Commissioner, Social Security Administration,
Baltimore, MD

DEAR COMMISSIONER KING: As you know, the 1990 Omnibus Budget Reconciliation Act

requires the Social Security Administration (SSA) to send all workers a Personal Earnings and Benefits Estimate Statement (PEBES) by the year 2000.

I am pleased the PEBES will eventually be available to all workers. PEBES would also be an appropriate and obvious mechanism to convey the need for retirement planning to the American public.

On May 30, 1990, I chaired a Senate Special Committee on Aging field hearing on retirement planning. According to abundant testimony, individuals do not anticipate and plan for the financial, health, and social consequences of their retirement years. I am deeply concerned about the lack of public information available in this area.

Another sentence or two could be added to the PEBES form or accompanying letter which reads, "I encourage you to plan for the financial, health, lifestyle, housing, and other needs of your retirement years. Assistance for such planning can often be provided through the local Area Agencies on Aging, the work place, and other non-governmental entities." It is my feeling that the above brief information could convince future retirees to plan more comprehensively for their retirement years.

If you should require further information regarding this issue, please contact me or Susan Emmer of my staff at 224-3041.

With warm regards,

Sincerely,

BOB GRAHAM,
U.S. Senator.

Mr. GRAHAM. Mr. President, expanded retirement planning programs will compliment the retirement and health study which the National Institute on Aging has awarded. The study will evaluate retirement patterns, with an oversampling taken from Florida. Information from the study and the retirement planning bills can only sharpen and increase our understanding of the entire retirement process.

Through public education efforts, outreach, and direct counseling, Americans can prepare for fulfilling vibrant, and active retirement years. Future retirees can potentially decrease dependence on Medicare and Social Security and maintain a meaningful quality of life.

Mr. President, I encourage my colleagues to join me in supporting retirement planning endeavors which could enhance the freedom and independence of retirees, offer retirees options and opportunities not previously considered, and prepare retirees more adequately for retirement changes.

In summary, Mr. President, it has been said, correctly, that many Americans spend more time planning for a 2-week vacation than they do planning for the long period of life that they will have after retirement. Retirement is seen by many as being a series of unending golden days.

Unfortunately, for too many Americans, it is a period of too many dark, forbidding, and unrewarding days. It is a sad commentary that one of the highest incidents of suicide in our country are among people who have recently retired, unable to deal with the new life into which retirement has ushered them.

Many of those concerns which include economic issues, health issues, preparation for a lifestyle with greater discretionary time, the whole process of moving from one community to another could be dealt with in a more humane manner and a manner that would, in fact, lead to those years of retirement, fulfilling the dreams of the millions of Americans if there were more effective preretirement planning.

To that end, Mr. President, I am introducing two bills today. The first would call for a series of demonstrations with the States encouraged to submit applications to the appropriate Federal agencies in order to make available to their citizens effective preretirement counseling and then to draw from the experience of these various projects to see what type of a national program we should develop.

Second, Mr. President, is legislation directed at the Federal Government itself. It is my belief that if one asks others to follow, that they should be the first to lead. To that end, the Federal Government if it believes, Mr. President, that it is important for Americans to prepare for their retirement years, it should be a leader in assisting its own employees in terms of making similar preparation.

And so this would direct each Federal agency to establish a program of assisting its own employees, particularly as to the benefits which they will have. Many Federal employees retire without fully understanding what their circumstances will be relative to their pension, the relationship of their pension to Social Security, to Medicare, to other postemployment benefits.

It also suggests that the Federal Government should encourage Federal employees to look to other sources for some of the noneconomic and nonhealth-related aspects of effective preretirement planning.

Mr. President, I ask unanimous consent that the full text of the two bills and a summary of each bill, be printed in the RECORD.

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

S. 1763

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

RETIREMENT COUNSELING

SECTION 1. (a) Subchapter III of chapter 83 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§8349. Retirement counseling

“(a) For the purposes of this section, the term ‘retirement counselor’, when used with respect to an agency, means an employee of the agency who is designated by the head of the agency to furnish information on benefits under this subchapter and counseling services relating to such benefits to other employees of the agency.

“(b) The Director of the Office of Personnel Management shall—

“(1) establish a training program for all retirement counselors of agencies of the Federal Government; and

“(2) designate and publicize a telephone number at the Office which annuitants may call to obtain answers to questions relating to retirement benefits under this subchapter and which is to be used exclusively for such purpose.

“(c)(1) The training program established under subsection (b)(1) of this section shall provide for comprehensive training on the provisions and administration of this subchapter, shall be designed to promote fully informed retirement decisions by employees, and shall be revised as necessary to assure that the information furnished to retirement counselors of agencies under the program is current.

“(2) The Director shall conduct a training session under the training program once each quarter-year.

“(3) Once each year, each retirement counselor of an agency shall successfully complete a training session conducted under the training program.

“(d) The Director shall assign the responsibility of receiving and responding to calls made to the telephone number designated under subsection (b)(2) of this section to a sufficient number of employees who are knowledgeable about the provisions and administration of this subchapter to assure that prompt and effective assistance is furnished to annuitants.”

(b) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 8348 the following new item:

“8349. Retirement counseling.”

S. 1764

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 “Retirement and Health Planning Act of 1991”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the elderly population of the United States is increasing rapidly, as evidenced by the fact that—

(A) approximately 12.4 percent of the United States population is age 65 or older; and

(B) by 2025, roughly 19.3 percent of the United States population will be age 65 or older;

(2) as individuals live longer, the retirement years need to be enjoyable and meaningful years, but for too many of the older individuals in the Nation, life is a daily existence that consists only of coping with massive problems of loneliness, health deficits, and social rejection;

(3) legislation has too often expressed kindly concern for older individuals, while doing too little to rehabilitate the individuals so that the individuals can achieve dignity and self-respect;

(4) direct health care programs, preoccupied with health diagnoses and treatment at the least possible cost and effort, have not adequately implemented a rehabilitative approach to aiding older individuals;

(5) retirement planning can help make older individuals as independent as possible, encouraging meaningful lives in the community and outside of health care institutions;

(6) lack of health and retirement planning has substantial Federal costs because—

(A) individuals are spending more years in retirement, as evidenced by the fact that the

percentage of the male labor force in the United States that is age 65 or older has decreased from 46 percent in 1950 to 16 percent in 1986; and

(B) United States citizens, on average, save less for retirement than individuals from other countries, and retirees rely almost completely on Social Security, Medicare, and pension income;

(7) many elderly individuals—

(A) approach retirement without the careful thought and approach that should be devoted to a major change in lifestyle;

(B) do not consider the unintended consequences of typical decisions made at retirement, such as decisions related to finding a new home, utilizing Medicare, and using open leisure time; and

(C) are subsequently adversely impacted financially, socially, or physically by the decisions;

(8) prior to retirement, some older individuals—

(A) fail to understand the economic constraints of living on a fixed income of Social Security and a private pension;

(B) fail to appreciate the emotional consequences of moving from an active life to a life with total discretionary time;

(C) fail to anticipate that increased life expectancy places individuals at greater risk for impoverishment and in need of long-term care, which Medicare does not cover;

(D) fail to acknowledge that space needs and relationship to the community change significantly as an individual ages; and

(E) fail to anticipate problems caused by restricted mobility, including limited accessibility to mass transit, shopping centers, health care, and religious institutions;

(9) too many individuals become aware of changes caused by retirement by reacting to the changes, often when it is too late to change major lifestyle decisions; and

(10) because little attention has been given to providing adequate assistance to older individuals in the transition to retirement, demonstration projects are needed to evaluate whether public education, counseling and assistance programs for individuals age 55 or older would—

(A) enhance the freedom, dignity, and independence of retirees;

(B) offer retirees options and opportunities not previously considered;

(C) prepare individuals more adequately for retirement changes; and

(D) decrease the reliance of retirees on Medicare and Social Security.

SEC. 3. HEALTH AND RETIREMENT INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.) is amended by adding at the end the following new section:

“SEC. 429. HEALTH AND RETIREMENT INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

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

“(1) INFORMATION, COUNSELING, AND ASSISTANCE PROGRAM.—The term ‘information, counseling, and assistance program’ means a program described in subsection (c).

“(2) INFORMATION, COUNSELING, AND ASSISTANCE SERVICES.—The term ‘information, counseling, and assistance services’ means the information, counseling, and assistance described in subsection (c).

“(3) STAFF MEMBER.—The term ‘staff member’ includes a volunteer staff member.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish and carry out demonstration projects

to assist States in establishing and improving health and retirement information, counseling, and assistance programs. In carrying out the projects, the Secretary shall make grants to up to three States for the purpose of establishing and improving the programs.

"(2) LEVEL OF FUNDING.—The Secretary shall prescribe regulations to establish a minimum level of funding for a grant made available under this section.

"(c) USE OF FUNDS.—A State may use a grant made available under subsection (b) to establish a program, or improve upon a program in existence on the date of the enactment of this section, that provides health and retirement information, counseling, and assistance to individuals who are age 55 or older regarding—

"(1) health issues, including issues related to—

- "(A) diet;
- "(B) fitness;
- "(C) risk factors;
- "(D) long-term care insurance; and
- "(E) medicare benefits; and

"(2) retirement issues, including issues related to—

"(A) Social Security benefits;

"(B) pension benefits and overall financial planning;

- "(C) lifestyle changes;
- "(D) legal matters;
- "(E) housing and relocating;

"(F) options available for work and for leisure time utilization, such as volunteering and other activities; and

"(G) other changes that affect individuals at retirement or entry into medicare and the Social Security system.

"(d) CRITERIA FOR ISSUING GRANTS.—In issuing a grant under this section, the Secretary shall consider—

"(1) the commitment of the State to carrying out the information, counseling, and assistance program, including the level of cooperation demonstrated—

"(A) by the State department of health and rehabilitative services, or an equivalent State entity; and

"(B) the departments and agencies of the State responsible for—

"(i) administering public health programs; or

"(ii) administering programs established under this Act;

"(2) the population of individuals age 55 or older in the State as a percentage of the population of the State; and

"(3) in order to ensure the needs of rural areas in the State, the relative costs and special problems associated with addressing the special problems of providing information, counseling, and assistance services to the rural areas of the State.

"(e) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(2) CONSOLIDATED APPLICATIONS.—In submitting an application under this section, a State may consolidate and coordinate an application that consists of parts prepared by more than one agency or department of the State.

"(3) STATE PLAN.—As part of an application for a grant under this section, a State shall submit a plan for a statewide information, counseling, and assistance program. The plan shall—

"(A) provide for a sufficient number of staff members to provide information, counseling, and assistance services;

"(B) provide assurances that staff members of the program have no conflict of interest in providing information, counseling, and assistance services;

"(C) provide for—

"(i) the collection and dissemination of timely and accurate retirement-related and health care information to staff members of the program; and

"(ii) regular staff meetings and continuing education programs for the purpose of informing the staff members of current developments related to retirement and health issues;

"(D) provide for training programs for staff members;

"(E) provide for the coordination of the exchange of retirement-related and health care information between the staff of departments and agencies of the State government and the staff members of the information, counseling, and assistance program;

"(F) provide for the establishment of public education and information programs that emphasize the importance of retirement and health planning; and

"(G) demonstrate, to the satisfaction of the Secretary, an ability to provide information, counseling, and assistance services.

"(f) ANNUAL STATE REPORT.—

"(1) INFORMATION.—Each State that receives a grant under this section shall—

"(A) collect information on the number of individuals served by the information, counseling, and assistance program of the State; and

"(B) estimate the amount of funds saved by the State, and by eligible individuals in the State, in the implementation of the program.

"(2) REPORT.—Not later than 360 days after the date that a State receives a grant under this section, and annually thereafter until the demonstration project established under this section in the State is terminated under subsection (h), a State shall submit a report to the Secretary containing the information and estimate described in subparagraphs (A) and (B) of paragraph (1).

"(g) EVALUATION AND REPORT TO CONGRESS.—

"(1) EVALUATION.—The Secretary shall conduct an annual evaluation of the demonstration projects established under this section or shall contract with a private organization to conduct the evaluation. In conducting the evaluation, the Secretary or the organization shall—

"(A) determine whether the demonstration projects are effectively meeting the retirement and health planning needs of persons participating in the projects;

"(B) make recommendations for redirecting or modifying the demonstration projects, or expanding the demonstration projects into a nationwide program; and

"(C) determine whether retirement and health planning could decrease Federal costs of health and assistance programs and improve the quality of life in the long term.

"(2) REPORT TO CONGRESS.—Not later than 360 days after the date of the enactment of this section, and annually thereafter until the demonstration projects are terminated under subsection (h), the Secretary shall submit a report containing the evaluation described in paragraph (1) to the appropriate committees of Congress.

"(h) TERMINATION.—The demonstration projects established under this section shall terminate not later than 3 years after the date of the enactment of this section."

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) in paragraph (1), by striking "the provisions of this title (other than sections 427 and 428)" and inserting "sections 401 through 426"; and

(2) by adding at the end the following new paragraph:

"(4) There are authorized to be appropriated to carry out section 429, \$10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years."

THE RETIREMENT AND HEALTH PLANNING ACT OF 1991

The bill would authorize \$10 million for the HHS Secretary to administer demonstration projects in up to 3 States to establish and to improve current retirement and health planning programs for individuals 55 years and older. Persons would be counseled on health issues (diet, fitness, risk factors, long term care insurance, medicare, medigap, and living wills), retirement issues (Social Security, pensions and overall financial planning, lifestyle changes, legal issues, housing and relocating, and volunteering) and other appropriate issues.

States would be required to report back to Congress each year on the status of the demonstrations. Additionally, the HHS Secretary will evaluate the programs to determine their efficacy in meeting the retirement and health needs of participants. The evaluation will also consider whether planning efforts could decrease costs of Federal health and assistance programs and improve the quality of life for individuals.

FEDERAL AGENCIES RETIREMENT AND HEALTH PLANNING PROPOSAL

The bill requires each Federal government agency to provide at least one retirement planning counselor. It also directs the Office of Personnel Management (OPM) to establish (1) a training program for all Federal Government agency retirement planning counselors and (2) a telephone number at OPM for annuitant's questions on retirement benefits.

By Mr. MURKOWSKI:

S.J. Res. 205. Joint resolution to designate November 4, 1991 as "Diplomatic Security Day"; to the Committee on the Judiciary.

DIPLOMATIC SECURITY DAY

• Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation designating November 4, 1991, the 75th anniversary of Diplomatic Security at the U.S. Department of State, as "Diplomatic Security Day." I do this to honor the Department's Bureau of Diplomatic Security, which has so ably provided security for this Nation's diplomatic activities.

The Bureau of Diplomatic Security has been and is responsible for protecting U.S. Government employees and their dependents on official duty abroad, for providing for the physical security of both our diplomatic missions abroad and all Department of State facilities in the United States, and for protecting foreign missions, international organizations, and foreign officials in the United States. The Bureau also provides personal protec-

tion to the Secretary of State and other U.S. Government officials, both at home and abroad. Finally, the Bureau conducts investigations of passport and visa fraud.

Mr. President, the importance of these responsibilities will be quickly recognized, as will be the difficulty of carrying them out in today's world. I am therefore proud to play a part in recognizing the men and women of the Bureau of Diplomatic Security who so ably shoulder such responsibility. ●

By Mr. RIEGLE (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. PELL, Mr. SHELBY, Mr. LEVIN, Mr. KERRY, Mr. LAUTENBERG, Mr. SARBANES, Mr. EXON, Mr. DURENBERGER, Mr. HELMS, Mr. CRANSTON, Mr. GARN, Mr. GRASSLEY, Mr. METZENBAUM, Mr. ROBB, Mr. BRADLEY, Mr. DOLE, Mr. INOUE, Mr. DIXON, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mr. SASSER, Mr. GRAHAM, Mr. REID, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. SIMON, Mr. GLENN, Mr. MURKOWSKI, Mr. SPECTER, Mr. PRESSLER, and Mr. BREAUX):

S.J. Res. 206. A joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

DUTCH-AMERICAN HERITAGE DAY

Mr. RIEGLE. Mr. President, today, along with 35 of my Senate colleagues, I am introducing a joint resolution designating November 16, 1991 as "Dutch-American Heritage Day."

To the more than 5 million Americans of Dutch origin, the celebration of Dutch-American Heritage Day will provide an important opportunity to honor their roots and the extraordinary contribution which their ancestors made to the political, economic and cultural growth of the United States.

In addition, the marking of Dutch-American Heritage Day will provide an opportunity for all Americans to pay tribute to the important role played by the Netherlands in securing American independence and in stimulating and aiding the growth of the United States as a free nation over the past 214 years.

I invite all of my colleagues to join me in supporting this important joint resolution, and ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S.J. RES. 206

Whereas, on November 16, 1776, the batteries at the Dutch port of St. Eustatius fired the first salute to the flag of the newly independent United States;

Whereas the firing by the Dutch of the first salute to the flag of the United States uplifted the morale and determination of the individuals who were fighting for American independence;

Whereas commemoration of Dutch-American Heritage Day provides an opportunity for approximately 8,000,000 Dutch-Americans to celebrate their Dutch roots and the extraordinary contributions their ancestors made to the political, economic, and cultural development of the United States; and

Whereas commemoration of Dutch-American Heritage Day promotes awareness by the people of the United States of the essential role performed by the Dutch people in securing American independence and in aiding the development of the United States for the past 215 years: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 16, 1991, is designated as "Dutch-American Heritage Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 243

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 243, a bill to revise and extend the Older Americans Act of 1965, and for other purposes.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Minnesota [Mr. WELLSTONE] 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. 512

At the request of Mr. ADAMS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 512, a bill to authorize an additional \$25,000,000 for the National

Cancer Institute to conduct certain research on breast cancer, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the names of the Senator from Arkansas [Mr. BUMPERS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 621

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 621, a bill to establish the Manzanar National Historic Site in the State of California, and for other purposes.

S. 685

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 765

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors 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. 878

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 1094

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1094, a bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

S. 1175

At the request of Mr. KERRY, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from

Idaho [Mr. CRAIG] were added as cosponsors of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purpose.

S. 1226

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma [Mr. BOREN] 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. 1245

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1398

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Florida [Mr. GRAHAM], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Georgia [Mr. NUNN], the Senator from Hawaii [Mr. AKAKA], the Senator from Tennessee [Mr. GORE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1476

At the request of Mr. DANFORTH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a co-

sponsor of S. 1476. A bill to recognize the organization known as the Shepherd's Centers of America, Inc.

S. 1521

At the request of Mr. MCCONNELL, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1521, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material.

S. 1563

At the request of Mr. KERRY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1623

At the request of Mr. DECONCINI, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1661

At the request of Mr. KOHL, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1661, a bill to simplify the tariff classification of certain plastic flat goods.

S. 1715

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1715, a bill to ensure the protection of the Gulf of Mexico by establishing in the Environmental Protection Agency a Gulf of Mexico Program Office.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. DIXON], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 132

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], the Senator from

Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. SASSER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BAUCUS], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 184

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Vermont [Mr. LEAHY], the Senator from Florida [Mr. MACK], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. RIEGLE], the Senator from Montana [Mr. BAUCUS], the Senator from Missouri [Mr. DANFORTH], the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating the month of November 1991, as "National Accessible Housing Month."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 189

At the request of Mr. GORE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from North Carolina [Mr. SANFORD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. GRAHAM], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 189, a joint resolu-

tion to establish the month of October 1991, as "Country Music Month."

SENATE JOINT RESOLUTION 194

At the request of Mr. GRAMM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 194, a joint resolution to designate 1992 as the "Year of the Gulf of Mexico."

SENATE JOINT RESOLUTION 195

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 195, a joint resolution providing that the United States should support the Armenian people to achieve freedom and independence.

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

SENATE JOINT RESOLUTION 202

At the request of Mr. INOUE, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. BYRD], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 202, a joint resolution to designate October 1991, as "Crime Prevention Month."

SENATE RESOLUTION 185—TO PROVIDE FOR FUNDING AND SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. KERRY, from the Select Committee on POW/MIA Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 185

Resolved,

(a) That in carrying out its powers, duties and functions under S. Res. 82, One Hundred Second Congress, agreed to August 2, 1991, and under this resolution, from August 2, 1991 until the end of the One Hundred Second Congress, through January 2, 1993, and for the purpose of closing its affairs, from January 3, 1993 through February 28, 1993, the Select Committee on POW/MIA Affairs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, and (2) to appoint and fix compensation of personnel.

(b) The expenses of the select committee for the period from August 2, 1991 through February 28, 1993, shall not exceed \$2,615,887 of which an amount not to exceed \$300,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. § 72a(i)).

(c) Expenditures from the contingent fund shall be paid out of the appropriations ac-

count for Expenses of Inquiries and Investigations upon vouchers approved by the chairman, except that vouchers shall not be required (1) for the disbursement of salaries of employees who are paid at an annual rate, (2) for the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate, (3) for the payment of expenses for stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for the payment of expenses for postage to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the select committee to be paid from the appropriations account for Expenses of Inquiries and Investigations, in like manner as for the standing and permanent select committees of the Senate.

SEC. 2. In addition to all powers, duties and functions vested in the Select Committee of POW/MIA Affairs by S. Res. 82, One Hundred Second Congress, agreed to August 2, 1991, the select committee is authorized to do the following:

(a) To delegate to the chairman the power, with the consent of the vice chairman, to authorize subpoenas for the attendance of witnesses and the production of correspondence, books, papers, documents, and other records.

(b) To (i) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony and receiving correspondence, books, papers, documents, and other records, and (ii) require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, documents, and other records at such staff depositions.

(c) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the select committee may consider appropriate with respect to (A) the failure or refusal of any person to appear at a hearing or deposition or to produce records, in obedience to a subpoena or order; or (B) the failure or refusal of any person to answer questions during his or her appearance as a witness at a hearing or deposition.

(d) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. § 72a(i)).

(e) To use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate, the facilities of any other Senate committees or the services of any members of the staff of them whenever the select committee or its chairman considers that such action is necessary or appropriate to enable the select committee to carry out its powers, duties, and functions.

(f) The chairman shall designate any members of the staff of any other Senate committee who are to perform services to assist the select committee pursuant to subsection (e), and such staff members shall continue to be paid by the Senate committee they normally serve, but the account from which such staff

members are paid shall be reimbursed by the select committee for their services out of funds made available to the select committee under this resolution. Staff designated under this subsection shall be considered to be staff of the select committee for all purposes, including for purposes of domestic and foreign travel.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

MCCAIN (AND ROTH) AMENDMENT NO. 1206

Mr. MCCAIN (for himself, and Mr. ROTH) proposed an amendment to the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. . (a) Funds appropriated by this Act may not be obligated or expended for the construction of any Seawolf (SSN-21) class submarine.

(b)(1) Of the amount appropriated in title III under the heading "SHIPBUILDING AND CONVERSION, NAVY", \$1,803,200,000 shall be available for the following purposes:

(A) Payment of termination costs of the Seawolf (SSN-21) class submarine program.

(B) Construction of a new SSN-688 class submarine.

(C) Research, development, test, and evaluation for an advanced follow-on submarine.

(D) Improvement of sea lift and amphibious capability.

NUNN (AND OTHERS) AMENDMENT NO. 1207

Mr. INOUE (for Mr. NUNN, for himself, Mr. WARNER, Mr. GORE, Mr. WIRTH, Mr. THURMOND, and Mr. DIXON) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 130, strike out lines 16-22 and insert the following in lieu thereof:

SEC. 8096. (a) In addition to the amounts appropriated elsewhere in this Act, \$50,000,000 is appropriated for the Strategic Environmental Research and Development Program to remain available for obligation until September 30, 1993.

(b) In addition to the amounts appropriated elsewhere in this Act, \$835,000,000 is appropriated for environmental restoration to remain available for obligation until September 30, 1994: *Provided*, That such funds shall be available only for the actual reduction and recycling of hazardous waste and cleanup of Department of Defense sites.

WOFFORD AMENDMENT NO. 1208

Mr. INOUE (for Mr. WOFFORD) proposed an amendment to the bill H.R. 2521, supra, as follows:

At the end of the bill insert the following:
SEC. . (a) FINDINGS.—The Senate finds that—

(1) There is a need for tax relief for middle-income families;

(2) for more than a decade, America's working families have been paying an in-

creasing portion of their income for Federal taxes;

(3) during the same period, the vast majority of middle-income families in America have seen their real incomes decline and the value of their paychecks shrink;

(4) the principles of basic fairness dictate that working people pay no more than their fair share of taxes; and,

(5) most working Americans are being forced to pay more taxes when they can least afford it and are in dire need of tax relief to improve the quality of their lives and to contribute toward the revitalization of the Nation's economy.

(b) It is the sense of the Senate that the Senate is committed to providing income tax relief to middle-income families and urges Congress to enact legislation providing for such relief.

DIXON AMENDMENT NO. 1209

Mr. INOUE (for Mr. DIXON) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 9, line 17, before the period at the end insert the following: "Provided further, That, of the amount appropriate under this heading, \$4,500,000 shall be available for the Army Environmental Policy Institute".

BUMPERS AMENDMENT NO. 1210

Mr. INOUE (for Mr. BUMPERS) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 41, line 25, before the period, add the following: "Provided further, That of the funds appropriated under this heading, \$25,000,000 shall be available only for development of advanced superconducting multichip modules and diamond substrate material technologies."

MITCHELL (AND OTHERS) AMENDMENT NO. 1211

Mr. INOUE (for Mr. MITCHELL, for himself, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. KERRY, Mr. KERREY, Mr. MCCAIN, Mr. DANFORTH, Mr. HATFIELD, Mr. LEAHY, Mr. CRANSTON, Mr. PELL, Mr. BYRD, Mr. ROBB, Mr. BRADLEY, Mr. BOREN, Mr. CHAFEE, and Mr. PRESSLER) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 9, line 17, before the period at the end, insert the following: "Provided further, That \$5,000,000 of the amount appropriated under this heading shall be available for the United States Office for POW/MIA Affairs in Hanoi".

WIRTH (AND OTHERS) AMENDMENT NO. 1212

Mr. WIRTH (for himself, Mr. LAUTENBERG, Mr. MACK, Mr. SPECTER, Mr. WOFFORD, Mr. SIMON, Mr. DECONCINI, and Mr. GRAHAM) proposed an amendment to the bill H.R. 2521, supra, as follows:

At the end of the Committee amendment on page 100, add the following:

SEC. . (a) As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries

friendly to the United States or against any other United States person.

(b)(1) Consistent with the policy referred to in subsection (a), no Department of Defense prime contract in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) may be awarded to a foreign person, company, or entity unless that person, company, or entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) on a contract-by-contract basis when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each calendar quarter, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this paragraph during such quarter.

SPECTER (AND WOFFORD) AMENDMENTS NOS. 1213 AND 1214

Mr. INOUE (for Mr. SPECTER) proposed two amendments to the bill H.R. 2521, supra, as follows:

AMENDMENT NO. 1213

Insert in the appropriate place:

(A) The Comptroller General of the United States shall issue a report on the Department of Defense plan to consolidate Navy Research, Development, Test and Evaluation, Engineering, and Fleet Support Activities set forth in the 1991 Defense Base Closure and Realignment Commission's recommendations which:

(i) evaluates cost data and methodology used in formulating the consolidation plan, and any new variables resulting from recommendations made by the 1991 Base Closure and Realignment Commission;

(ii) evaluates the validity of all personnel relocation assumptions contained in the plan; and

(iii) evaluates the consolidation plan in light of changing force structure requirements.

(B) The Secretary of Defense shall provide a report to Congress on the findings set forth in the Comptroller General's report which shall include identification of inconsistencies between the Comptroller General's report and the findings and recommendations submitted by the Department of Defense to the 1991 Base Closure and Realignment Commission.

(C) The Secretary of the Navy shall make available for review to the Comptroller General of the United States immediately upon enactment of this Act all documents generated after January 1, 1989, and prior to September 1, 1991, pertaining to or referencing the issue of consolidation of Department of the Navy Research and Development activities.

AMENDMENT NO. 1214

At the appropriate place, insert:

SEC. . OVERHAUL OF THE U.S.S. ENTERPRISE.

The Comptroller General of the United States shall issue a report no later than July 1, 1992, on the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of the nuclear-powered aircraft carriers. The report shall include cost evaluations and projections for the next 20 years based on the current Navy plan and a list of the specific locations under consideration as disposal or reprocessing sites.

(b) REPORT ON HEALTH EFFECTS.—Not later than September 30, 1992, the Secretary of Health and Human Services, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

BRADLEY (AND WIRTH) AMENDMENT NO. 1215

Mr. BRADLEY (for himself and Mr. WIRTH) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. 8130. SENSE OF CONGRESS WITH RESPECT TO THE PREPARATION OF AN ADDITIONAL MULTIYEAR DEFENSE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Recent events in the Soviet Union, including the dissolution of the Communist Party, are likely to lead to the reduced possibility of a military confrontation between nations of the East and West.

(2) The political transformation and realignment of Eastern Europe continues without abatement.

(3) The military presence of the Soviet Union in Europe is presently declining, and the decline is likely to accelerate in the near future.

(4) The success of the military campaign conducted by the allied multinational armed force during the Persian Gulf War demonstrates many of the capabilities of such a multinational force.

(5) Rapid evolutions in military capabilities lead to rapid evolutions in the military threat faced by the United States.

(6) It is in the interest of the United States that the Armed Forces be capable of responding to rapid evolutions in the military capabilities, and thus the military threat, of our enemies.

(7) Appropriate levels of expenditures for defense and astute analysis of defense matters will ensure such a capability in the Armed Forces.

(8) In the coming years, it is unlikely that pressures to reduce future United States budgets of the United States will decline.

(9) It is necessary for future budgets of the Armed Forces to reflect the reality of budget pressures and of changes in the military capabilities and political structures of nations around the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in preparing the Multiyear Defense Program to be submitted to Congress with the budget for fiscal year 1993, the Secretary of Defense prepare an additional Multiyear Defense Program that reflects the recent changes in the military capabilities, economic outlook, and political structures of the nations around the world;

(2) the additional Multiyear Defense Program reflect estimated expenditures and proposed appropriations based on a reduction in the Department of Defense budget for a five-year budget beginning fiscal year 1993 of \$80,000,000,000; and

(3) the additional Multiyear Defense Program set forth the differences between the force structure and capabilities of the Armed Forces proposed in the Multiyear Defense Program and the force structure and capabilities proposed in the additional Multiyear Defense Program.

SPECTER (AND OTHERS)
AMENDMENT NO. 1216

Mr. SPECTER (for himself, Mr. MITCHELL, Mr. COHEN, Mr. WOFFORD, Mr. BRADLEY, Mr. DIXON, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 2521, supra, as follows:

At the appropriate place in the pending bill, and the following: "It is the sense of the Senate that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendations, the Congress is relying on the integrity of the base closure process and takes no position on whether there has been compliance by the Base Closure Commission and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the acceptance of the recommendations issued by the Base Closure Commission."

SEYMOUR AMENDMENT NO. 1217

Mr. INOUE (for Mr. SEYMOUR) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 12, line 3, strike out the period and insert in lieu thereof: "Provided further, That of the funds appropriated in this paragraph, \$3,000,000 shall be available for the New Parent Support Program."

MACK AMENDMENT NO. 1218

Mr. INOUE (for Mr. MACK) proposed an amendment to the bill H.R. 2521, supra, as follows:

SEC. (a) not withstanding any provision of section 301(b) of title 37, United States Code, of section 611 of Public Law 100-456 as in effect at any time prior to the date of enactment of this Act, in the case of any officer described in subsection (b), who was entitled to special pay under an agreement authorized by one of those sections, who was not paid the full amount due under such agreement, the unpaid balance shall be paid as part of the settlement of the officer's final military pay account.

(b) an officer to whom subsection (a) is an aviation officer who died as a result of flight operations on or after January 17, 1991, in those areas of the Arabian Peninsula, airspace, and adjacent waters designated by the President in Executive Order 12744 on 21 January 1991 as a combat zone and prior to cessation of hostilities as declared by competent authority, before completing the full period of aviation service agreed to in his or her agreement to remain on active duty in aviation service under section 302(b) of title 37, United States Code, or section 611 of Public Law 100-456.

INOUE (AND STEVENS)
AMENDMENT NO. 1219

Mr. INOUE (for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 47, line 14, beginning with the ":", strike through "procured" in line 24.

STEVENS AMENDMENT NO. 1220

Mr. STEVENS proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 136, at the end of line 19, add the following new proviso: "Provided further, That funds provided in this section may also be available for personnel relocation costs associated with the closure of United States military facilities in the Republic of the Philippines, upon notification by the President of the United States to the Congress that no agreement for the continued presence of United States military forces in the Republic of the Philippines is in effect, and that United States Military forces must depart existing facilities in the Republic of the Philippines."

BOREN AMENDMENT NO. 1221

Mr. BOREN proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 172, between lines 9 and 10, insert the following:

SEC. (a) The Congress finds that—
(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act of 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense, in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), 1/3 of the amount available for obligation out of the National Security Education Trust Fund for such fiscal year;

"(B) 1/3 of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) 1/3 of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial

numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(A) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—

(1) To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of $\frac{1}{4}$ of 1 percent, the rate of interest of such special obligations shall be the multiple of $\frac{1}{4}$ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligation held in the Fund shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATION PROVISIONS.

"(A) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise

dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study in foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965."

(2) The table of contents for such act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.

"Sec. 802. Program required.

"Sec. 803. National Security Education Board.

"Sec. 804. National Security Education Trust Fund.

"Sec. 805. Administrative provisions.

"Sec. 806. Audits.

"Sec. 807. Definitions."

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII, of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) \$15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) \$10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) \$10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

On page 49, between lines 17 and 18, insert the following:

NATIONAL SECURITY EDUCATION TRUST FUND

For the National Security Education Trust Fund established by section 804 of the National Security Act of 1947, \$180,000,000, which shall be available for the purposes set out in subsection (b) of such section.

BUMPERS AMENDMENTS NOS. 1222 THROUGH 1224

Mr. BUMPERS proposed three amendments to the bill H.R. 2521, supra, as follows:

AMENDMENT NO. 1222

At the appropriate place in the bill, insert the following:

"SEC. . BAN ON IMPORTS FROM COMPANIES THAT ASSISTED IRAQ IN DEVELOPING WEAPONS OF MASS DESTRUCTION.

"(a) Notwithstanding any other provision of law, no goods or services shall be imported into the United States or its territories or possessions that are produced by companies which the President has identified as having knowingly participated in the Iraqi programs to develop nuclear, chemical, biological, or any other weapons of mass destruction.

"(b) This provision shall remain in force for a period of ten years after the date of enactment of this Act."

AMENDMENT NO. 1223

On page 43, line 1 strike "9,393,542,000" and all that follows through "1993" on line 2, and insert in lieu thereof the following: "\$9,097,542,000, to remain available for obligation until September 30, 1993: *Provided, however,* That of the funds appropriated for Research, Development, Test, and Evaluation, Defense Agencies, no more than \$329,000,000 shall be appropriated for the Brilliant Pebbles program."

AMENDMENT NO. 1224

At the appropriate place in the bill insert the following:

"(A) Congress finds that:

(1) The NATO Alliance has been a cornerstone of United States and world security since its foundation in 1949;

(2) all America's NATO allies have in the past been supportive of the objects and purposes of the ABM Treaty;

(3) two of America's NATO allies have strategic forces of their own, which would be directly affected by significant changes to the ABM Treaty;

(4) changes in the ABM Treaty would have profound political and security implications for every member of the NATO Alliance and other allies of the United States.

"(B) Before initiating negotiations with the Soviet Union with the objective of making significant modifications to the Anti-Ballistic Missile Treaty, and its associated protocol, the President should consult with the allies of the United States in the North Atlantic Treaty Organization, Japan, and other allies as appropriate and seek a consensus on negotiating objectives concerning defensive systems that would enhance the security interests of the member states of NATO and other allies and strengthen the NATO alliance as a whole."

NUNN (AND WARNER) AMENDMENT NO. 1225

Mr. INOUE (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 34, in line 4, strike out "supplemental appropriations Act," and insert in lieu thereof "supplemental appropriations Act, or other Act,".

KASSEBAUM (AND OTHERS) AMENDMENT NO. 1226

Mr. INOUE (for Mrs. KASSEBAUM, for herself, Mr. BIDEN, and Mr. SIMON) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 172, between lines 9 and 10, insert the following:

SEC. . (a) Congress finds that—

(1) in September 1991, the National Academy of Sciences concluded a study on the nuclear relationship of the United States and the Soviet Union;

(2) it is desirable for the National Academy of Sciences to conduct, as a follow-on study, a study regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union; and

(3) it is appropriate for the National Academy of Sciences to conduct such study because of the relationship that it has developed with its counterpart in the Soviet Union as a result of frequent informal contacts between the two organizations.

(b) The Secretary of Defense is requested to enter into an appropriate arrangement with the National Academy of Sciences for the National Academy of Sciences—

(1) to conduct a study regarding the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union;

(2) to identify possibilities for international cooperation between the United States and the Soviet Union and among other countries regarding such problems; and

(3) to submit to the Secretary of Defense, the Chairmen of the Committees on Appropriations of the Senate and House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Chairman of the Committee on Foreign Affairs of the House of Representatives a report containing—

(A) the results of the study referred to in paragraph (1);

(B) the possibilities for international cooperation identified pursuant to paragraph (2);

(C) an assessment of the implications of the changes referred to in paragraph (1) on the policy of the United States regarding the matters referred to in paragraphs (1) and (2); and

(D) recommendations for future actions by the United States regarding such matters.

(c) Of the funds appropriated by this Act not more than \$250,000 shall be available to carry out subsection (a).

BINGAMAN (AND OTHERS) AMENDMENT NO. 1227

Mr. INOUE (for Mr. BINGAMAN, for himself, Mr. WIRTH, Mr. BUMPERS, Mr. SAS-SER, Mr. EXON, and Mr. NUNN) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 172, between lines 9 and 10, insert the following new section:

SEC. 8130. NATIONAL COMMISSION ON THE FUTURE ROLE OF NUCLEAR WEAPONS IN THE UNITED STATES NATIONAL SECURITY STRATEGY.

(a) ESTABLISHMENT.—There is hereby established a National Commission of the Future Role of Nuclear Weapons in the United States National Security Strategy (hereafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of nine members, appointed as follows:

(A) 3 members shall be appointed by the President.

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) 3 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(2) The members of the Commission shall be appointed from among persons having knowledge and experience relating to the role of nuclear weapons in the national security strategy of the United States.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) The members of the Commission shall be appointed not later than March 1, 1992. The Commission may not begin to carry out its duties under this section until five members of the Commission have been appointed.

(5) The Chairman of the Commission shall be elected by and from the members of the Commission.

(c) DUTIES.—The Commission shall assess the role of, and the requirements for, nuclear weapons in the security strategy of the United States as a result of the significant changes in the former Warsaw Pact, the former Soviet Union, and the Third World and shall make recommendations on actions the United States should take with respect to such weapons in its national security posture by reason of such changes.

(d) REPORT.—The Commission shall submit to the President and Congress a final report on the assessment and recommendations referred to in subsection (c) not later than one year after the Commission conclude its first meeting. The report shall be submitted in unclassified and classified versions.

(e) POWERS.—(1) The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this section, as may be necessary to carry out such duties. Upon request of the Chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(4) The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet on a regular basis (as determined by the Chairman) and at the call of the Chairman or a majority of its members.

(2) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(g) PERSONNEL MATTERS.—Each Member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(2) The Commission shall appoint a staff director, who shall be paid at a rate not to

exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this section without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this paragraph (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(3) Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

(h) **TERMINATION OF THE COMMISSION.**—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(i) **APPROPRIATIONS.**—Of the funds available to the Department of Defense, \$500,000 shall be made available to the Commission to carry out the provisions of this section.

BREAUX AMENDMENT NO. 1228

Mr. INOUE (for Mr. BREAUX) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 32, line 17, insert before the period, the following: "Provided further, That the funds appropriated in fiscal year 1991 for the procurement of the Advanced Video Processor units and associated display heads shall be made available to the Department of Navy, obligated not later than sixty days from the enactment of this Act, and used for no other purpose."

BIDEN AMENDMENT NO. 1229

Mr. INOUE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2521, supra, as follows:

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

SEC. JOINT COMMISSION ON REDUCTION ON THE NUCLEAR WEAPON.

(a) **ESTABLISHMENT.**—of the funds appropriated in this act, the President may allocate such sums as he deems necessary in order to establish and support a joint commission, to be comprised of experts from governments of the United States and from the former Soviet Union, who shall meet on a regular basis in order to discuss and provide specific recommendations regarding—

(1) **SAFEGUARDS.**—What safeguards, including the possible deployment of limited defenses, to protect against the threat of accidental or unauthorized use of nuclear weapons;

(2) **JOINT ARMS REDUCTION.**—What specific goals, consistent with the principle of maintaining deterrence and strategic stability at the lowest levels of armament, should be established for the reduction of strategic and tactical nuclear weapons; and

(3) **WARHEAD DISMANTLEMENT.**—What techniques for dismantling nuclear warheads and disposing of nuclear materials could be in-

corporated into future arms control agreements.

(b) **COMPOSITION.**—The Commission shall be comprised—

(1) On the United States side, of such governmental, experts as the President may deem appropriate; and

(2) Such Governmental representatives from the former Soviet Union as the President may arrange.

(c) **SHARING OF INFORMATION.**—It is the sense of the Congress that the President of both countries should encourage their respective defense departments and related intelligence agencies to examine what relevant information should be declassified or otherwise shared within the working group in order to support the fulfillment of its mandate.

WARNER (AND OTHERS) AMENDMENT NO. 1230

Mr. INOUE (for Mr. WARNER, for himself, Mr. NUNN, Mr. COHEN, Mr. WALLOP, Mr. KENNEDY, Mr. GLENN, and Mr. THURMOND) proposed an amendment to the bill H.R. 2521, supra, as follows:

At the end of the committee amendment insert the following:

() In addition to the amounts appropriated elsewhere in this Act, \$154,900,000 is appropriated for Procurement, Marine Corps, for the following: Night Vision Goggles \$30,000,000; (9) Multiple Launch Rocket System Launchers \$23,000,000; (10,000) Multiple Launch Rocket System Rockets \$72,300,000; (3) Joint Surveillance Target Acquisition System Ground Stations with Commanders Tactical Terminal Hybrid \$17,600,000; Commanders Tactical Terminal Hybrid \$9,000,000; Tactical Reconnaissance Devices \$3,000,000; and \$16,000,000 is available for Navy, Research & Development for the following: Ship-to-Shore Fire Support; \$5,000,000 is available for Defense Agencies, Research and Development for the following: Robotic Countermine Technology.

ROTH (AND OTHERS) AMENDMENT NO. 1231

Mr. ROTH (for himself, Mr. SEYMOUR, Mr. LUGAR, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 159, strike out line 13 and all that follows through page 170, line 5, and insert in lieu thereof the following:

SEC. 8125. (a) This section may be cited as the "Impacted Communities Assistance Act of 1991".

(b)(1) The Congress finds that—

(A) the Department of Defense has been directed to reduce the size and cost of the military and this can be accomplished only by closing military installations;

(B) a military installation is a part of the infrastructure of the community in which it is located and there is a long-standing symbiotic relationship between a military installation and the community;

(C) the people in an impacted community have made substantial, long-term investments of time, training, and wealth to support the military installation;

(D) the loss to an impacted community when a military installation is closed is substantial and the Congress wishes to mitigate the damage to the impacted community;

(E) an impacted community knows best the needs of the community and the best

way to use available resources to meet such needs; and

(F) unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

(2) It is the purpose of this section—

(A) to benefit the community impacted when a military installation located in the community is closed by authorizing the real and excess related personal property on which the military installation is located to be conveyed to the impacted community as soon as possible after a decision to close the military installation; and

(B) to provide an impacted community a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted community, as the community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(c) As used in this section—

(1) the term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department or the Secretary of Defense;

(2) the term "Secretary" means the Secretary of Defense;

(3) the term "local community", with respect to property at a military installation closed under a base closure law, means—

(A) the incorporated town, village, city, or other political subdivision or similar entity of the State in which the property is located;

(B) any other entity, including development districts, authorized to accept or administer property transferred by the incorporated town, village, city, or similar entity of the State in which the property is located; or

(C) if the property is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property;

(4) the term "property suitable for transfer" means property the transfer of which is in compliance with Federal and State environmental laws as determined as soon as possible by the Administrator of the Environmental Protection Agency in consultation with the State, is not vital to the national security interest, and is not vital to protection of an environmental heritage.

(5) the term "base closure law" means—

(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note);

(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(C) section 2687 of title 10, United States Code; and

(6) the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(d)(1) Notwithstanding any other provision of law, as soon as practicable after the Secretary of Defense determines that real property at a military installation closed pursuant to a base closure law is suitable for transfer, but not later than 180 days after the date of that determination, the Secretary shall transfer such real property and related excess personal property suitable for transfer in accordance with this section.

(2)(A) The Secretary shall first offer title of the property to the local community.

(B) If the local community refuses the property or fails to notify the Secretary of the community's acceptance of the property within 6 months after the date on which the Secretary makes the offer to the community, the Secretary shall offer the property to the county in which the property is located.

(C) If the county refuses the property or fails to notify the Secretary of the county's acceptance of the property within 3 months after the date on which the Secretary makes the offer to the county, the Secretary shall offer the property to the State in which the property is located.

(D) If the State refuses the property or fails to notify the Secretary of the State's acceptance of the property within 60 days after the date on which the Secretary makes the offer to the State, the Secretary shall offer the property to other departments and agencies of the Federal Government by publishing the offer in the Federal Register.

(E) If no department or agency of the Federal Government requests the property within 30 days after the date on which the offer is published in the Federal Register, the Secretary shall dispose of the property to the highest responsible bidder.

(F) All offers of title under subparagraphs (A), (B), and (C) of this paragraph shall be in writing and shall contain the conditions, if any, under which the property is to be conveyed.

(e)(1) In any case in which a military installation is located in or subject to annexation by more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the annexation laws of the State concerned, or if such laws do not apply, then divided as the communities agree.

(2) In any case in which property referred to in subsection (d) is located in more than one county of a State and the property is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

(3)(A) The Secretary of Defense shall sever from the real property of a closed military installation that real property that does not qualify as property suitable for transfer as defined in c(4).

(B) Prior to and after any conveyance of real property suitable for transfer as defined in c(4). The Secretary of Defense in consultation with the Administrator of the Environmental Protection Agency and the State, shall continue to comply with all applicable federal and state environmental laws and carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(f) No consideration may be required for any conveyance of property pursuant to this section to a recipient referred to in subparagraph (A), (B), (C), or (D) of subsection (d)(2).

(g) The Secretary of Defense shall ensure that appropriate representatives of the local community are included as full partners in both discussions and decisions concerning the disposition of property at a military installation that is to be closed under a base closure law. The county and the State shall be represented in the discussions.

(h)(1) Subject to paragraphs (3) and (4), the President may waive the requirement to transfer property at a military installation under subsection (d) with respect to all or any portion of the property if the President—

(A) determines—

(i) that the continuation of the United States ownership of such property is vital to national security interests of the United States;

(ii) that the closure of the military installation will have no significant adverse effect on the local economy and that the value of the property is so high that a conveyance to the local community, county, or State would constitute an undue windfall to the recipient; or

(iii) that the community or communities neighboring the military installation are not experiencing or will not experience significant adverse economic effects as a result of the closure of the installation, taking into consideration such objective evidence as whether real estate values, unemployment, tax and other revenue to such community or communities or to the State of such community or communities, and the rate of business failures in the community or communities are increasing or decreasing and whether the total personal income of the population of such community or communities is increasing or significantly decreasing; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, the Secretary shall dispose of property for which a waiver is granted under this subsection in a manner that the Secretary considers appropriate.

(3) Within 30 days after the transmittal of a certification under paragraph (1)(B) in the case of any property on the basis of a determination under paragraph (1)(A)(ii), the local community, county, or State shall be offered, in the order or precedence and manner specified in subsection (d), the following authorities and benefits:

(A) General planning and zoning authority and usage regulations regarding such property.

(B) Twenty-five percent of the proceeds of any sale, lease, or other conveyance of such property by the United States to any other public or private entity or person.

(4) Waivers may be granted under this subsection on the basis of a determination under paragraph (1)(A)(ii) in the case of not more than five military installations for each set of base closures recommended by a commission under a base closure law. Provided further, that, a waiver with respect to part of the property at a military installation shall count against such limit if the amount of the property reserved on the basis of a determination regarding national security interests under paragraph (1) exceeds 25 percent of either the total value or area of the property to be disposed of at that installation.

(5) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) September 30 of the year following the year in which the closure of that installation is approved by the President.

(6) The President may extend the deadline for making a determination and certification under paragraph (5) for not more than two consecutive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(7) The President may withdraw a waiver under paragraph (1) in the case of any property. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (d) in accordance with this section.

(i)(1) Title to real property referred to in subsection (d)(1) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Secretary an agreement providing that—

(A) if the property is sold by the local community, county, or State, as the case may be, within 10 years after the date of the conveyance of the property to the local community, county, or State, the community, county, or State (as the case may be) will pay the United States an amount equal to 25 percent of the proceeds from the sale of the property, except that no such payment shall be required if the local community, county, or State donated or transferred in excess of 50 percent of that property to the United States (for incorporation into the closed military installation) for consideration of less than 50 percent of its fair market value at the time of transfer;

(B) the local community, county, or State, as the case may be, will make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under subsection (k);

(C) the local community, county, or State, as the case may be, will hold public hearings in the process of deciding the appropriate use of the closed military installation; and

(D) the local community, county, or State, as the case may be, will, in such manner as the Secretary may prescribe, prepare and submit to the Secretary a plan showing goals for the reuse of the property and the anticipated means for achieving those goals.

(2) The plan for reuse shall describe strategies and actions for converting the property covered by the plan into productive civilian use. The Secretary is authorized, consistent with section 2391 of title 10, United States Code, to assist communities in preparing plans for reuse.

(3) The Secretary shall, in consultation with other members of the President's Economic Assistance Committee, review each plan submitted pursuant to paragraph (2) and shall respond to the local community, county, or State, as the case may be, regarding that plan within 30 days after receipt of the plan.

(j) If a local community, county, or State to which real property is conveyed pursuant to this section fails to comply with any condition provided for under this section, the Secretary, after providing written notice to such community, county, or State, may withhold from any payments otherwise payable to the community, county, or State under any Federal Government program such amounts as may be necessary to ensure compliance.

(k) The Comptroller General of the United States may conduct such reviews of the transactions carried out pursuant to this section as may be necessary to determine whether the transactions are in compliance with this section.

(l) The Secretary shall prescribe such regulations as may be appropriate to carry out this section. The regulations prescribed by the Secretary shall encourage the prompt implementation of this section and facilitate transfer of property suitable for transfer to the impacted community.

BINGAMAN AMENDMENT NO. 1232

Mr. INOUE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 100, line 9, strike the period at the end of the line and insert: "unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act."

RIEGLE (AND PELL) AMENDMENT NO. 1233

Mr. INOUE (for Mr. RIEGLE, for himself and Mr. PELL) proposed an amendment to the bill H.R. 2521, supra, as follows:

Insert the following:

"SEC. . .
"Notwithstanding any other law, the Secretary of Commerce is authorized to accept the transfer of funds from other departments and agencies of the Federal Government as he or she may deem appropriate to carry out the objectives of the Public Works and Development Act of 1965, as amended, provided such funds are used for the purposes for which they are specifically appropriated and provided further that such transferred funds shall remain available until obligated and expended."

BINGAMAN AMENDMENT NO. 1234

Mr. INOUE (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2521, supra, as follows:

On page 146, strike lines 10 to 23 and insert in lieu thereof:

"Sec. 8113. (a) Notwithstanding any other provision of law, cooperative agreements and other transactions undertaken pursuant to 10 U.S.C. 2371 may during fiscal year 1992 be entered into only by the Defense Advanced Research Projects Agency.

(b) Of the funds appropriated to the Department of Defense during fiscal year 1992, not more than \$75,000,000 may be obligated or expended for Department of Defense dual-use critical technology partnerships; Provided, That such partnerships may be entered into only by the Defense Advanced Research Projects Agency during fiscal year 1992.

(c) Of the funds appropriated to the Department of Defense during fiscal year 1992, other than amounts in the "precompetitive technology development" program element referred to in subsection (b), not more than \$25,000,000 may be obligated or expended by the Defense Advanced Research Projects Agency for research, development, test, and evaluation activities undertaken pursuant to 10 U.S.C. 2371."

KASSEBAUM AMENDMENT NO. 1235

Mr. INOUE (for Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2521 supra, as follows:

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

OPERATION AND MAINTENANCE, ARMY
"Provided further, That of the funds appropriated under this heading, \$6.8 million shall be available for the refurbishment and modernization at existing railyard facilities at Fort Riley, Kansas."

STEVENS AMENDMENT NO. 1236

Mr. STEVENS proposed an amendment to the bill H.R. 2521, supra, as follows:

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

OPERATION AND MAINTENANCE, ARMY
"Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be available only for the modernization and upgrade of the Poker Flat Rocket Range."

AMERICAN INDIAN HERITAGE MONTH

INOUE AMENDMENT NO. 1237

Mr. FORD (for Mr. INOUE) proposed an amendment to the joint resolution (S.J. Res. 172) to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter as "American Indian Heritage Month", as follows:

On page 3, strike out all after line 3 and insert in lieu thereof the following: "That each of the months of November 1991 and 1992 are designated as "National American Indian Heritage Month", and the President is authorized and requested to issue a proclamation for each such year calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe each such month with appropriate programs, ceremonies, and activities."

AUTHORITY FOR COMMITTEES TO MEET

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, 9:30 a.m., September 26, 1991, to consider H.R. 355, to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, September 26, 1991, at 10 a.m., to conduct a hearing on the nomination of Robert Logan Clarke to be Comptroller of the Currency for a term of 5 years.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 26, 1991, at 2 p.m., to hold a hearing entitled, "Consolidating Free-Market Democracy in the Former Soviet Union."

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 Thursday, September 26, 1991, at 2 p.m., to hold a hearing on the nomination of Alice M. Batchelder, of Ohio, to be U.S. circuit judge for the sixth circuit. Harold R. Demoss, Jr., of Texas, to be U.S. circuit judge for the fifth circuit. Rebecca F. Doherty, of Louisiana, to be U.S. district judge for the Western District of Louisiana. Denis R. Hurley, of New York, to be U.S. district judge for the Eastern District of New York.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 26, 1991, at 9:30 a.m., to hold a closed confirmation hearing.

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

SUBCOMMITTEE ON PUBLIC LANDS

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, 2 p.m., September 26, 1991, to receive testimony on S. 1495, to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes; and S. 1528, 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.

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

ADDITIONAL STATEMENTS

SEISHO "HARRY" NAKASONE: NATIONAL HERITAGE FELLOWSHIP

• Mr. AKAKA. Mr. President, I am honored today to recognize the distinguished accomplishments of Harry Nakasone, who has achieved much-deserved distinction as a "1991 National Heritage Fellow."

The fellowship, created by the National Endowment for the Arts, was established to recognize America's master practitioners of traditional arts, a superlative recognition similar to Japan's "living cultural treasure" accolade.

This prestigious award is given to honor and immortalize our country's finest folk artists. It is only fitting that we acknowledge Harry Nakasone, a true virtuoso of the three-stringed sanshin and classical singing, whose contributions have shaped and preserved the musical culture of Okinawa in Hawaii.

Harry has been playing his beloved instrument for more than seven decades. He began formal training nearly 60 years ago and spent some 20 of those under the tutelage of every available grand master of sanshin.

In 1963, Harry himself was presented the Ryuon Saiko Sho, the highest certificate of sanshin studies. He is both a private teacher and a member of the University of Hawaii faculty in ethnomusicology. Nakasone has produced instructional cassettes and publications and is one of the only individuals in the country who is able to repair the delicate instrument.

In 1988, a special recital was conducted in Okinawa as a tribute to this musical master. Over 200 performers participated in a testimonial display unprecedented for a nonresident artist.

Mr. President, through his commitment to the pursuit of artistic excellence, his understanding of the value of his musical heritage, his devotion to the preservation of classical culture and the sharing of his unique talent with generations of Americans, Harry Nakasone has shown himself to be a singularly special individual.

Mr. President, I wish to extend my heartfelt aloha to Harry Seisho Nakasone and his family, who have come from Hawaii to our Nation's Capital. I also cannot help but join in their excitement. There is indeed an unparalleled glow of pride and a real sense of history that flows among us all at this most auspicious of times. From today forward, Harry and his companion honorees will be eternally treasured figures in the memorable and diverse cultural heritage of this Nation.●

TRIBUTE TO FATHER CLARKE AT REGIS COLLEGE

● Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the outstanding achievements of the president of Colorado's Regis College, Father David Clarke.

Ten years ago, Regis College was in financial ruin, disrepair, and had a declining enrollment of 1,000 students. Thanks to the hard work and innovation of Father Clarke, Regis College now boasts an enrollment of 8,000 students, a renovated campus, a wide variety of new degrees and programs and a budget surplus.

Father Clarke has not only brought Regis College to new heights, he has provided a valuable service to the residents of Denver. By working closely with area businesses and creating such innovative new approaches as additional campuses, delivery of textbooks and classroom materials, classes conducted at local corporations, and an accelerated degree program, Regis now fills the needs of an adult population seeking to further their education.

Mr. President, I join all Coloradans in thanking Father David Clarke for

his dedication to education and the revitalization of Regis College, and request that the following story from the Wall Street Journal be printed in the RECORD:

The article follows:

AILING COLLEGE TREATS STUDENT AS CUSTOMER, AND SOON IS THRIVING

(By Marj Charlier)

DENVER.—When David M. Clarke became president of Regis University, enrollment was tumbling and the small, 114-year-old Jesuit school was on the brink of financial ruin. So he made a leap of faith. Education, he decided, is a service industry.

"United Airlines and the Keystone Ski Resort are our competitors," Father Clarke says. "The challenge is to keep our customers here instead."

Over a decade, Father Clarke set up 10 campus locations around the region so students wouldn't have to drive more than 20 minutes to school. He decreed that books and registration materials would be delivered to students so they wouldn't need to come to the main campus in an old northern Denver neighborhood for anything but class. Now some don't need to come at all, because the school brings classes to them at numerous area corporations, including International Business Machines Corp. and Adolph Coors Co.

With customer service as his watchword, Father Clarke and his staff conducted marketing studies to ask local businesses what the school could do for them. To attract new customers, he targeted a market niche poorly served by his competitors: adult education. He diversified, acquiring a nursing program abandoned by a failing local college. He formed a joint venture in which Regis provides staff to a Japanese-owned college based in Denver. The rejuvenated college even started a franchising business, offering its successful adult-education program to other schools in the hope of creating significant new revenue streams.

In his most painful move, the 63-year-old Father Clarke also laid off 25% of the faculty in each of his first two years.

When Father Clarke arrived more than a decade ago, he found 1,000 students, crumbling buildings and a sea of red ink. Today, the college bustles with 8,000 students. It is building a new health center. It has refurbished its grounds, renovated buildings, installed a new lighting system for better security, and remodeled cafeterias. Eight master's degree programs have been added. The school's programs are promoted by local businesses, which help support it with donations. Regis now consistently runs a budget surplus.

The college's revival is all the more remarkable considering that the number of high school graduates is dwindling and that rising tuition is driving many of them to state-supported schools. Half of all college students attended private schools in 1950, but only 22% did in 1990. Two of the four private schools that once operated in Denver folded over the past decade.

Although the Regis case may be extreme, experts say many schools are discovering they must find a market niche and change their ways to survive. Chatham College, a private institution in Pittsburgh, has focused on women who have quit school, even providing dorms where single mothers can live with their dependent children. The University of Phoenix, a private school offering professional degrees in several Western states, has found that teleconferencing tech-

nology lets it reach students who travel or who can't make it to regular classes.

"As dollars get tight, colleges get more entrepreneurial," says Dennis Jones, president of the National Council of Higher Education Management Systems, a private group in Boulder, Colo.

NICHE MARKET

For Regis, the opportunity turned out to be adult education, a market once dominated by two-year community colleges and trade schools. When Father Clarke first arrived—after a short stint as a corporate chemist and a career change that made him academic vice president at Gonzaga University in Spokane, Wash. Regis's "customers" were the usual suspects: 18- to 22-year-olds. But the changing workplace was causing so many adults to look for new careers, or at least new skills, that part-time enrollments at U.S. colleges tripled to six million between 1965 and 1989.

Most colleges lump returning adult students in with the general campus population. Instead, Father Clarke and his staff set up a separate adult program. Anyone under 23 would be barred.

"Other colleges said, 'Sure, we'd be glad to have you as long as you come and act like teen-agers,'" Father Clarke says. "But adults don't put up with a lot of garbage."

An accelerated degree program makes it possible for adult students to complete their junior and senior years in two years of evening classes. That requires a heavy workload, but Maurice Brian, for one, doesn't mind. With a degree from a two-year community college, Mr. Brian, 40, found his career at Adolph Coors's Coors Brewing Co. unit at a standstill. He tried to finish school through a transitional program but found the long drive to campus, the 14-week semesters and his fidgeting 18-year-old classmates unbearable. Then Regis came to Coors.

"It was a different culture," he says. "The instructors were real people who taught what they did in real life." And his fellow students were as serious as he was.

Now, after getting his degree in business, Mr. Brian is a vice president of the brewing company, four steps higher in the organization than he was when he started.

On a recent Tuesday evening, Marie Scott, 26, is one of a dozen students filing into a brightly lit classroom at Regis's Denver Technology Center building in southwest Denver. Ms. Scott, a contracts administrator at Martin Marietta Corp., and her classmates appear tired; their clothes are slightly rumpled from a full day at work. One thing that attracted them to this class is location.

"Sometimes I can't get out of a meeting until six, and classes start at six," Ms. Scott says, coffee cup in hand. "It has to be close."

To keep the program in tune with the market's needs, Regis's marketing staff stages focus group meetings, conducts surveys and calls frequently on area businesses to round up new ideas.

Richard Creasey, former career development manager at Martin Marietta's Denver division, was amazed when the Regis marketers came to visit. Mr. Creasey, now retired, was more accustomed to university administrations that told him "we'll tell you what you need and you'll take it," he says. Regis told him "you tell us what you think you need and we'll adjust our program to meet it."

At one recent meeting—attended by such big local employers as Ball Corp., Sundstrand Corp., Storage Technology Corp., General Cable Co. and Martin Marietta—one executive asked if the school could help com-

panies set up "mentoring" programs, in which older workers would help nurture younger ones. William Husson, director of the school's adult program, promises to discuss the idea with a new-ventures department that was set up to solicit such notions. Out of similar meetings came the school's new post-graduate program in computer information management and a streamlined procedure for deferring the tuition of students who are reimbursed by their companies.

"We're always looking for opportunities," Mr. Husson says.

As a result of such changes, Martin Marietta dropped many of its own basic college business classes and started sending its employees to Regis's southeast Denver campus, close to company headquarters. Many other local corporations also recommend the adult program to their employees. Regis's adult program now accounts for all but 1,000 of its 8,000 students.

BOND WITH BUSINESS

The bond with the business community has brought in considerable financial support, too. Coors has donated funds for the college's health center and for sprucing up the main campus's perimeter. Annual corporate donations to the general fund rose to \$325,000 in 1990 from \$98,000 in 1980. A fund-raising campaign from 1985 to 1989 collected \$16.5 million, largely from corporations. No previous campaign had garnered more than \$5 million.

Further linking the school with business is Regis's cadre of adjunct professors, most of whom work at area companies. Instructors have at least a master's degree plus significant practical experience.

"We have an advantage over traditional students" who don't get adjunct faculty, says Richard Gonzales, Denver's fire chief, who is studying for a bachelor's degree in business at Regis. "For business law, I had an attorney who does business contracts for a living. He didn't just know theory, but here's a guy who knows how it's really done."

The adult program has gained such acceptance here in Denver that Regis is now offering to franchise it to other colleges. The franchise package includes a full bundle of class "modules" which include syllabuses, reading materials and a list of learning goals for each night's class. A team of 30 Regis professors and administrators travels to the other college to help set up the program, including selection of faculty.

For its trouble, Regis charges a fee that covers most of its expenses and, in true entrepreneurial fashion, takes a percentage of the profit the franchisee receives for five years. The hope, says Thomas Kennedy, the new ventures maven, is that Regis can start up an adult program somewhere once a year so that it will eventually have money coming in from five schools all the time.

FIRST CUSTOMER

The franchise program's first customer was Lewis University, a 4,000-student Christian college outside of Chicago that wanted to increase its ties with businesses in the community and their employees. Mary Wahlbeck, director of the Lewis program, says she chose Regis's package because she wanted "to keep from re-inventing the wheel," and because of the program's customer service approach.

"Some people don't like to hear this" she says, "but we're a business and we need to treat our students like customers."

Some academicians question whether schools should rely on adjunct professors as

much as Regis does—about 85% of the adult-program professors are from the business community. Andrew Breckel, assistant vice president of Metropolitan State College of Denver, says that once adjunct professors exceed the two-thirds level, a college can lose the needed communication and shared knowledge that a cohesive, campus-bound faculty provides.

To some academicians, the school's courting of the business community also seems inappropriate. They fret about corporate influence over curricula and standards and wonder whether the profits from these ventures will be sunk into academic programs. They note that the quest for profit has led to scandal at other schools, including excessive overhead expenses, occasionally falsified research results and tuition price-fixing schemes.

"This pandering to corporations and businesses tends to undermine the moral fiber of the university and the education the university gives," says Leonard Minsky, director of the National Coalition of Universities in the Public Interest.

Father Clarke insists that Regis's businesslike approach hasn't watered down academic standards. He notes that all of Regis's students, even those enrolled at IBM and Coors, must take the same philosophy and religion classes as its regular undergraduates. Besides, he says, it would be hard to cover the bill for many necessary programs, such as health care, without the revenue from adult education.

"We're not-for-profit," he says, "but we're not for loss either."*

THE 25TH ANNIVERSARY OF THE LAVALLETTE SENIORS, INC.

• Mr. LAUTENBERG. Mr. President, I rise today to recognize and congratulate Lavallette Seniors, Inc., for commemorating its 25th anniversary. On October 10, its members will celebrate the anniversary of their organization at the 25th anniversary dinner dance, the senior prom.

This viable organization of almost 350 members, are actively involved in the Lavallette community. Its vivacious members participate in community functions such as the Memorial Day and Heritage Day services. Lavallette Seniors keep abreast the current legislation that may affect its members or the community at large. The Lavallette Seniors, Inc., hold membership meetings twice a month and organize social functions including dinners, concerts, and theater outings.

It is my pleasure to congratulate the Lavallette Seniors for reaching this significant milestone. Its members are doing a wonderful job leaving their mark on the Lavallette community. I extend my warmest regards to the seniors and wish them continued good health and happiness for years to come.*

HONORING WISCONSIN'S EDUCATIONAL ACHIEVEMENT

• Mr. KASTEN. Mr. President, at a time when bad news about American education seems to dominate the head-

lines, I would like to call the attention of my colleagues to the outstanding job being done in high school education in my home State of Wisconsin.

Last week, it was announced that Wisconsin once again leads the Nation in scores on the American College Test—an important college admissions test.

The students and teachers in Wisconsin's high schools are doing something right: They are working hard and putting their priorities in place.

All these individuals deserve our congratulations for a job well done—and we can all learn a valuable lesson from their accomplishments. I ask that an article from the Milwaukee Journal on this subject be included in the RECORD at this point.

The article follows:

[From the Milwaukee Journal, Sept. 17, 1991]

STATE ACT SCORES LEAD NATION

(By Mark J. Rochester)

Wisconsin high school students again lead the nation in ACT scores, tying Iowa for the highest average composite score on the college admission test.

Also, the state's African-American students scored higher than the 1991 national average for college-bound blacks, according to figures released by the state Department of Public Instruction.

Nationwide, average scores remained virtually unchanged for the sixth straight year.

The ACT, or American College Test, is the predominant college admission test in 28 states, mainly in the West and Midwest. Other states use the Scholastic Aptitude Test.

This year, Wisconsin college-bound seniors earned a composite score of 21.7 on the ACT, compared with the national score of 20.6. Wisconsin's score declined one-tenth of a point from last year, when state students recorded an average of 21.8 on the test.

It is the fourth straight year that state test scores have dipped or remained stable, although more students are taking the test now than five years ago.

In 1987, the state average was 22.1, with 27,505 students taking the test. In 1988 and 1989, the average score was 21.9, with 32,183 and 34,993 students, respectively, taking the test. Last year, 33,212 students took the test. This year, the total was 32,520.

Nationwide, scores have barely changed since 1987, when the nationwide average was 20.8.

Lyle Martens, deputy state superintendent of public instruction, said Monday that the slight decrease in Wisconsin's score was mainly due to the increasing number of students taking the test. In terms of the state rankings, he noted that Iowa had fewer students taking the test than Wisconsin.

"I think the significant part is that even though we have more students taking the test . . . Wisconsin continues to rank No. 1," Martens said.

WU SYSTEM REQUIRES ACT

Nationwide, 796,983 students who graduated from high school this spring took the ACT during their junior or senior years. It is required for admission to all University of Wisconsin System schools and others in the state.

HIGHER SCORES AMONG MINORITIES

Patricia A. Farrant, an ACT spokeswoman, said it was difficult to pinpoint exact reasons

why minority performance continued to increase, but noted that a growing number of minorities were taking solid core curriculum courses in high school. A core program consists of at least four years of English and three or more years of math, social studies and science.

"Relatively speaking, students who take a core program in high school score on the average 2 to 3 points higher than students who don't and that holds true across minority subgroups, and the number of minorities taking core [courses] has increased dramatically over the past five years," Farrant said.

Wisconsin's dip in test scores is not significant enough to indicate a trend and could be attributed to the increase in the number of students taking the test, Farrant said.

"A couple of tenths of a point [change] isn't going to be very meaningful. It could easily [go] up again or down again without very much meaning being attached to it," Farrant said.

URBAN-SUBURBAN DIFFERENCES

Farrant said there was no reliable data available on whether there was any difference in how students from urban, suburban and rural school districts nationwide performed on the test.

According to last year's figures:

Test scores in rural areas averaged 20.1, scores in communities between 500,000 and 1 million population averaged 20.9, and scores in areas of more than 1 million people averaged 20.7.

But those statistics do not show any significant differences, Farrant said. "Basically you need more than a score point to have a meaningful difference," she said.

The test, administered by American College Testing of Iowa City, Iowa, consists of four areas: English, math, reading and science reasoning. The multiple-choice test questions are designed to measure knowledge, understanding and reasoning. It is scored on a scale of 1 to 36.

ACT revised the exam in 1989, and test officials said national averages from 1987 through 1989 were converted to make them comparable with scores on the revised test.

In Wisconsin, nearly 7% of the test-takers this year identified themselves as belonging to an ethnic minority group, up from 6% last year. African-American seniors scored 17.7, up one-tenth of a point from last year and seven-tenths of a point higher than African-Americans nationwide. Figures showed that 926 African-American students took the test this year, compared with 28,703 white students.

The average composite score for white students was 22. For Asians, it was 20.2. Scores for other minority groups with fewer than 500 seniors were not provided.●

REPORTS FROM PAKISTAN—A CAUSE FOR CONCERN

●Mr. CRANSTON. Mr. President, I rise today to express my concern about reports of electoral chicanery, corruption, and political violence in Pakistan, a country with longstanding ties of friendship to the United States.

Earlier this week Mr. Naveed Malik, formerly the top political advisor to Nawaz Sharif, the president of the ruling IJI Party and the current Prime Minister, came to my office to tell my staff what he knows about allegations of massive fraud in last year's parliamentary elections.

Mr. Maleek said he was at the center of an illegal electoral cell in the populous Punjab Province, one of four such clandestine operations—he reported—in as many provinces.

Maleek said that 3 days before the October 24 election, the leaders of the IJI met with the leaders of Pakistan's intelligence agencies and determined that former Prime Minister Benazir Bhutto—herself the victim of a quasi-military putsch just 2 months before—and her Pakistan People's Party were on the verge of winning a convincing electoral mandate.

Maleek claimed that at the time, a mere 72 hours before the elections, it was decided that the PPP would only receive 45 seats and that the IJI, an amalgam of fundamentalist groups, would be given a two-thirds constitutional majority. Furthermore, he said, allegations of corruption by the Bhutto government "were blown all out of proportion" and formed part of a deliberate disinformation campaign.

"I know," said Maleek, "I was part of the system."

Beyond these disturbing charges, for which there earlier was substantial circumstantial evidence, are continuing news reports about human rights abuse, high-level complicity with the BCCI—known popularly as the Bank of Crooks and Criminals International, and massive corruption associated with the regime's efforts at privatization of state enterprises.

Mr. President, perhaps the most disturbing claim made by Mr. Maleek was what he said was the growing disillusionment Pakistan's people feel with constitutional rule. Although the alternative is stark and unappealing, a return to open rule by the military cannot be discounted.

Mr. President, I ask that several newspaper articles concerning events in Pakistan to be printed in the RECORD.

The articles follow:

[From the Daily Dawn, Aug. 4, 1991]

1990 ELECTION RIGGING PATTERN EXPLAINED

ISLAMABAD, Aug. 3.—A former adviser to Mr. Navraz Sharif, who was then Chief Minister of Punjab, and a member of the IJI's election cell in Punjab, Mr. Naveed Malik on Saturday confessed publicly that the 1990 elections were "rigged by him and the election cell" and apologized to the nation for "his mistake".

"I am ready for any punishment that the nation decides for the crime I have committed. Let the people file cases against me in courts and I will say I did it. We rigged the polls and denied the PDA its victory", Malik told a crowded news conference in Islamabad.

The former adviser to the Chief Minister was questioned closely about his role in the elections and how, and why, did he agree to a "national crime, which amounted to treason".

Giving details of how the elections were rigged, Naveed Malik disclosed that PDA was to get 87 seats while IJI would have got 60, but three days before the elections "the final

decision was taken to confine the PDA victory to only 45 seats".

"I was coordinating the rigging operation with all the commissioners in Punjab and every MNA was given 20,000 votes and every MPA 10,000 to be stuffed in their ballot boxes in offices of the district officials", Naveed Malik said.

He revealed that it had also been decided by the election cell, which had its camps in Islamabad and Lahore, to keep certain important leaders out of the Assembly. These included Nawabzada Nasrullah Khan, Khan Abdul Wali Khan, Maulana Fazlur Rehman, Air Marshal Asghar Khan, Malik Mohammed, Qaim and Malana Noorani.

The name of Choudhry Aitzaz Ahsan of PDA was also in this list but he was declared elected by the mistake of a bureaucrat", Naveed Malik said.

The election cell, he said, was created to monitor and manipulate elections results. "The present assembly is a product of massive rigging and it can rightly be called test-tube assembly.

Naveed Malik urged the Prime Minister to resign and said a national and a neutral government should be installed to inspire the confidence of the people.

[From the Nation, Aug. 4, 1991]

NAVEED MALIK SAYS HE WAS PART OF '90 POLLS "RIGGING CELL"

(By Mariana Baabar)

ISLAMABAD.—Mr. Naveed Malik former political adviser to Prime Minister Nawaz Sharif, said before the media that he was part of the rigging cell which was set up in the '90 elections. He added that he was now ready to face trial under the law of the land.

"I took part in the rigging where orders given to me were to coordinate with all the district commissioners. I accepted these orders thinking that after winning the elections the IJI would serve the country," he said.

Mr. Malik who had been pressured by the high and mighty of the land on Friday night was reported to have spent the night in a 'safe house' of a certain agency who escorted him to a five-star hotel for the statement, he said.

Mr. Malik denied that he had any links with the army or that any agency was supporting him. "They tried to pressure my father into browbeating me but it is not my style to talk to Nawaz Sharif or anyone else."

A journalist who was with Mr. Malik on Thursday night said that he himself picked the phone at the place where the former adviser was staying and the Prime Minister's brother, Shahbaz Sharif, was on the line. Mr. Malik refused to speak to him, the journalist stated.

It was a bitter Malik who said, "I have groomed Nawaz Sharif to be a Prime Minister but he has turned out to be merely a shopkeeper".

Talking about the alleged massive rigging during the 1990 elections, Mr. Malik said that actually two centres to monitor the election results were set up. One was in Lahore and the other in Islamabad. "The portion in Islamabad was located in the secretariat which was being run by both retired and serving bureaucrats. The administration was ordered to stuff the ballot boxes. "Mr. Malik said that the estimates projected by various intelligence agencies of the federal and provincial governments gave 87 seats to the PDA and 60 seats to IJI and the rest to other various political parties.

"These reports had upset the IJI leadership and three days before the general elections

the final decision was taken to confine the PDA victory to only 45 constituencies. Mr. Malik said that the elections cell responsible to oversee and manipulate the election results was assigned this using the government started pouring, they did not even strictly conform to the master plan. So accordingly the election cell in many cases reversed and adjusted the results to bring them in conformity with the original plan before they were announced to the media, he said.

"The MNA's were given 20,000 bogus votes while the MPA's were given 10,000 votes", he said. Recalling the time of the election campaign, Mr. Malik said that the rigging campaign was carried out from the Governor's House and the Chief Minister's House.

Explaining the mode of rigging, he said: "Massive funds were given to the candidates and government aircraft were misused. I myself travelled in these together with Nawaz Sharif and Mr. Jatol. Even the two munshis of the government, the Governor and the Chief Minister were involved."

When asked to comment why he was acting like "a rat aboard a sinking ship" and why he had kept silent for so long, Mr. Malik replied that he wanted to give a chance to democracy and to the IJI Government to prove its credentials.

But it was after the 12th Amendment, that I decided that Nawaz Sharif has exposed himself to be a traitor."

Mr. Malik, who had his last meeting with Mr. Nawaz Sharif six weeks ago, said that he had told the Prime Minister to "mend his ways" and had warned him that his "cheap minister" Mr. Wynne would destroy him.

When questioned as to what had been promised to him for his antistate role in the elections, the former adviser said that he was offered any job of his choice which he refused. He said that his salary which he had earned in the past would go to the Muslim League fund and the Siachen Welfare Association.

Mr. Malik said that since he had worked closely with Mr. Nawaz Sharif, he knew his intellect. He said that he had advised Mr. Nawaz Sharif to let someone else be nominated Prime Minister while he should stay in the Punjab. "I told him that this way the focus would be on someone else who would also bear the responsibility. But he did not listen to my advice and now he stands fully exposed".

Mr. Malik said that it was also decided to keep certain important political leaders like Nawabzada Nasrullah Khen, Wali Khan, Maulana Fazal-ur-Rehman, Asghar Khan, Malik Qasim and Maulana Norrani out. "The name of Aitzaz Ahsan was also in the list but he was declared elected by a bureaucrat's mistake" he said. Hitting out at the present set-up, he said that in reality the 154 MNA's were patrons of crime.

"They are murderers. There is no government."

Turning to the problems that the bureaucracy was facing, Mr. Malik said that the Prime Minister does not bother to read files on national security for months. "He does not read newspapers but only listens to *khabarnama*. He said that senior officials had complained to him (Malik) that something happens to the Prime Minister in the middle of a conversation. "I told him that he drifts off because he starts thinking of how to make money. He has no clue to statecraft".

Mr. Malik called upon the government to stop creating hatred against the armed forces. "Do not create cracks in the only institution in the country which is working. Propaganda against the armed forces reflects badly on our national security".

Criticising the IJI leadership, Mr. Malik said, "At best the present Government and the present Assembly are products of massive rigging in the elections. They can rightly be called a test-tube government, a test-tube assembly and a test-tube prime minister."

"He called upon Mr. Nawaz Sharif to render his resignation "in the larger national interest" as "the country is not being governed in accordance with the constitution, and due to the incompetent government the security of the country is threatened and the federation is in danger".

When questioned whether he would in the future take part in a similar exercise to rig elections, Mr. Malik replied, "I won't do it again. I have had enough".

[From the Frontier Post, Aug. 5, 1991]

MALIK ADMITS MASSIVE RIGGING IN '90 POLLS

ISLAMABAD, Aug. 4.—Mr. Naveed Malik a former adviser to Prime Minister Mian Nawaz Sharif, became an approver against him, when he confessed at a press conference here on Saturday that massive rigging took place in October 1990 polls.

Describing Mian Nawaz Sharif elections, he can say with full authority that the Governor's House and the chief minister's house at Lahore were used for rigging cells, where both Mian Azhar and Ghulam Haider Wynne acted as "munshi" to Mian Nawaz Sharif, Naveed Malik added.

He said the intelligence agencies giving PDA 87 seats of the National Assembly and the IJI only 60 seats had upset the IJI leadership and the final decision to restrict the PDA victory to only as a "test-tube prime minister" and the present National Assembly as "test-tube assembly" he admitted playing a role in the rigging drama. "My assignment was coordination with divisional commissioners and district administration of the Punjab province."

He alleged that the present prime minister, as well as Chief Minister Punjab, Ghulam Haider Wynne, used to instruct him about the implementation of the rigging plan. Since he was a part of the Punjab government at the time of 46 constituencies was taken three days before the elections.

The main election cell in Islamabad was assigned the unholy task to manipulate the elections results, he said and added that each IJI nominee for national assembly and provincial assemblies was given 20,000 and 10,000 bogus votes respectively. "Ballot boxes were filled with bogus votes by local administration," the former adviser contended.

Despite including bogus votes in favour of the IJI nominees, elections results were reversed in my constituencies, he maintained.

He further alleged that certain important political leaders like Nawabzada Nasrullah Khan, Khan Abdul Wali Khan, Maulana Fazlur Raaman and Air Marshal (Retd.) Aghar Khan were deliberately defeated.

The former adviser called upon the prime minister to tender his resignation in the larger interest of the country and is not being governed in accordance with the Constitution.

Elaborating other methods of rigging, Naveed Malik said Mian Nawaz Sharif had used government aircraft and huge funds were put at the disposal of IJI candidates.

He alleged that 105 IJI MNAs were real patrons of criminals in their areas and for maintaining law and order, it was necessary that these patrons of criminals were apprehended.

He said it is a pity that the prime minister of the country who took over the govern-

ment as a result of massive rigging was unable to see important * * * for months. He was of the view that this country cannot be governed by such 'incompetent' people.

To a question he said that he had played the unpleasant role in the elections rigging in the hope that IJI rulers would serve national interests, but contrary to this they were serving their own interests.

He accused Mian Shahbaz Sharif, brother of Mian Nawaz Sharif, of putting pressure on him, but vowed that keeping in view national interests supreme he would not listen to anybody. In his opinion, by passing 12th Amendment Nawaz Sharif government had proved that it was an 'incompetent government'.

When asked about the role of President Ishaq in masterminding the rigging, he said he was unaware of his role and added if there was any such thing it was between the President and Mian Nawaz Sharif.

He said he had a meeting with Mian Nawaz Sharif six weeks ago and conveyed his feelings to him. He further observed that the Punjab chief minister had turned into "cheap minister."

Naveed Malik warned that after his two more press conferences, Prime Minister Nawaz Sharif would be forced to go home in Lahore.

He agreed with a questioner who suggested that all those involved in rigging should be sentenced. "I would be happy to become co-accused of Mian Nawaz Sharif in the lock-up" he remarked.

He was confident that President Ghulam Ishaq Khan would take action against the IJI government because the federation was being threatened due to its wrong policies such as its confrontation with and creation of hatred against the armed forces.

He said performance of the IJI government during last eight months had convinced him that the rulers are not keen to strengthen democracy or to serve the nation, but in fact they are plundering and looting the national wealth. "Under this situation I can no longer be a silent spectator and decided to bring these facts before the nation", he concluded.

[From the Los Angeles Times, Aug. 9, 1991]

BCCI AVOIDED HUGE TAX BITE IN PAKISTAN

(By Mark Fineman)

KARACHI, PAKISTAN.—The Bank of Credit & Commerce International used a veil of charity, nationalism and religious piety in the country of its birth to avoid paying tens of millions of dollars in taxes. Instead, it channeled most of the huge profits it earned in Pakistan to a corporation owned by a close friend of the bank's founder, to inflationary tax-free bonds and to pet projects of Pakistan's most powerful politician, President Ghulam Ishaq Khan.

Documents obtained by The Times indicate that Ishaq Khan was serving as the nation's most senior finance official when BCCI was granted special, tax-free status for its highly profitable Pakistani operations in 1981. That was the year the bank's founder, Agha Hasan Abedi, created a charitable foundation that sheltered the bank's income from taxes and earned Abedi a reputation as a larger-than-life philanthropist among most of his countrymen.

Ishaq Khan—who does not appear to have benefited financially himself—also served as chairman of the BCCI foundation when it made its largest single donations ever: \$10 million in grants in 1988 and 1989 to finance a private institute for science and technology, a now-secret facility where the current project director is A. Qadir Khan, the

Pakistani scientist most closely associated with Pakistan's attempts to build a nuclear bomb.

The foundation did assist many of Pakistan's needy and was responsible for many good works. But an analysis of 10 years of BCCI foundation accounts—obtained by The Times and verified in dozens of interviews with present and former BCCI officers—shows that less than 10% of the \$60 million in profits BCCI reported it amassed here in the past decade actually went to the nation's indigent and incapacitated, to the institutions that care for them and to the religious and educational "good works" for which Abedi is best known here.

Through its large investments in government bonds that the World Bank has cited as a significant cause of Pakistan's soaring inflation and expanding black economy, the BCCI foundation actually made more money in interest alone than it ever donated to charity.

For each dollar the foundation spent to care for cancer patients or for scholarships for the poor, it spent thousands more on shares of stock in a private Pakistani cement company that has never paid the foundation a single dividend. That company is owned by Abedi's close friend, Saudi entrepreneur Ghaith R. Pharaon. Pharaon was indicted with Abedi in New York last month in the massive bank fraud scandal that has engulfed BCCI's operations in the United States.

And for every dollar the foundation donated to its public showcase project—a long-term slum improvement program in suburban Karachi where the director himself believes BCCI exploited charity in the name of Abedi's personal prestige—it spent tens of thousands more on Abedi's personal pet projects.

They eventually had to be slashed or abandoned when President Ishaq Khan and the rest of the foundation's board, instead, allocated funds for the Ghulam Ishaq Khan Institute for Engineering Sciences and Technology.

"The biggest problem with the BCCI thing is that people have now lost faith in philanthropy," said Prof. S. A. K. Lodhi, a Pakistani scientist who headed for nearly a decade one BCCI-financed subfoundation that has languished for lack of funds.

Despite apparent conflicts of interest at the top levels of the Pakistani government, the operations of the BCCI foundation do not appear to have violated Pakistani laws.

The foundation's investment in Pharaon's Attock Cement Corp. appears to be permitted under at least one of the 28 broad objectives outlined in the foundation's articles of association, which served as the basis for the government concession allowing it to operate here largely tax-free.

The huge donations to Ishaq Khan's private institute are permitted under the foundation's mandate to "encourage research, investigation, invention, planning and development." That mandate would sanction the financing of nuclear weapons development in a country where an "Islamic Bomb" is viewed popularly and politically as a patriotic mission.

The foundation's sizable investment in tax-free government bonds has left it with a \$60-million endowment that still can be donated to charity, if the board so decides.

But the foundation's records show a pattern in BCCI's Pakistani operations that bank sources here said BCCI displayed in many of the 76 countries where Abedi expanded his vast empire into what became the Third World's largest financial institution.

It is a pattern of using money to make more money, to influence key politicians and to shelter as much of it as possible from taxation. It is a pattern that challenges not only Abedi's domestic image as a devout benefactor of the poor but also BCCI's moral case for its defense here and in the West.

Abedi's supporters and colleagues proudly stressed during interviews that 85% to 90% of all bank profits went to the foundation, and, thus, to charity.

In Pakistan, the foundation that sheltered the bank's profits was a mirror-image of BCCI's international network of London-based "charitable foundations." Each has a variation of the name International Credit and Investment Corp. (ICCI). They not only functioned in a similar way to BCCI's Pakistan foundation, serving as tax shelters. But, records show they also invested funds earmarked for charity in separate BCCI-owned travel and insurance corporations.

The Pakistani foundation's operations offer a dramatic study of how BCCI conducted its business in the one nation that the bank's top management and staunchest supporters cite as the centerpiece of its international operations.

President Ishaq Khan, a dedicated and lifelong civil servant, is viewed by all analysts here as incorruptible and is widely credited with helping to usher democracy into a nation long-ruled under martial law. He could not be reached for comment about the BCCI foundation, whose board he still chairs.

"The policy is that no one from the foundation is allowed to give an interview with the press," BCCI foundation director S.U. Khan said.

POLITICS AND BCCI

To fully grasp BCCI's operations here, it is important to understand the political backdrop against which the bank's scandal is being played out. Many Pakistanis are outraged by Western actions against BCCI. They view the indictments returned by a New York Grand Jury, the federal indictments expected soon in Washington and the Bank of England's sudden decision to shut BCCI worldwide last month as part of a Western conspiracy to prevent any Third World or Islamic institution from growing too large or powerful.

Coming on the heels of the U.S.-led war that smashed Iraqi President Saddam Hussein's army, even the most respected, restrained Pakistani commentators have blamed BCCI's collapse on a "unipolar, New World Order," in which the United States and its Western partners will stop at nothing to preserve their monopoly on the world's military and financial might.

Pakistan's most senior politicians, some of whom had little known personal or financial ties to BCCI, have risen to Abedi's defense. Former Prime Minister Ghulam Mustafa Jatoi called BCCI's founder "an angel in the form of a human being." Jatoi offered that praise in an interview in which he denied a recent audit of BCCI's Pakistani operations that listed a 40-million rupee (\$1.6-million) loan to his family business as "bad or doubtful." Such a loan never was made, he said, adding that whatever loans the company has outstanding at the bank are adequately secured.

Jam Sadiq Ali, the chief minister and highest-ranking official in Karachi's province of Sind, held a news conference last week in which he professed his admiration and devotion for Abedi, vowing never to permit his extradition. But he then did not mention that Abedi and his bank supported the official financially during the years that he

spent in self-exile in London. He confirmed this in an interview.

But not all public assessments here of the BCCI scandal have been sympathetic to Abedi and his empire, reflecting what prominent Pakistanis say was a strong, longstanding suspicion among the country's small financial elite that all was not what it seemed within BCCI.

THE INVESTMENTS

Records and interviews show that foundation investments in government bearer-bonds, called Khas Deposit Certificates, were no different from those made by many major Pakistani corporations and other charities to shelter profits from Pakistan's taxes.

The bonds were phased out last year under pressure from the World Bank, partly because they generated no revenue for this impoverished nation of 100 million. They also prevented Pakistan's economy from expanding by taking billions out of the job-producing capital market.

As for the BCCI foundation's investment in Pharaon's cement company, it was unwise at the time, present and former foundation board members conceded.

According to documents obtained by The Times, the foundation used 74 million rupees (equivalent to \$3 million at today's exchange rates) of BCCI's sheltered bank profits to buy 740,600 shares in Pharaon's Attock Cement Co. in 1983 and 1984. The foundation's investment came at a time when the company listed assets of just 10 million rupees, liabilities of 12.8 million rupees and its directors, headed by Pharaon, conceded in its annual report that its performance and future were a "disappointment."

The company blamed its losses, which continued until 1990, when it showed a tiny profit for the first time, on slow delivery of equipment from the Romanian government, its partner in building a cement plant in rural Pakistan. Company books indicate that Pharaon's venture was desperately in need of capital when, former BCCI officers say, Pharaon persuaded his friend Abedi to steer foundation funds into Attock Cement.

That company's current chief executive, S. Dilawar Abbas, who is also among Pharaon's close personal aides, first told The Times in an interview in London that BCCI's investment was a "token" needed to comply with Pakistani laws requiring some "local ownership." He conceded that the company's largest shareholder, with about 2.2 million shares, is another corporation based in the tax haven of the Grand Cayman Islands. Abbas asserted that the Grand Cayman Attock Cement company, which, under the islands' laws cannot be opened to public scrutiny, is wholly owned by Pharaon.

But in a subsequent interview, Abbas conceded that the BCCI foundation did own 25% of Pharaon's private cement company, based on its 1983 and 1984 investments. He added that he was uncertain there was a legal requirement for partial Pakistani ownership. When asked in the second interview why the BCCI foundation made the investment, he said, "They had lots of money." He added that Pharaon's venture must have appeared to be a good investment at the time.

But Abedi's decision to invest in Attock Cement was, according to the recent U.S. indictments, just one of several partnerships Abedi and his bank formed with Pharaon. In America, investigators have asserted that Pharaon acted as a front-man who brought BCCI into U.S. markets and elsewhere by using assets of banks and corporations purchased on paper in Pharaon's name as collat-

eral for huge BCCI loans that he later defaulted on; BCCI was left with as much as \$500 million in bad debts in Pharaoh's name.

Pharaoh could not be reached for comment. Abbas said Pharaoh is living on his three-bedroom yacht, last reported to be somewhere in the Mediterranean.

The foundation's 1983 investment in Pharaoh's Pakistan cement venture reveals more about BCCI's Pakistani operations than it does about the friendship between Abedi and Pharaoh. Not only was it the foundation's largest single expenditure that year. But it was nearly five times the total amount that the foundation donated that year to more than 50 charitable causes. These included: the highly public financing of flights for Pakistani pilgrims traveling to Mecca for the hajj; printing of copies of the Koran, the Islamic holy book; construction of mosques, and funding of eye hospitals and leprosy centers.

In many ways, documents filed with the foundation's annual report indicate that the 1983 "donation" policies set the tone for years, times when up to 90% of the BCCI bank donations went into high-yield bearer bonds. The foundation did make hundreds of high-profile donations that touched lives—from financing medical trips abroad for the poor, to perhaps the most highly publicized effort, helping to eradicate Guinea worm disease in Pakistan through the Global 2000 project. It was launched by former President Jimmy Carter and apparently formed the basis of Carter's close personal friendship with Abedi.

But a few former BCCI officers and former foundation employees knew the proportion of foundation income going to charitable works. They said they quit when they grew convinced that the foundation was little more than a legal tax shelter, more intent on maximizing profits and building endowments than promoting human welfare, health and science.

SCIENCE GROUPS

They cited the foundation's creation of two subsidiary foundations in the early- and mid-1980's. At Abedi's personal direction, they said, the foundation provided seed money for BCCI-NEST (New and Emerging Sciences and Technology) and BCCI-FAST (Foundation for Advancement of Science and Technology.)

NEST was headed by Pakistan's pre-eminent nuclear scientist I. H. Usmani, known here and in the West as the father of Pakistan's now-controversial nuclear energy program. That foundation received only a few million dollars in BCCI donations before it was forced to fold for lack of funding last year.

In a 1989 NEST brochure, bearing a graphic of a nest filled with four eggs marked Pakistan, Bangladesh, Zambia and Zimbabwe to represent nations here BCCI bank profits were allocated to the NEST project, Usmani declared that the foundation would help the Third World "leap rather than creep into the 21st Century" by developing alternate energy systems. NEST collapsed after building only a handful of solar projects, some of which have now been taken over by a private company that Usmani has started in his own name.

FAST received about \$4 million in bank donations after it was formed in 1980 to "bridge the wide gulf of technology lag" between West and East, according to annual reports. It attracted two respected Pakistani scientists who opened two high-tech computer schools in Karachi and Lahore, where FAST continues to offer the nation's only bachelor's degree in computer science.

Under its long-serving projects director, Javed Ashraf, who came home from a high-paying job in Libya to run the Karachi center in 1985, the foundation quickly established a reputation so high that more than 1,000 students applied each year for the few dozen slots available. But Ashraf was forced to resign last year after he challenged foundation funding policies. Ashraf, who asserted in an interview that tens of millions of rupees earmarked for the institute "simply vanished," said "our good name was being used by some persons for something else." He offered no speculation on what happened to the money for the foundation, which has been headed for several years by Pakistan's former finance minister Mahbul ul-Haq, who has lived for the past 18 months in New York, where he serves as a senior adviser to the United Nations.

Another former FAST official said he left because the money that was promised for the institute's ambitious expansion was donated, instead, to president Ishaq Khan's institute.

"There was just this one jug of money for the development of science in Pakistan, and it was split up into three pieces that were not even enough for one of the projects," the former officer said.

FAST records, obtained by The Times, indicate that most of the BCCI annual donation was invested in the same Khas government securities as used by its parent foundation. But FAST employed a financing system that, in effect, permitted BCCI's banking operation to profit from the very sums it had donated earlier to FAST's parent foundation. FAST, because it tied up in bonds its donations from the parent BCCI foundation, had to open an overdraft account to pay its day-to-day expenses; that account was opened at a BCCI bank in Karachi, which then charged the foundation 18% interest on its expenditures.

But it wasn't the accounting system that forced FAST to scale back its ambitious plans to encourage science in a nation that still ranks among the world's least-developed. Rather, it was the BCCI foundation decision in 1987, when Ishaq Khan was serving as its chairman, to commit 250 million rupees (about \$10 million) to the Society for the Promotion of Energy and Science Technology. The society also is headed by President Ishaq Khan. Its only project is the Ghulam Ishaq Khan Institute of Engineering Sciences and Technology.

One Western diplomat in Pakistan described the institute as the president's "monument." At the institute headquarters in Islamabad, there is a master plan for a 218-acre campus, donated to the society by the government in Pakistan's Northwest Frontier Province, adjacent to the country's largest hydroelectric project, the Tarbela Dam. An administrative employee explained that, when the first phase of construction is completed in 1993, the institute will offer bachelor of science degrees to 150 students; when the project is complete in 1997, it will offer master's and doctorate degrees to 665 students in metallurgy, electronics, computer science, mechanical engineering and mathematics.

The institute will confirm that its project director is A. Qadir Khan. He has been outspoken about Pakistan's aspirations for atomic might, and his controversial nuclear program brought Pakistan so close to possessing a nuclear bomb that the U.S. Congress cut all aid to Pakistan last year.

But much of the institute's plans appear shrouded in secrecy. Its executive director, H.U. Beg, a former Pakistani secretary of fi-

nance and close associate of the president who runs a financial consulting service in Islamabad, told The Times that neither he nor anyone else associated with the society or the institute are "authorized to say anything about it."

Qadir Khan, whose whereabouts and even whose official title are among Pakistan's most closely guarded secrets, could not be reached for comment. A Times reporter who tried to visit the institute's construction site was followed by two unmarked military intelligence cars and was stopped at a checkpoint several miles away.

When asked about the propriety of BCCI's foundation funding the institute, prominent Pakistani analysts stressed that few here would take issue with it. They said it would only build the prestige of the president, Abedi and his bank in most Pakistanis' eyes. Nuclear weapons capability is not only a source of nationalist pride, but is seen by many as a necessary deterrent against Pakistan's traditional enemy, India, which exploded a test nuclear device in 1974.

"When you dig deeply into the most sensitive issues here, whether it's BCCI or the bomb, you have to view it all in context," said one Pakistani analyst who asked not to be named. "The reality is Agha Hasan Abedi put Pakistan on the map of international finance. No matter what he did with the rest, he did donate tens millions of rupees to charity. And President Ghulam Ishaq Khan was a critical factor in bringing democracy back to Pakistan. He's a devout patriot and perhaps the most honest man in Pakistan. So however they may be judged in the West, here, they're national heroes, and very little could change that."

[From the Daily News, Sept. 1, 1991]

CIA PLAYING BY THE RULES OF THE JUNGLE

KARACHI: The Crimes Investigation Agency (CIA), Karachi, the *** projected anti-crimes wing of the Sindh police, is being used as a means of outright extortion, blackmailing and political victimization of opposition loyalists, an investigation by the NIU has revealed.

Like its chief, Sam Kahn Marwat, the agency's key officials have been awarded accelerated promotions with unprecedented powers, apparently turning the CIA into a state within the state. The agency reports directly to Irfamullah Khan Marwat, the all-powerful Home Affairs advisor to the Sindh chief minister.

The NIU has catalogued specific cases, events and incidents which warrant an independent probe under the criminal law of the land.

Fully exploiting the so-called "terrorist scare" in the country, the CIA officials in Karachi can declare any person a kidnapper or a terrorist—no matter how respectable a position he holds in society—without batting an eyelid. If the "deal" is struck, the same person can just as easily be cleared of all charges and declared clean.

On August 16, Karachi newspapers reported the sensational arrest of Mian Ejaz Siddique, a scion of the country's leading businessman Mian Siddique of the Toyo Nasic glass works. The stunning part of the arrest was that Mian Ejaz was allegedly involved in the kidnapping of one Mazaffer from Gulshan e Iqbal in Karachi last year.

Barley three days later, he was found innocent and released.

Interviews with the CIA insiders and Mian Ejaz's family sources confirmed that the CIA cooked up the case to keep Mian Ejaz from a second marriage on the behest of an influential businessman.

In an identical manner, the national press reported on July 30 the arrest of the former Pakistan State Oil managing director Amjad Hussain and Asif Ali Zardari's close friend Fauzi Ali Kazmi for their involvement in the abduction-for-ransom case of one Dhani Bux in March last year.

Amjad Hussain, at the time of his arrest, was fighting a legal battle against his controversial removal from the PSO, while Fauzi Ali Kazmi had won bail in cases against him for securing loans from Habib Bank Ltd for the duty free shopping complex.

Interestingly, at the time of Dhani Bux's kidnapping, Hussain was leading the PSO while Fauzi Ali Kazmi had been busy raising the duty free shop complex after having secured approval of the loan worth Rs 300 million.

As the CIA lawyers asked for evidence to support these arrests the CIA bosses, this time without making routine calls to the newspapers, silently dropped kidnapping charges against both persons.

But just before they could make their way back home, the CIA discovered that Fauzi Ali Kazmi and Amjad Hussain, not even barely known to each other, were involved in a case of sniper shooting in which a youth had been killed in Clifton last year.

The wives of both of them are running from pillar to post to prevent further victimization of their husbands who are now being held in the CIA cells on murder charges.

At the height of this drama two weeks ago, the CIA sleuths raided the posh Defense Society residence of the former president of Karachi Gymkhana, Tufail Sheikh, dragged him out of his bed and dispatched him to the CIA lockup in Saddar. He was accused of providing money to the "PPP terrorists to buy weapons."

Tufail Sheikh (Tony) is very well known to the city's social circles. Though a friend of late Zulfikar Ali Bhutto, Tony's friends describe him as thoroughly apolitical.

Tony was granted freedom when two senators Bostan Ali Hoti and Islamuddin Sheikh spoke on his behalf and asked for evidence against him. The late night raid on his residence and his unlawful detention are in the knowledge of several top federal and provincial government officials, but they dare not challenge the well connected CIA bosses.

The family of a textile mills owner Sikander Halim have run for cover many a times recently when the CIA sleuths raided their Clifton residence. Sikander Halim was a friend of the former Sindh chief minister Qaim Ali Shah. Sikander Halim's family could only return to the house when Makhdoorn Rafiqzaman, an increasingly influential member of the assembly, spoke to the CIA bosses.

The PPP parliamentarians and former ministers Syed Khurshid Shah and Pir Mazharul Haq are being sought by the CIA officials for their involvement in several cases of kidnapping-for-ransom.

Known PPP backers and leaders are not the only ones prone to intimidation by the CIA. Like Mian Ejaz Siddiq, on March 31 the CIA had boasted of having arrested two dacoits and recovered weapons and ammunition from a bungalow in Gulshan-e-Iqbal. But within the next three days the CIA officials found that both the dacoits, Naim Dad and Badshah Khan, were actually very respectable members of the society and the weapons recovered from them were all licensed.

On May 15, the CIA bosses informed the press about an alleged rapist, a police inspec-

tor named Anwar Ahamed Khan. The newspapers reported that the CIA chief had formed several teams for his arrest.

As the newspaper made sensational headlines they reportedly struck a secret deal with the same inspector, resulting in the withdrawal of the case against him and a declaration that he was innocent.

Early this year the CIA announced in the media, an arrest of the city's notorious "Satta" den runner Aslam Natha for being an associate of the "PPP's Al-Zulfikar terrorist", Bilal Sheikh. However, it hardly took Natha a week to return to his den near Lasbella bridge; the CIA has dropped all charges against him.

CIA displayed an outrageous immunity against law, discipline or service rules on June 24 when it issued a set of pictures to Karachi tabloids showing alleged prostitutes picked up with their friends from a restaurant at Guru Mandir in Soldier Bazar in the CIA record books, however, no such raid took place and no arrests were made and the girls were set free at the CIA centre after two days.

Perhaps the most interesting drama was the way the CIA bosses handled the Saeed Mighty case. Mighty a bandit turned political activist was caught wounded after a chance encounter with a city police team.

The CIA moved rapidly to take over the investigation of the case and made urgent measures to bring Mighty into the CIA custody. Mighty would have made startling disclosures because of his extremely cordial relations with an important person; his relations with influential political were the subject of several reports sent to the government by at least two federal intelligence agencies last year.

Within a few days of being in the CIA custody, Mighty dies at the Jinnah hospital in mysterious circumstances. Doctors are still intrigued about the way at least one CIA sub-inspector had meddled with his treatment.

On June 27, national newspapers had quoted senior CIA officials as disclosing that on Saeed Mighty's plantation a CIA inspector Amanat Javed recovered three stolen vehicles bearing fake number plates from one Qaiser Khan in Defence Society. It was also reported that Qaiser Khan had been arrested.

Credible information suggests that the name of Qaiser Khan does not figure anywhere in the case. Qaiser Khan, who had confessed to having bargained in dozens of stolen cars in Quetta, was set free within a few days of Mighty's death and all charges were dropped against him. The present whereabouts of the vehicles recovered from him are not known to anybody in the CIA.

The CIA bosses have gained such power that they do not seem to even bother about the verdict of the Supreme Court of Pakistan or the Services Tribunal.

In April, a Supreme Court Bench had upheld the verdict by the Sindh Services Tribunal against out-of-turn promotions awarded to nine inspectors of the Sindh police by the IGP, Sindh. The tribunal had ruled against "out of turn promotions" and in its verdict on a petition moved against the verdict made by the Service Tribunal, the Supreme Court had also upheld the Tribunal's decision.

These decisions required immediate demotions of the accelerated promoted officials, but instead, an SP was promoted as DIG and a sub inspector became DSP in the course of one year—for their gallant performance while working in the CIA.

Among those thus promoted are Samiullah Marwat and the CIA Chief Inspector Saghir

Ahmed Sheikh, the official who had arrested Miran Ejaz and accused him of being a kidnapper. The same CIA official, when he picked up Ejaz, was facing a probe for extorting Rs 600,000 from one Mohamad Ayub, a launch owner who was arrested as a heroin smuggler.

It may be interesting to note that most of these activities by the CIA officials were reported following an apology by the Sindh chief minister for framing a 'false' case of heroin and illegal weapon possession against a Balochistan minister, Sardar Sanaullah Zehri, in June.

When asked for comments about the gross violation of law in specific cases unearthed by the NIU, Senior CIA officials claimed that the agency had arrested 850 criminals and smashed 15 gangs of kidnappers in the past eight months. They said the CIA also arrested 300 persons for their involvement in 200 cases of dacoities. No independent verification of these claims was available.

[From Newslines, March 1991]

TO HELL AND BACK

The knock on the door that night of December 24, sounded familiar. I opened the door myself. They were all in civvies. I asked them to produce a search warrant, told them they could not enter the house without a policewoman. 'Bakwas na karo, said the man in charge, pushing me aside. 'Where are the arms?' they asked me. I told them they were welcome to search the house. My sisters were asleep in the next room; they broke into the room and started abusing them. They got hold of my 20-year-old brother Afazl who has never been involved in politics. My father told them, 'I'm an advocate, I'll present him at the police station in the morning.' But they kicked my father and started dragging him out too. I tried to explain to them that they were probably looking for me, they said they knew their orders and took away my father and brother.

"The next morning a constable came and said that DSP Mohammed Khan of the CIA wanted to see me. When I went to his office he greeted me with the remark, 'Aao tum say kuch bisaab karna bat.' He sent me to see my father and brother. They were very pale. I asked them what had happened. My brother told me that they had both been kept hanging upside down all night. My father told me about his previous night's encounter with the DSP, Mohammed Khan had said to him, 'What a beighairat Punjabi you are! Your daughter mixes with boys and does dirty politics.' My brother was beaten up. When he told them he had nothing to do with politics, they said, 'We know, but you are a beighairat brother.'

"DSP Mohammad Khan took me to a room full of CIA people where a [PSF] activist was hanging upside down and being beaten. Khan abused me and asked again, 'Where do you keep your arms?' 'I'm not a criminal,' I shot back, 'mind your language.' Everyone in the room laughed. "We'll teach you our language,' someone said. I tried to explain that I was associated with the girls' wing of the PSF and I wouldn't know anything about the boys' activities. They kept asking me how many times Nusrat Bhutto had sent me to India and how many other PSF activists had gone to India. 'Aisey nabin maney gi, is ha nasha utaro,' Khan said. As I was taken out of the room my father and brother were escorted in.

"In the next room about six people began interrogating me. I could hear the screams of my brother and father from the next room. They kept asking me about my visits to

India. I have not even seen most of Pakistan; what could I tell them about India? They let me sleep just before dawn.

"The next day they brought in new people to interrogate me. A female police officer kept telling me what was in store for me. She gave graphic details of how they would put chillies in my nostrils and eyes. She told me that even though I was innocent, I should say whatever they wanted me to say. She even asked me to forgive her beforehand as she would have to be a part of what was to come. Then Khan came and told me that he had called in Haji Malik Ahsan, a CIA inspector to deal with me. 'I you want to go home tell him everything, otherwise even I won't be able to save you from him.' Ahsan took me to another room. He was very polite and said that I was like a daughter to him and he knew that I was innocent but I must tell him all about the goings on in Bilawal House.

"That night, he made me wear a burqa and told me to guide them to the house of our ex-joint secretary, Sabrina. When I tried to misguide them, Ahsan pulled my hair and banged my head against the car's dashboard. Obviously they knew the way. They knocked on Sabrina's door and after some delay the door was opened by Sabrina's aging father (who is hard of hearing). He got a stinging slap from a police inspector. The old man told the police that Sabrina had got married and gone to the States. When her sister tried to intervene, she was also slapped. They dragged out Sabrina's 14-year old brother, and beat up Sabrina's brother-in-law who is a TB patient. After that they stopped at several houses and rounded up a number of boys. They also picked up things from their houses—watches, VCRs, cassette players. I could hear them discussing their booty. Our final stop was at the house of Shehla Raza, our present joint secretary. 'I'll come with you,' she told them, 'let me wear a chadar.' It was a very cold night but they dragged her out without a chadar. Shehla's sister managed to throw a chadar into the police van.

"We were taken back to a room where more than ten people were sitting, some of them army people. I stood there while they stared at me and cracked dirty jokes. An army officer kept asking me questions. When I refused to say what he wanted to hear, he told Malik Ahsan, 'Take her and make her understand in your own language.' Ahsan dragged me to the other room and in a single move twisted both my arms and tied them very tightly behind my back. They tied a rope to my hands and hung me upside down. I felt as if my shoulders were being cut with a knife. Malik Ahsan said that he could make the most hardened criminals sing in just three minutes. He pulled my hair and straightened my face. I felt as if all my joints were coming apart. They made Shehla sit in front of me and watch all this. Malik Ahsan said I should record a statement on video saying that I'd been drinking with Benazir at Bilawal House. I was also supposed to say that I'd been given arms at Bilawal House which I distributed among PSF workers. When you are hanging upside down by a rope tied to your arms, you cannot talk—you can either shout or keep quiet. I shouted, 'No.' Malik Ahsan started hitting me on my shoulders with his stick. He hit the soles of my feet. Soon I lost consciousness.

"When I regained my senses I found myself sprawled on the floor, face down. They hung me upside down again and this time Malik Ahsan had another proposal. 'Al right, Benazir is your leader, don't say anything

about her but everyone knows about her husband. You'll have to state that being the president of the PSF girls' wing, you used to take girls to Bilawal House, and they ended up in Asif's bedroom,' I shouted 'No' again and this time he kicked my thighs and hit me with his full strength. By this time my nose and mouth were bleeding. It was a very stormy night. . . . perhaps the coldest night of this winter. There was a thunderstorm outside. It seemed as if the tin roofs of the CIA building were about to fly off. The doors were slamming all around. A female officer thought that these were signs of God's wrath and she pleaded with Ahsan to let me off. I lost consciousness again and they took me down. Unconsciousness seemed such a blessing that night. They made me do some exercises. Shehla was very scared and she vomited from fear. Someone cracked a dirty joke about it. Shehla picked me up and put me to sleep.

The following morning I couldn't move my hands and feet. I kept vomiting blood. I was not allowed to see my family for twenty-one days. I began to feel terribly guilty, I felt responsible for the plight of my father who DSP Khan kept calling a 'beigbairat Punjabi.' My father was allowed to go home after he'd paid them ten thousand rupees. He told me that they were asking for five lakh rupees for me and my brother. I told him I'd rather admit everything they wanted me to than have him get me released by paying. Then my father filed a petition in the high court.

"My body was blue with the beatings. Shehla's brother had sneaked in some medicine for me. One day, Khan called me up and gave me a lecture. 'What has this party given you? You girls are crazy. Everyone wants to become a Benazir—as if one is not enough. We'll make an example of you. We are sharif people, we also have daughters, and girls like you are leading them astray. We'll make sure that no girl enters politics.'

"I was taken to Malik Ahsan again, my hands and feet bandaged," 'Abbi to 'Abbi to tum looli, longri but ho, tumbain googa aur kana bbi karain gay.' Then he came up with a story about Manzoor Wassan who had visited my house once. He said, 'Wassan is a dacoit and you provided him with girls who helped in robberies. And then you traded this loot for arms' My answer didn't satisfy him. The inspector said, 'Punish her in such a way that no marks are visible on her body.' I was made to stand for five days. I spent that time in a daze . . . standing, standing. Some God-fearing female staffer would let me sit for a while or massage my legs when no one was around. Once I scrawled a message on the back of a journalist friend's visiting card and gave it to a female staffer who'd pretended to be friendly. She took it straight to Malik Ahsan. What followed was more beating and hair pulling.

"When we were taken to the court for remand, my brother refused to admit that he had been tortured. Even though I told the judge about the torture, we were sent back to the CIA centre. They asked me to state that [student leader] Najib had been murdered by the PPP. They asked me to admit that the PSF girls had been involved in the shooting on MQM camps on August 22. Then they brought my brother in and began beating him in front of me. I cried, I told him to imagine that we were in Karbala.

"I went through more than I could have imagined. That video was never made, all they got out of me was my signatures on some blank sheets. But the absurdity of the situation hit me when I was taken to Civil

Hospital with signs of torture all over my body; they refused to admit me because they were 'under pressure.'"

[From the Far Eastern Economic Review, Sept. 9, 1991]

LEADING POLITICIANS LINKED TO CO-OP SCANDAL—HANDS IN THE TILL
(By Salamati Ali in Islamabad)

Hardly a year after Benazir Bhutto's government was dismissed over alleged corruption, the administration of her successor, Prime Minister Nawaz Sharif, is being rocked by a billion-dollar scandal involving credit co-operative societies and members of the ruling Islamic Democratic Alliance (IDA). And to add to Sharif's problems, the scandal is confined to Punjab province, his power base, where millions of small-time depositors could well lose their life savings.

Opposition leader Bhutto, who is leading the outcry against the alleged co-op scandal, has, much to Sharif's embarrassment, been addressing huge rallies in Punjab and on 4 September gave the government one month to make good depositors' losses, failing which she threatened to start political agitation.

The current scandal is estimated to involve at least Rs 23 billion (US\$915 million) collected from some 2.6 million depositors. Many of the co-ops are believed to be in the red, and most of them have cash-flow problems.

Ruling party MPs have tried unsuccessfully to blame Bhutto and her Pakistan People's Party (PPP) for the sudden proliferation of co-ops in the late 1980s that has contributed to the situation. One legislator, M. Hamza, said that until November 1988—when Bhutto took power as prime minister—there had been only 15 co-ops and that it was her government that allowed 56 more to be set up. But he could not explain how her government could have done so, since Punjab was then being ruled by Sharif himself as chief minister. Under the constitution, co-ops come under provincial jurisdiction.

Federal Finance Minister Sartaj Aziz, however, also blamed depositors for being greedy. He said they had ignored warnings and invested in co-ops in the belief that they would get returns as high as 30 percent. By way of defending co-ops, he said the courts had ruled that it was not against banking laws for any group of people to form a co-op. Besides, co-ops had been in operation for more than 20 years and in most cases their assets matched their liabilities. Their only problem was a lack of liquidity.

The leader of the opposition in the Punjab assembly, Rana Ikram Rabbani, disagrees. He says that the provincial Department of Co-operatives had reported to Chief Minister Ghulam Hyder Wyne in mid-1990 that co-ops in Punjab were cumulatively Rs 260 million in the red by 28 February 1990.

Rabbani also said that by December 1990, serious irregularities in the running of co-ops had caused a loss of Rs 2 billion. Of this, Rs 1.5 billion had been lost by just one co-op—the Services Credit Co-operative Corp. (SCCC). But the department itself took no action because IDA politicians in the Federal parliament and the Punjab assembly were involved.

Rabbani also claims that IDA assemblyman Zulfiqar Awan, who heads the SCC, was a lavish spender—he once bought his son a cricket bat autographed by Indian actress Rekha, for which he paid Rs 500,000. One SCCC depositor, Brig. Fayyaz, says that Awan admitted he contributed Rs 100 million to the IDA election campaign in 1990. Depos-

tors say the SCCC is unable to repay them because it has lost a total of Rs 3 billion.

Depositors also dispute Azia's claim that they were greedy and ignored official warnings. They say they were led to believe that the co-ops were safe and enjoyed the patronage of high government leaders. Federal ministers and Punjab provincial ministers had opened several co-op branches and at each of the SCCC branch offices all over Punjab, one standard item of furnishing was a picture of Awan receiving a certificate of registration from President Ghulam Ishaq Khan.

The Punjab government has not disclosed how many co-ops have failed to repay their depositors. So far it has issued notices appointing outside administrators to only eight co-ops, but in view of the enthusiastic response to the Bhutto rallies and the widespread resentment in Punjab, it is likely that more than eight co-ops are in trouble.

Moving swiftly to contain the problem, Sharif has ordered that co-op assets be used to repay depositors—with all depositors with claims of up to Rs 25,000 being paid at once.

Heading the list of defaulting co-ops is the National Industry Co-operative Finance Corp. (NICFC) headed by federal Interior Minister Chaudhry Shujaat's cousin, Chaudhry Tajammal. In terms of deposits and book value of its assets, it is twice as big as the recently privatised Allied Bank of Pakistan. The next biggest is the SCCC, followed by the Mercantile Co-operative Finance Corp. (MCFC).

The MCFC is headed by former PPP federal minister of state for finance Ehsanul Huq Piracha, who has so far been left out of Bhutto's denunciations. Piracha alone has been opposing the appointment of administrators by Sharif on the ground that it would ruin his co-op in a matter of months though it currently had assets of Rs 626.5 million against liabilities of Rs 626.8 million.

Before Sharif acted, Piracha had offered immediately to repay in full all deposits of up to Rs 50,000, 75 percent of deposits of up to Rs 300,000 and 50 percent of all bigger deposits. He asked for time to mobilize money to pay the rest of the claims.

The co-ops have generally regarded administrators with suspicion, for under the law the administrator is virtually a liquidator. On the day the administrator is appointed, calculation of interest on deposits and loans stops. Those who have taken loans often repay only in installments. Hence, this is generally seen as a ruse to secure interest-free loans repayable in installments. Besides, many co-ops have invested in properties at higher inflated prices and would be extremely lucky to sell them off for half their book value.

Aggravating depositors' fears, Aziz has asked all depositors of Rs 100,000 and above to file their tax returns with their claims, but he has not demanded similar returns from those who have borrowed millions from the co-ops.

The PPP central executive has demanded a commission of inquiry headed by a judge and comprising representatives of the depositors, the IDA and the opposition. Sharif's Ittefaq group of companies initially denied having taken any loans from the NICFC, but later announced it had repaid every single rupee it borrowed, together with interest. Shujaat too insisted he had paid back all loans to the NICFC.

Sharif's and Shujaat's companies have argued that they were forced to borrow from the co-ops only because Bhutto, while in power, had prevented the banks from advanc-

ing them money. Bhutto, however, says that by the time she took over, the companies had taken bank loans equivalent to twice their paid-up capital. She asserts that she had instructed the banks to secure every loan properly. While Sharif was ruling Punjab, his province floated an official bank, the Bank of Punjab. Bhutto claims the new bank was floated to circumvent her instructions on loans.

Salman Taseer, a PPP leader who is a chartered accountant by profession, argues that there is something fundamentally wrong with a system that allows only four families to secure as much as Rs 9.85 billion in loans from public institutions.

By Taseer's reckoning, by the end of 1990, government financing institutions had advanced Rs 2.5 billion to Sharif's group of companies, Rs 1.2 billion to the late president Zia-ul Haq's brother-in-law Basaharat Ilahi, and Rs 800 million each to Shujaat and the Saifullah family, which is linked to Ishaq Khan by marriage.

Additionally, Sharif's companies and Shujaat and Ilahi had borrowed a total of Rs 1.2 billion from the co-ops, he claimed. Sharif had also borrowed Rs 160 million for the Himalaya Textile Mills and Shujaat Rs 350 million for the Phalia Sugar Mills from a foreign bank. Both loans were guaranteed by the NICFC. This does not include Rs 850 million borrowed by Sharif's companies for their new sugar and textile plants over the past 18 months.

An application for a loan of Rs 1 billion is pending before financial institutions for a Honda car plant planned by Sharif's group of companies. The Saifullah's textile mill and foundry set up near Peshawar recently are not included in Taseer's figures.

Those under fire by Bhutto as the co-op scandal widens argue they have not committed any crime by taking bank loans for industries to accelerate the economic development of Pakistan. Nevertheless, the controversy is creating the impression among many people that the men at the top of the government hierarchy comprise the richest set of rulers Pakistan has ever had. As one critic, People's Democratic Alliance leader Asghar Khan quipped: "Pakistan has a businessman premier and he is doing what he knows best—making money."*

FAYE SARKOWSKY

• Mr. GORTON. Mr. President, thank you for allowing me the opportunity to recognize the commitment and dedication of an outstanding individual from Washington State, Faye Sarkowsky.

This week, the Young Women's Christian Association [YWCA] of the State of Washington awarded Mrs. Sarkowsky with the 1991 Isabel Colman Pierce Award for Excellence in Community Service. And it is with great pleasure that I congratulate Mrs. Sarkowsky on receiving this award. It is an award which is a reflection of the many lives she has influenced throughout her years of service to the community.

On behalf of the citizens of Washington State, I applaud Faye Sarkowsky's commitment to community service.●

AMERICAN INDIAN HERITAGE MONTH

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 172, designating American Indian Heritage Month, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 172) to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter, as "American Indian Heritage Month."

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.

AMENDMENT NO. 1237

(Purpose: To limit the designation of the month of November as "National American Indian Heritage Month" to 2 calendar years)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. INOUE, proposes an amendment numbered 1237.

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

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

The amendment is as follows:

On page 3, strike out all after line 3 and insert in lieu thereof the following: "That each of the months of November 1991 and 1992 are designated as "National American Indian Heritage Month", and the President is authorized and requested to issue a proclamation for each such year calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe each such month with appropriate programs, ceremonies, and activities."

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

The amendment (No. 1237) was agreed to.

Mr. FORD. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 172) was ordered to be engrossed for a third reading, was read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 172), as amended with its preamble, is as follows:

S.J. RES. 172

Whereas American Indians are the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian governments developed fundamental principles of freedom of speech and the separation of powers in government, and these principles form the foundation of our own government today;

Whereas American Indian societies exhibited a respect for the finiteness of natural resources through deep respect for the earth, and such values continue to be widely held today;

Whereas American Indian people have served with valor in all wars since the Revolutionary War to the War in the Persian Gulf, often in a percentage well above their percentage in the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields including agriculture, medicine, music, language and art;

Whereas it is fitting that American Indians be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists and scholars;

Whereas the 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere is an especially appropriate time for all the people of the United States to study and reflect on the long history of the original inhabitants of this continent;

Whereas the Members of the Senate and the House of Representatives believe that a resolution and proclamation as requested in this resolution will encourage self-esteem, pride and self-awareness in American Indians young and old;

Whereas the month of November is the traditional harvest season of the American Indians and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MONTH.

That each of the months of November 1991 and 1992 are designated as "National American Indian Heritage Month", and the President is authorized and requested to issue a proclamation for each such year calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe each such month with appropriate programs, ceremonies, and activities.

The title was amended so as to read: "A joint resolution to authorize and request the President to proclaim the month of November 1991 and the month of November 1992 as 'American Indian Heritage Month.'"

Mr. FORD. I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

**U.S. CAPITOL POLICE
JURISDICTION REFORM ACT**

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1766, a bill relating to the Capitol Po-

lice, introduced earlier today by myself and Senator STEVENS; that any statements appear at the appropriate place in the RECORD; that the bill be deemed read a third time and passed; and a motion to reconsider be laid upon the table.

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

Mr. FORD. Mr. President, I rise today to introduce the United States Capitol Police Jurisdiction Reform Act. The Capitol Police under 40 U.S.C. Sec. 212a (1988) have the power to police the Capitol Buildings and Grounds and to make arrests therein. When this language was enacted in 1948, it met the needs of the Capitol Police. However today, the buildings and areas now used are located beyond the original jurisdiction. There are buildings at this time outside this original jurisdiction which include two House office buildings as well as several parking lots and various other buildings that the Capitol Police now patrol. While it is true the police have jurisdiction within these buildings and areas, it is the area between these buildings and the Capitol Grounds that present the problems the Capitol Police face today.

One problem occurs when there is an arrest outside the Capitol Grounds for a crime committed within the Capitol Grounds. An example of this gap in the arrest authority of the Capitol Police was identified in United States versus Landon—the "Dingell staffers" case—which involved an assault and theft that took place within the Capitol Buildings and Grounds. However, the arrests for those crimes were made outside of the Capitol Buildings and Grounds by officers who did not observe the crimes. The arrests were invalidated by the D.C. Superior Court because they took place outside of the officers' jurisdiction, and did not fall within the fresh pursuit doctrine, and were not valid citizens' arrests because the crimes were not committed in the presence of the arresting individuals. The judge, while commending the police for taking action, suggested that it was up to the legislature, and not the courts to correct this jurisdictional deficiency.

Members of the Capitol Police also lack authority to arrest for certain misdemeanors, such as traffic violations, which occur in their presence outside of the Capitol Buildings and Grounds. In United States versus O'Brien, an arrest by the Capitol Police for a traffic violation—specifically an arrest for driving while intoxicated was invalidated because it occurred outside of the Capitol Grounds. Again, the court was required to dismiss the charges because the Capitol Police lacked jurisdiction.

The problems with arrests off the Capitol Grounds for misdemeanors committed in the presence of a Capitol Police officer can be carried one step

further. When a Capitol Police officer in transit to or from an official assignment outside the Capitol Grounds observes a criminal act in progress or is informed by a citizen of a criminal act in progress, he or she only has the authority to make a citizen's arrest. While this scenario seems somewhat inconceivable, the District of Columbia Courts have ruled that in such instances the Capitol Police have no greater law enforcement authority than the average citizen.

However, Capitol Police officers wear police uniforms and operate marked police vehicles and are expected to perform as officers. The general public does not understand the fine distinctions of the law governing arrest authority, nor should they be expected to do so. They reasonably expect the police officer to assist them when they call for help. Without lawful arrest authority, Capitol Police officers involved in such situations have no more authority than any other citizen, and again, the officers are faced with the untenable dilemma of taking swift, necessary police action or refraining from such action due to a real concern over potential civil liability. The officer will not be afforded Government representation nor qualified immunity from liability and therefore will personally have to bear the costs of a civil suit and its consequences. Mr. President, our Capitol Police officers deserve better. We need to increase the Police jurisdiction so that these officers performing their duties will be considered to have acted within the scope of their employment.

We attempted to solve this problem last year by enacting the Legislative Appropriations Act, 1991, which expanded the arrest authority for the Capitol Police for 1 year. The language as enacted was broader than necessary in order to arrest for crimes of violence committed in the presence of a member of the Capitol Police performing their official duties. In contrast, the Capitol Police Reform Act is more narrowly tailored to provide Capitol Police with additional arrest authority within limited areas surrounding traditional Capitol Buildings and Grounds.

Mr. President, we now have the opportunity to remedy the problems that the Capitol Police are facing. I urge passage of this important legislation because it provides the Capitol Police additional arrest authority outside the Capitol Buildings and Grounds. It also encompasses arrests off the Grounds for misdemeanors. Most importantly, it gives the Capitol Police scope of employment when in transit to and from noncontiguous congressional facilities. In short, this bill removes the gaps in the existing Capitol Police jurisdiction.

The U.S. Capitol Police Chief has met with Chief Fulwood of the Metropolitan Police Department and agreed to

continue to closely coordinate the expanded Capitol Police jurisdiction with Metropolitan Police Department.

It is important to note that the Capitol Police have prepared appropriate administrative guidelines governing this expanded arrest authority and would impose administrative sanctions for any violations.

Mr. President, countless hours have been spent on this legislation involving the Capitol Police jurisdiction and their expanded arrest authority. Please keep in mind that the purpose in seeking a legislative solution to this jurisdictional dilemma confronting Capitol Police officers is not to expand the area or basic mission of the U.S. Capitol Police. Rather, the intent is to better protect the occupants of the Capitol Grounds, and to safeguard officers from potentially tortious situations which may ensue while protecting areas within their current responsibilities.

Mr. President, again I urge immediate passage of this legislation and ask unanimous consent that the cases that I have referred to be printed in the RECORD.

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

[Superior Court of the District of Columbia, Criminal Division—Felony Branch, Criminal Nos. F-9713-89, F-9715-89, Judge Holder] UNITED STATES OF AMERICA v. JOSEPH L. LANDON AKA, LANDON J. LEE, JAMES A. SMITH.

MEMORANDUM OPINION & ORDER

This matter is before the Court on defendant Smith's Motion to Suppress, Amended Motion to Suppress and Supplemental Motion to Suppress, defendant Lee's Motion to Dismiss Indictment and Motion to Suppress In-Court Identification and the government's Opposition to the Motions. Hearing on the jurisdictional issue was held on June 7, 1990. Defendants argue that their arrests were illegal and that any evidence acquired after their arrests must be suppressed. In support of their argument, defendants contend that the United States Capitol Police (Capitol Police) were outside the boundaries of their statutory jurisdiction and, therefore, exceeded their legal authority to make the arrests.

THE FACTS

On August 16, 1989, defendant Lee was stopped by Capitol Police in the unit block of "I" Street, S.E. because he matched a "look-out" description of a robbery suspect. Defendant Smith was stopped in the 600 block of New Jersey Avenue, S.E. for the same reasons. Both were arrested by the Capitol Police after positive "drive-by" identifications were made by witnesses to the robbery.

At the June 7, 1990 Motions hearing, Officer Robert Singleton of the Capitol Police testified that on August 16, 1989, at approximately 9:00 p.m., he was on routine patrol. While driving southbound in the 600 block of South Capitol Street, he saw a large group of males attacking a couple in an area adjacent to the United States Capitol power plant. Officer Singleton testified that as he approached the activity the group scattered. He was, however, able to see six of the men

clearly as he had illuminated the area with his squad car's "alley" lights. He identified, in court, the defendants as being two of the six men. Officer Singleton testified that he placed a radio call for assistance and gave a description of the assailants. Officer Singleton did not participate in the arrests of either defendants.

1. Defendant Lee's Arrest

The government's second witness was Officer Curtis Timmer of the Capitol Police. He testified that on August 16, 1989, he was on patrol when the robbery report came over the radio. A "look-out" was broadcast for a group of black males wearing dark shorts and light shirts. Approximately ten minutes after the broadcast, Officer Timmer saw defendant Lee in front of the McDonald's restaurant located at the corner of South Capitol and "I" Streets, S.E. According to Officer Timmer, defendant Lee matched the description of the "look-out." Consequently, defendant Lee was detained and, after being positively identified by Officer Singleton and the victims, was arrested. According to Officer Timmer, twenty minutes elapsed between the time of the robbery and defendant Lee's arrest. Officer Timmer stated that he did not witness the actual robbery and that the arrest was made neither on Capitol grounds nor on a boundary street.

2. Defendant Smith's Arrest

Officer Timmer testified that when he resumed his patrol duties, he encountered defendant Smith and two or three other subjects in the 600 block of New Jersey Avenue, S.E.¹ This occurred approximately one hour after the incident. When Officer Timmer ordered defendant Smith and his confederates to stop, they ran into a wooded area. Subsequently, they obeyed Officer Timmer's instruction to exit the woods. At that point, defendant Smith was detained, and after being positively identified by one of the complainants, was arrested. Defendant Smith was searched incident to his arrest, whereupon the Capitol Police allegedly recovered cocaine and marijuana from his person. Officer Timmer testified that like defendant Lee, defendant Smith's arrest was made neither on Capitol grounds or on a boundary street.

THE COURT'S RULING

Defendants contend that the Capitol Police officers who stopped and arrested them acted without legal authority. They argue that even though the offense occurred on United States Capitol grounds (Capitol grounds), neither of the arresting officers observed the actual crime and, moreover, the arrests were made outside the boundaries of the Capitol grounds.

Pursuant to D.C. Code §9-115 (1989 Repl. Vol.):

"The Capitol Police shall police the United States Capitol Buildings and Grounds . . . and shall have the power . . . to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any state . . ."

In *Anderson v. United States*, 132 A.2d 155, aff'd 102 U.S. App. D.C. 313, 253 F.2d 335 (1957), cert. denied 357 U.S. 930, 78 S.Ct. 1375, 2 L.Ed.2d 1372 (1958), the Court of Appeals extended the jurisdictional authority of the Capitol Police by empowering its officers to make arrests on boundary streets. The Court held that the Capitol Police have "jurisdic-

¹ This location is approximately one block from where the incident occurred.

tion to act upon [a] traffic tie-up on a boundary street [of the Capitol grounds, and therefore, have] the right to arrest . . . if . . . a misdemeanor [is committed] in their presence." Id., at 157.

In 1981, Congress enacted legislation authorizing the Capitol Police to protect the person of any member or officer of Congress and also the immediate family of any such member or officer in any area of the United States. D.C. Code §9-115.1 (a) (1989 Repl. Vol.). More specifically, §9-115.1 (c)(1) provides that:

"In the performance of their protective duties under this section, members of the United States Capitol Police are authorized:

"To make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony."

As noted in *United States v. O'Brien*, 116 WLR 2117, 2120 (October 13, 1988), D.C. Code §9-115.1 (c) and *Andersen v. United States*, supra, set the parameters for when members of the Capitol Police can legally make arrests in their capacity as members of the force.² If acting beyond these parameters, "when making arrests, members of the Capitol Police stand in the same shoes as ordinary civilians." *United States v. O'Brien*, supra, citing *United States v. Foster*, 566 F. Supp. 1403, 1412 n.9 (D.C. 1983). By statute, a private person may arrest another in the District of Columbia when that person has probable cause to believe a felony is being committed in his presence, D.C. Code §23-582 (b) (1989 Repl. Vol.), or for an offense committed in his presence and enumerated in D.C. Code §23-581 (a)(2).³

The Court concludes that under the facts in the instant case, the conduct of the Capitol Police was beyond the parameters of their prescribed authority as promulgated by statute and case law. At the Motions hearing, Officers Singleton and Timmer both conceded that neither defendant was arrested on Capitol grounds or on a boundary street. Therefore, neither D.C. Code §9-115 nor *Andersen v. United States*, supra, sanction the arrests. See *United States v. O'Brien*, supra, at 2120. Moreover, no testimony was offered suggesting that either complainant is a member or officer of Congress or the immediate relative of such a member or officer. Since neither officer purports to have been protecting a member or officer of Congress or an immediate relative of such member or officer, when the arrests were made, it follows that D.C. Code §9-115.1 (c) also does not sanction the arrests. Id.

The Court also concludes that the arrests cannot be classified as lawful citizens arrests. As previously noted, D.C. Code §23-582 (b) explicitly states that in order for a private person to arrest another, the arresting party must have probable cause to believe the crime is being committed in his presence. Neither of the arresting officers claim to have been in the vicinity of defendants during the commission of the instant of-

² At the Motions hearing, the government noted that the *O'Brien* case is not binding precedent. While the Court is mindful of this fact, it nonetheless finds the case to be persuasive.

³ The crimes enumerated in D.C. Code §23-581 (a)(2) are: (1) assault; (2) theft in the second degree; (3) receiving stolen goods; (4) unlawful entry; (5) shoplifting and attempts to commit burglary; (6) theft in the first degree; and (7) unauthorized use of a motor vehicle.

fense. Accordingly, the Court can conceive of no basis to conclude that defendants were arrested pursuant to valid private citizens arrests.⁴

The government submits that D.C. Code §23-581 provides that a law enforcement officer may arrest a person without a warrant whom he has probable cause to believe has committed or is committing a felony. It cites D.C. Code §23-501 which defines the term "law enforcement officer" as an officer or member of the Metropolitan Police Department or of any other police force operating in the District of Columbia. The government then relies on federal statutory provisions which enable the Capitol Police to protect "certain" persons in any area of the United States, including the District of Columbia, and to make arrests without warrants for any offenses committed in their presence. Finally, the government concludes that Capitol Police are law enforcement officers and are authorized to make arrests in the District of Columbia for any offense for which they have probable cause.

The Court concludes that the government's argument is without merit. As a threshold issue, it is well established in this jurisdiction that when statutes of broad general application, such as the ones relied upon by the government, are inconsistent with more specific provisions (in this case D.C. Code §§9-115 and 115.1), "the latter provision 'must govern or control, as a clearer and more definite expression of the legislative will. * * *'" In Re: O.M., 565 A.2d 573, 581 (D.C. 1989) quoting 82 C.J.S. Statutes §347(b) (1953). In the instant case, it is axiomatic that the more narrow statute is controlling. This becomes more readily apparent when reviewing the status which govern other law enforcement agencies which protect our community.

For example, D.C. Code §§4-201 and 205 identify the powers and duties of the United States Park Police (Park Police) in the District of Columbia. By statute, the Park Police have the same powers and duties as the Metropolitan Police of the District of Columbia. D.C. Code §4-201. However, D.C. Code §4-205 authorizes the Director of the National Park Service to appoint "special policemen" whose jurisdiction and police powers are restricted to the public park and other reservations under the control of the Director. Thus, the statute governing the Park Police expressly grants certain officers the power to effect arrests throughout the city. See Richardson v. United States, 520 A.2d 692 (D.C. 1987), while limiting the powers of its "special policemen."

A comparison of the Code provisions governing the Capitol Police and Park Police leads the Court to conclude that if Congress had intended to grant the Capitol Police broader jurisdiction in this city, such authority would be expressly provided for by statute. While the Court is not necessarily pleased with the result which it is compelled to reach in this matter, it is mindful of its duty to interpret statutes as they are written and not in a manner which is inconsistent with their plain meaning.⁵

⁴Had Officer Singleton been involved in the arrests, the Court may have reached a different result under a fresh pursuit analysis.

⁵In general, when a reviewing a statute, a court is bound by the statute's plain meaning. "[A court] must first look at the language of the statute by itself to see if the language is plain and admits of no more than one meaning." *Peoples Drug Stores, Inc. v. District of Columbia*, 470 A.2d 751, 753 (D.C. 1983) (en banc), quoting *Davis v. United States*, 397 A.2d 951, 956 (D.C. 1979). While the Court of Appeals has found its appropriate to look beyond the plain meaning of

Having concluded that defendants' arrests were illegal, the Court must determine whether any evidence in this case must be suppressed. As previously indicated, both defendants were stopped and arrested by Capitol Police officers who were responding to a radio "look-out." In *Terry v. Ohio*, 392 U.S. 1, 16 (1968), the Supreme Court held that a Fourth Amendment seizure occurs whenever "a police officer accosts an individual and restrains his freedom to walk away." The Court sanctioned limited seizures conducted on the basis of "articulable suspicion." This narrowly drawn exception, however, only applies to brief stops effectuated by police officers. *Id.*, at 27.

In *United States v. Foster*, *supra*, at 1422, the Court invalidated a *Terry* stop made by a Washington metropolitan Area Transit Authority police officer outside the geographic limits of his jurisdiction and held that the evidence acquired during the ensuing arrest had to be suppressed. The statutory limitations placed on members of the Capitol Police likewise regulate their authority to act in a law enforcement capacity. "When they act outside those limitations, they are not afforded the powers they otherwise possess as police officers." *United States v. O'Brien*, *supra*, at 2122, citing *United States v. Edelen*, 529 A.2d 774 (D.C. 1987); *District of Columbia v. Perry*, 215 A.2d 845 (D.C. 1966). Accordingly, when Capitol Police act beyond the scope of their statutory authority, they are precluded from making *Terry* stops or arrests. All evidence seized as a result of unlawful *Terry* stops and arrests must be suppressed. See *United States v. Edelen*, at 783; *Schram v. District of Columbia*, 485 A.2d 623, 625 (D.C. 1984).⁶

The Court concludes that because the Capitol Police officers who arrested the defendants here acted outside the boundaries of their statutory jurisdiction (both in their capacity as police officers and private citizens) they exceeded their legal authority to arrest either defendant. Accordingly, and evidence acquired after defendants' arrests must be suppressed.

Wherefore, it is this 19th day of July, 1990, hereby

Ordered, that defendants' Motions to Suppress be, and hereby are granted in part. *It is further*

Ordered, that further proceedings shall be held on August 6, 1990, to consider what affect this Order will have on the viability of these cases.

ERIC H. HOLDER, JR.
Associate Judge.

statutory language in various situations (for example, to avoid absurd results; consequences that would be "plainly . . . inequitable"; and obvious injustice), *id.*, at 754, citations omitted, this Court concludes that in the instant case, it cannot appropriately invoke any of the above-referenced exceptions.

⁶As Judge Walton noted in *O'Brien*, *supra*, the court here is "not unmindful of the impact of this decision." The Court finds that that well-intentioned police officers responding to a serious situation acted in a manner they believed appropriate. The conduct here alleged is infinitely more serious than that found in *O'Brien* and the consequences of this Court's decision harder to explain to the officers and, most importantly, the alleged victims. The Court, however, is bound to interpret the law as codified by the legislative branch. It is, therefore, the legislature which must address the problem which the jurisdictional statutes have created.

[Superior Court of the District of Columbia, Criminal Division, T-1043-88]

UNITED STATES OF AMERICA v. PATRICK J. O'BRIEN

MEMORANDUM OPINION AND ORDER

I.

This matter is before the court on defendant's "Motion to Suppress Evidence" and the government's "Opposition" thereto. As grounds for the motion, defendant argues that the evidence acquired after his arrest should be suppressed because it was obtained by members of the United States Capitol Police (Capitol Police) who made the arrest without legal authority to do so. Upon consideration of the uncontested proffers of the parties as to the circumstances surrounding the arrest, and the statutes and case authority which govern the authority of members of the Capitol Police to make arrests, the court concludes for the following reasons that defendant's motion must be granted.

The parties agree that on February 6, 1988, defendant was observed operating his automobile in a reckless manner and was observed committing several other traffic violations. Defendant's vehicle was stopped by members of the Capitol Police at Third Street and Massachusetts Avenue, N.E., after the violations had been observed. The officers' observations and the arrest all occurred approximately one block from the grounds of the United States Capitol.

Following the stop, the officers detected a strong odor of alcohol on defendant's breath. They subsequently observed that his balance was swayed, and that his speech was mumbled and slurred. Defendant was also administered seven field sobriety tests and he failed all seven. Defendant was then placed under arrest, advised of his rights under the "Implied consent to blood-alcohol content . . . tests" statute, D.C. Code §40-502 (1981), and after consenting to the administering of two tests, registered on the tests blood alcohol levels of .22 and .23. Defendant is now before the court charged with driving while intoxicated—*per se*, D.C. Code §40-716(b)(1) (1981), and two traffic violations allegedly committed on the grounds of the United States Capitol.

II.

Defendant argues that the Capitol Police officers who stopped and arrested him, acted without legal authority to do so because the offenses the officers observed and his arrest, occurred outside the boundaries of the United States Capitol ground. D.C. Code §9-115 (1981) provides that:

"The Capitol Police shall police the United States Capitol Buildings and Grounds . . . and shall have the power . . . to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any state . . ."

Thus, §9-115 limits the authority of the Capitol Police to make arrests for violations of the law which occur in Capitol buildings or on Capitol grounds. However, in *Andersen v. United States*, 132 A.2d 155 (D.C.), *aff'd*, 102 U.S. App. D.C. 313, 253 F.2d 335 (1957), *cert. denied*, 357 U.S. 930 (1958), the jurisdictional power of the Capitol Police to make arrests was extended to the boundary streets of the United States Capitol grounds. The court held in *Andersen* that the Capitol Police have "jurisdiction to act upon [a] traffic tie-up on a boundary street [of the Capitol grounds and, therefore, have] the right to arrest . . . if . . . a misdemeanor [is committed] in their presence while they are so doing." *Id.* at 157. In 1981, Congress expanded the authority of

the Capitol Police to make arrests when members of the force are providing protection to "any member of Congress, officer of Congress . . . and any member of the immediate family of any such member or officer . . ." D.C. Code §9-115.1(a) (9187 Supp.). Pursuant to §9-115.1 (c): "members of the United States Capitol Police are authorized:

(1) To make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; . . ."

Sections 9-115, 9.115.(c) and the *Andersen* case set the parameters for when members of the Capitol Police can legally make arrests in their capacity as members of the force. Otherwise, when making arrests, members of the Capitol Police stand in the same shoes as ordinary civilians. *United States v. Foster*, 566 F. Supp. 1403, 1412 n. 9 (D.C.D.C. 1983). Civilian arrests are regulated by D.C. Code §23-582(b) (1981 & 1988 Supp.), which provides in pertinent part:

A private person may arrest another—
(1) who he has probable cause to believe is committing in his presence—
(A) a felony, or
(B) an offense enumerated in Section 23-581(a)(2) . . .

D.C. Code 23-581(a)(2) (1981 & 1988 Supp.), permits private citizens to make arrests only for assault, theft in the second degree, receiving stolen goods, unlawful entry, shoplifting and attempts to commit burglary, theft in the first degree, and unauthorized use of a motor vehicle.

None of the statutes listed above, nor the *Andersen* case which interpreted the predecessor statute of §9-115, D.C. Code §9-126 (1951),¹ authorizes an arrest for the conduct committed by defendant. The arrest here occurred one block from the Capitol grounds for several offenses allegedly committed at that location. Section 9-115, therefore, does not sanction the arrest. Not having been committed on a "boundary street", the *Andersen* decision also fails to provide support for the government's position. And, while the government represents that the officers who made the arrest were providing protection to a member of Congress and his family when they initially observed defendant's vehicle, §9-115.(c) does not sanction an arrest for a misdemeanor which is not a violation of the laws of the United States. Driving while intoxicated is a violation of the laws of the District of Columbia, and while the government has charged defendant with two violations of Capitol grounds traffic regulations, the arrest cannot be predicated on the traffic regulations since the violations were not committed on Capitol grounds as erroneously alleged by the government in the information filed with the court. Thus, §9-115.1(c) also fails to support the actions of the arresting officers. Finally, as private citizens, the officers could not lawfully arrest defendant because the arrest was not for a felony or for one of the misdemeanor offenses enumerated in §23-581(a)-(2).²

¹The arrest powers under the predecessor statute are substantially identical to the arrest powers granted to the Capitol Police under §9-115.

²Although the protection of the Fourth Amendment is not applicable to intrusions of an individual's rights when occasioned by private citizens, the Fourth Amendment does apply where private citizens act under the . . . *United States v. Lima*, 424 A.2d 113 (D.C. 1980). Here, the officers made the arrest because they were acting in the capacity of Capitol Police officers. Their conduct . . . therefore, circumscribed by the Fourth Amendment . . .

III.

Having concluded that defendant's arrest was illegal, the court must now decide whether any evidence in this case must be suppressed. To answer this question, the court must determine at which point the Fourth Amendment came into play. As already indicated, the officers observed defendant commit several traffic violations before his vehicle was stopped. When the officers approached defendant's car, they smelled a strong odor of alcohol on defendant's breath. Defendant was then required to exit his car and perform various field sobriety tests. Thereafter, he was administered several blood alcohol tests.

"An arrest [has been defined as] a restriction of the right of locomotion or a restraint of the person . . . [and] the term may be applied to any case where a person is taken into custody or restrained of his full liberty, or where detention of a person in custody is continued for even a short period of time."³ *Larkin v. United States*, 144 A.2d 100, 103 n.10 (D.C. 1958) (quoting *Price v. United States*, 119 A.2d 718, 719 (D.C. 1956) and *Long v. Ansell*, 63 App. D.C. 68, 71, 69 F.2d 386, 389 (1934)). The Supreme Court in *Terry v. Ohio*, 392 U.S. 1 (1968), carved out an exception which allows police officers to briefly detain a citizen when they have articulable suspicion to believe that a crime is, or is about to be committed, without the detention amounting to an arrest, which requires the existence of probable cause. Although in *Terry* the Court acknowledged that the Fourth Amendment is implicated "whenever a police officer accosts an individual and restrains his freedom to walk away", 392 U.S. at 16, it held that the governmental interests necessitating the brief . . . i.e., "effective crime prevention and detection" and "the need for law enforcement to protect themselves and others", outweighed the brief intrusion on *Terry's* Fourth Amendment rights. 392 U.S. at 22-24. However, this narrowly drawn exception only applies to brief stops effectuated by "police officers". *Terry*, 392 U.S. at 27.

In *United States v. Foster*, where a police officer employed by the Washington Metropolitan Area Transit Authority made a *Terry* stop outside the geographic limits of his jurisdiction, the court held that evidence acquired during the stop must be suppressed. 566 F. Supp. at 1412. The rationale for the court's holding was that

"[t]he concept of reasonableness embodied in the Fourth Amendment logically presupposes an exercise of lawful authority by a police officer. When a law enforcement official acts beyond his or her jurisdiction, the resulting deprivations of liberty is just as unreasonable as an arrest without probable cause."

Id. (citation omitted). This court agrees with the reasoning of the court in *Foster*. To conclude otherwise would amount to a judicial grant of authority not authorized by the legislature. This, the court cannot do.

The statutory limitations placed on members of the Capitol Police regulate their authority to act in a law enforcement capacity. When they act outside those limitations, they are not afforded the powers they otherwise possess as police officers. *United States v. Edelen*, 529 A.2d 774 (D.C. 1987); *District of Columbia v. Perry*, 215 A.2d 845 (D.C. 1966). Members of the Capitol Police, therefore, cannot make *Terry* stops, *Foster*, 566 F. Supp. at 1412, or arrests, *Perry*, 215 A.2d at 847, when they act beyond the scope of their statutory authority. When they do so, suppression of all evidence acquired as a result of the encounter must occur. *Edelen*, 529 A.2d at

783. *Schram v. District of Columbia*, 485 A.2d 623, 625 (D.C. 1984).

The stopping of defendant's car in this case was a sufficient restriction of his liberty to have Fourth Amendment implications. *Berkemer v. McCarty*, 468 U.S. 420 (1984). Thus, since the conduct the officers observed was not a violation of a law for which they had authority to make an arrest, and the encounter between defendant and the officers did not occur within the geographic boundaries of their jurisdiction, all evidence acquired as a result of the encounter, regardless of whether it is labeled as a stop or an arrest, must be suppressed. *Schram*, 485 A.2d at 625.³ Accordingly, the observations made by the officers following the stop, the results of the field sobriety tests and the blood alcohol results cannot be used by government in defendant's trial.⁴

WHEREFORE, it is on this 2nd day of September, 1988, hereby ORDERED that defendant's motion to suppress is granted.

Judge REGGIE B. WALTON.

The bill (S. 1766, was deemed to have been read a third time and passed, as follows:

S. 1766

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 "United States Capitol Police Jurisdiction Reform Act".

SEC. 2. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the

³The court is not unmindful of the potential impact of its ruling. Aware of the dangers drunk drivers create, the court appreciates that the arresting officers' actions may have very well saved someone from incurring serious bodily injury or even death. To restrict members of the Capitol Police in the future from acting as the officers did in this case could prove to be disastrous. Nevertheless, the court is bound to interpret statutes as drafted by the legislature. It is, therefore, the legislature which must address this problem and not the court by interpreting statutes in a manner inconsistent with the plain language of the controlling statutes.

⁴The government does not suggest that the results of the blood alcohol tests should not be suppressed because they are sufficiently attenuated from the taint of the illegal encounter, nor can they. Although defendant consented to the taking of the tests, the Court of Appeals in *United States v. Allen*, 436 A.2d 1303 (D.C. 1981) held that the defendant's consent to search his vehicle and a statement he subsequently gave about a gun found in the car following the administering of *Miranda* warnings, were insufficient intervening events "to attenuate the taint of [the] unconstitutional arrest. . .", where the consent and the warnings were given within four hours after the arrest and while the defendant was continuously in police custody. *Id.* at 1309-1310 (quoting *Dunaway v. New York*, 442 U.S. 200, 20 (1979)). The facts in *Allen* are indistinguishable from the facts in this case.

District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to observe warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have the power to make arrests within the area outside the United States Capitol Grounds described in subsection (c) of this section for any violations of law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Senate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject

if this subsection had not been enacted into law.

"(c)(1) The area referred to in subsection (a)(2) within which the Capitol Police have arrest authority under subsection (a)(2) of this section concurrent with that of the Metropolitan Police force of the District of Columbia is the following described area:

"That area outside of the United States Capitol Grounds which is bounded by the north curb of H Street from 3 Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

"(2) Except to the extent that this section confers on the Capitol Police jurisdiction concurrent with that of the Metropolitan Police force of the District of Columbia to make arrests within the area described in paragraph (1) of this subsection, nothing in this section shall be considered to affect or otherwise limit the jurisdiction of the Metropolitan Police force within the area described in paragraph (1) of this subsection."

(b) The authority granted by the amendments made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

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 a.m. Friday, September 27; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 10:15 a.m. with Senators permitted to speak therein, with the following Senators recognized to address the Senate in the order listed, if they are present: Senator BIDEN for up to 30 minutes, Senator WIRTH for up to 20 minutes, and Senator GORE for up to 20 minutes.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. FORD. Mr. President, if there be no further business to come before the Senate today, I ask unanimous consent the Senate stand in recess as under the previous order until 9 a.m. Friday, September 27.

There being no objection, the Senate, at 8:22 p.m., recessed until Friday, September 27, 1991, at 9 a.m.

CONFIRMATION

Executive Nomination Confirmed by the Senate September 26, 1991:

DEPARTMENT OF ENERGY

JOHN J. EASTON, JR., OF VERMONT, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY. THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

QUALITY IN AMERICA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues will take the time to read this article and recognize the strong link that exists between quality and success in the workplace.

[From National Productivity Review, Autumn 1991]

LET'S ELEVATE QUALITY ON OUR NATIONAL AGENDA

(By Congressman Don Ritter)

After more than three decades of near-abandonment by industry leaders, academe, government, and the professions, the importance of "making things" is finally once again being appreciated by our society. Manufacturing is experiencing a comeback that started in the 1980s, and quality improvement has been our manufacturers' single most important strategy. Indeed, quality as a revolution in work and managing work is key to gaining a competitive edge in today's global business environment. The main force behind Japan's success has been its almost forty-year commitment to continuous improvement and quality. Fine VCRs, compact discs, automobiles, and now high-definition TV did not happen by dumb luck in Japan. Quality principles originating in America and refined in Japan had a lot to do with it.

The perfect process spits out perfect products and services. That is revolutionary! This notion has been substantiated by a recently issued benchmark study from the General Accounting Office (GAO), "Management Practices—U.S. Companies Improve Performance through Quality Efforts." Almost two years ago, twenty-nine congressional colleagues and I asked the GAO to examine the impact of total quality management programs on the performance of U.S. Companies—focusing on things like productivity, profitability, market share, and other similar, tangible measures of how well they have done after implementing formal quality programs.

We asked GAO to do the study because we wanted to replace single company testimonials and anecdotes with facts. We wanted an objective, credible appraisal of the effectiveness of quality as the strategy of choice for regaining our nation's competitiveness. We wanted a documentation of the quality revolution that would be accessible to the public at large—not an expensive consultant's report out of reach to all but a few with highly specialized interests and sufficient funds to purchase it. We wanted a document for the public record that could give us hard numbers to use in developing legislation and formulating policy relating to quality's role in improving our competitiveness. In addition, we wanted something for the university community. Well aware of the need in that community for quantification, we wanted to feed this quantitative appetite with data that could be analyzed and digested and ultimately incorporated into the

engineering, business, and human resource curricula of the 1990s. We also wanted to provide a document that might stimulate serious academic inquiry into the quality revolution in American industry.

THE GAO STUDY

GAO began its study by interviewing many quality management experts from industry, professional societies, universities, and government agencies. Ultimately, the GAO relied on criteria from the Malcolm Baldrige Award, because many companies have used these criteria to establish quantifiable measures of their performance. To gather data for its study, the GAO then conducted numerous interviews with twenty of the twenty-two Baldrige Award finalists for 1988 and 1989.

The GAO focused its study efforts on four key operational areas that are common to all businesses: employee relations, operating procedures, customer satisfaction, and financial performance. To determine the effect of total quality in each of these broad areas, the GAO analyzed data indicating the firms' performance on discrete measurable indicators.

For example, in the area of employee relations, the GAO looked at (1) employee satisfaction as typically measured by periodic company surveys; (2) attendance; (3) employee turnover; (4) safety and health as measured by lost work days due to occupational causes; and (5) suggestions. The GAO found that companies participating in the study registered improvement in each of these employee-related areas after implementing formal total quality management (TQM) programs. There was a particularly large improvement noted in the number of suggestions submitted by employees, which increased at nearly a 17-percent compounded rate of growth.

Companies use numerous indicators to help them determine the effect of their quality programs on the quality and cost of their operations. These include reliability, timeliness of delivery, order-processing time, production errors, product lead time, inventory turnover, quality costs, and cost savings. The GAO found significant improvement in each of these areas for the companies studied. Especially improved was "order-processing time," which is the amount of time needed to respond to a customer's request. The average annual reduction in processing time was 12 percent. Not all companies interviewed by the GAO maintained records on the costs of quality; however, those that did found that they lowered such costs by 9 percent on an average annual basis. The costs of quality are those attributed to the costs of failures and defects—that is, lost profits, rework, and scrap, as well as the costs of trying to avoid failures and defects (in other words, the costs of inspection, testing, and training).

Another significant finding of the GAO study was that many companies have changed their traditional view that quality involves merely meeting technical specifications. The new view is that quality is a moving target defined by the customer, and firms must focus on meeting customer needs and expectations. To determine how well they are satisfying their customers, firms

use surveys and detailed records of customer complaints and customer retention. Overall customer satisfaction as measured in periodic surveys by firms participating in the GAO's study grew at an annual rate of 2.5 percent. Although this might seem modest, it actually conforms with the overriding Total Quality tenet of continuous improvement. It is not difficult to envision how a 2- to 3-percent rate of increase in customer satisfaction—if maintained—would begin to pay off in the marketplace within just a few years.

In fact, this is just what the GAO found in its fourth major category of business performance: finance and market share. Seven of the nine companies for which data were available increased their return on assets at an average annual rate of 1.3 percent. The GAO also noted that, in the few instances where measures of profitability did not increase, the profit decline was reversed. Another noticeable bottom-line improvement that the GAO found was in market share, which increased at an average annual rate of nearly 14 percent. Larger market share means a larger customer base, which normally helps sustain firms through inevitable economic downturns.

In summing up, the GAO report has helped substantiate what many of us who have been involved with quality over the last several years have intuitively understood. But it has gone an important step beyond confirming our intuitions. It has provided an objective assessment of the potency of the quality philosophy. It has given us ample statistical evidence that a strategy built around the principles of TQM can contribute substantially to a company's bottom line and long-term competitiveness.

SPREADING THE WORD ON QUALITY

It is essential that we do everything we can to help promote and propagate the important lessons in quality that the GAO report has so well documented and defined. And we must recognize that the principles of the quality philosophy can be applied with similar results in fields other than business and industry. To help elevate the concept of quality on our national agenda and extend the quality revolution, I recently introduced an amendment to the American Technology Preeminence Act that would create a National Quality Council. The council would consist of about twenty representatives from industry, labor, education, government, and other sectors of the U.S. economy. Federal government members of the council would include representatives from the Federal Quality Institute (FQI), the Department of Defense (DOD) and National Institute of Science and Technology (NIST). A fourth federal representative on the council would be rotated every two years among various civilian agencies. Among other things, the council would set national goals and priorities for quality in business, education, and government; conduct a White House conference on quality in the American workplace; and annually submit a report to the President and Congress on the nation's progress in meeting its quality goals. Of course, the council would also help maintain momentum for the quality revolution in

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America by keeping the public eye focused on the movement.

The proposed agenda and representation of the National Quality Council underscore my conviction that quality principles need to be extended to areas of the U.S. society and economy other than the corporate business world. One area that is increasingly turning to quality is government. Indeed, quality was the Defense Department's silent partner in the Persian Gulf. The extraordinary success of the United States demonstrated the progress that has already been made in improving government-related quality. Smart bombs, Patriot missiles, Stealth fighters, F-15Es, spy satellites, robust communications systems, and a highly responsive logistical system were staffed by a dedicated, well-trained, all-volunteer force structure and led as a team by an exceptionally competent cadre of officers.

On the civilian side, the FQI recently sponsored its fourth annual quality conference in Washington, DC. The conference was designed to help federal managers stay abreast of the latest quality methods. The federal government's high-quality organizations were honored at the conference and shared their award-winning quality approaches with conference participants. Meanwhile, the federal government's single most important quality program remains the Malcolm Baldrige National Quality Award. Emphasis on the Baldrige Award in American industry has been truly phenomenal and has exceeded practically everyone's most optimistic expectations.

Still, there is so much more that needs to be done to implement the quality philosophy in government. Too often "the system" is stacked against quality. Many experts put the cost of poor quality at about 25 percent of all costs in U.S. service industries, and it seems safe to assume that the cost of poor quality in government is at least that high. This means that the cost of finding, fixing, and preventing errors in government products and services may well exceed \$250 billion. That equals about 80 percent of the U.S. national defense budget!

One way the federal government could help broaden the quality effort nationwide is through its procurement and purchasing policies. The federal government is the nation's single largest buyer of goods and services. By establishing high-quality standards and working closely with its suppliers, the government could encourage the incorporation of quality programs in firms representing a vast cross section of the U.S. economy. In addition, Congress could encourage government agencies to adopt or extend quality programs through the federal agency budget authorization and appropriation process. If properly wielded, Congress's power over agency purse-strings could give a real boost to broadening incipient, struggling quality programs in the government agencies.

A federal government that applies quality principles to its external procurement and internally practices TQM could have extraordinarily positive effects on the economy and its manufacturing and service industries. Health, education, environmental protection, and so much else in America could benefit. Congress must figure out how to reward federal agencies and employees for quality, not set up obstacle courses for federal employees and contractors with conditions painfully opposite to implementing quality. Too many times Congress is the culprit—creating absurd guidelines or rules that are, at the least, dispiriting to federal employees or contractors, and at the worst, downright counterproductive.

The area most in need of prodding, however, may well be education. It is ironic that while education is the sector that is slowest to embrace the quality movement, it is the main supplier to all the sectors of the economy. We need vastly expanded teaching of quality, and we must bring quality principles to the process of education itself. The American education system is proving to be obsolete in preparing the nation for global competition. And U.S. businesses often are stuck paying huge sums to educate and reeducate employees. Basic education in America, especially reading, writing, and mathematics, must be improved. We also need considerably greater emphasis on scientific and technical literacy. Clearly, we cannot address national competitiveness properly without addressing education quality.

The federal government could help encourage the adoption of quality methods in education in several ways. For example, through its contracts and grants, government could allocate its support to those universities and faculty members that develop quality education programs, incorporate quality principles into their course curricula, or promote and practice quality principles within their own institutions. The government might even want to consider Baldrige-style awards for public schools and universities. If such awards proved to be even a fraction as successful as the Baldrige program has been for corporate America, it would still help bring about much positive and sorely needed improvement in education.

Finally, to compete effectively in the world market, we must find more ways to work together as a team toward common goals with common means. That means fostering the growth of dynamic local and regional movements to accelerate broad acceptance of quality improvement. For example, Pennsylvania's Lehigh Valley is one of the most manufacturing-intensive congressional districts in the United States. In the mid-1980s the Lehigh Valley was hit with some of the world's most aggressive manufacturing companies. In response, a group of CEOs and I led an ambitious effort to bring together a core group of industry and education leaders who strongly believe in quality principles. Ultimately, a new "Quality Valley, USA" campaign was launched. The goal of that campaign is to improve the valley's business climate, government, education, communities, and individuals. Elected officials who do likewise and help lead the way to quality in their districts ultimately will lead the nation.

The benefits of quality are clear. If we are to get our economic house in order, upgrade our standard of living, and stop surrendering control of our jobs to other nations, we need nothing less than a national commitment to a culture of quality. Only with business, labor, education, and government working together can we promote a true culture of quality.

THE UNITED STATES SHOULD SUPPORT PEACEFUL SELF-DETERMINATION IN YUGOSLAVIA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. KOLTER. Mr. Speaker, it was 215 years ago that our forefathers here in America declared their independence and wrote:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

It is my understanding that in 1776, the first European government to recognize the United States was the tiny Croatian democratic Republic of Raqusa, now known as Dubrovnik. I look forward to the day soon when I will be able to vote to support the concept of the United States recognition of Croatia and Slovenia.

Now, in 1991, it is time for the policy of the United States to be on the right side of history, supporting the will of the people and supporting peaceful self-determination of all the people in Yugoslavia. It is time for the United States to face the reality that Communist Federal Yugoslavia no longer exists.

It is time for the United States to stand with those who seek freedom and democracy, not with those who practice repression, aggression, destruction, and terror.

I know that President Franjo Tudjman and his Republic of Croatia had begun to build a Croatian society that is based on political and economic freedom, respect for human rights, protection of individual liberties, and an independent judiciary. However, while the people of Croatia prepared for democracy and a free-market society, others planned and prepared for a war.

It is a tragedy that while the Croatians, Albanians, Slovenians and others have moved toward freedom, a free-market society, democracy and self-determination, certain elements—mainly the Communist-controlled federal army—have waged a war of repression, tyranny, and destruction to counter these legitimate democratic aspirations of the various people of Yugoslavia.

We, in the United States, should step forward to speak loud and clear that the new world order does not reward those who seek to change borders by force and aggression. In the face of this continuous threat from Communist aggression, the United States should consider severing ties with the Yugoslavian Government now being run by Communist generals.

The Communist Milosevic misinformation and propaganda machine would have you believe this crisis is an ethnic conflict and one of the Serbians defending their homeland. It is a fact that in the counties of eastern Croatia known as Slavonia where most of the ferocious fighting had occurred, there is not one county with a plurality or majority of Serbians. However, there are oil fields, rich agricultural lands, and key transportation cities that the Communist aggressors seek to conquer and control.

A short time ago, a group of hard lined Communists formed a coup to take over the Government of the U.S.S.R. Communist Defense Minister General Veljko Kadijevic traveled to Moscow to visit fellow Communist General Yazov to give support for this right-wing coup. He offered his support to his Communist counterpart and, at the same time, asked to buy more weapons for Yugoslavia's

Federal Army. Shortly thereafter, the Governments of Iraq, Libya, Cuba, and Communists in Yugoslavia expressed support for the right-wing coup in the Soviet Union.

Let me stress—and let none of us forget—that this crisis in Yugoslavia is a power struggle between freedom-seeking, democratically elected governments against leftover Communist rulers and generals bent upon keeping Yugoslavia together by force, death, and destruction. There is only one Communist-controlled army left in Eastern Europe and as we all know it is in Yugoslavia. Bolshevism's last grasp in Yugoslavia must not be allowed to create disorder and aggression as the means to decide borders and settle disputes.

It is a great human tragedy that the international and European Community has not found a way to stop or slow a Communist-controlled federal army siding with terrorists to wage war and not maintain peace. We need to strongly condemn the actions of these Communist generals directing the federal army occupying Croatia that attacked Slovenia, and who occupy and wage war all over Croatia and who maintain the apartheid in Kosova.

The United States—like the Europeans—will have to make a choice soon. Will we continue to look the other way while the Communist rulers in Belgrade and the Communist-controlled federal army attempt to use force to hold Yugoslavia together or will we step forward to support real efforts for peace?

It is a crime against humanity that terrorists are allowed to ravage the countryside in Croatia, oppressing the masses in Kosova while the Communist-controlled army protects and aids these terrorists. I have cosponsored H.R. 205, which I hope the House of Representatives will pass soon which pure and simply says that the United States supports a peaceful resolution and the democratic aspirations of all peoples in Yugoslavia.

The United States policy toward Yugoslavia and its eight constituent republics and provinces should be based solely on the support of five unwavering principles:

- (1) Democracy;
- (2) Peaceful resolution of disputes;
- (3) Respect for human rights;
- (4) Establishment of a free-market society; and
- (5) Peaceful pursuit of the self-determination aspirations of all nationalities in Yugoslavia.

As of last week, the fourth European Community cease-fire failed. This week, still another cease-fire has been invoked. If the European Community does not find a way to create a lasting cease-fire and truce which leads to a peaceful resolution to this crisis, then the United States should ask the United Nations to send in peacekeeping troops to ensure peace and stop the death and destruction of the Communist-controlled federal army has allowed. Clearly, there is justification on humanitarian grounds and because of the flagrant violation of international law by the Communist-controlled federal army.

I strongly suggest that the United States seek a leadership role backing the movement to involve the United Nations to stop this war. If it will take peacekeeping troops to bring lasting peace, then that option should be discussed. The Communist-controlled federal army may have the planes, the bombs, and

the tanks—yet the history of humanity knows that freedom, democracy, and self-determination will all prevail over communism and aggression.

John F. Kennedy once said:

*** Wherever freedom exists, there we are all committed—and whenever it is in danger, there we are all in danger.

We must not let the dark forces of rules like Saddam Hussein and Slobodan Milosevic use force and aggression to change borders because then we are all endangered. The new world order should reward those who seek solutions through peaceful negotiations and democratically elected governments. The only priority acceptable to American principles and interests should be the priority of freedom.

TRIBUTE TO HON. DEBORAH SERVITTO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. BONIOR. Mr. Speaker, I am very pleased to join the Southeast Michigan Chapter of the March of Dimes Birth Defects Foundation in honoring Macomb County Circuit Court Judge Deborah Servitto as the "Alexander Macomb Citizen of the Year."

The battle to prevent birth defects is a responsibility we all share. Judge Servitto's long record of distinguished community service has proved her to be a leader in this important fight. Her personal dedication, professional integrity, and, above all, deep sense of compassion give us hope that we will soon find a way to prevent birth defects.

On this special occasion, Mr. Speaker, I ask that my colleagues join me in saluting Judge Deborah Servitto for her fine record of accomplishment and service to our community.

INTRODUCTION OF THE INTER- NATIONAL DEVELOPMENT, TRADE, AND FINANCE ACT OF 1991

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Ms. OAKAR. Mr. Speaker, I am introducing today a composite bill entitled the "International Development, Trade and Finance Act of 1991," which represents the results of the markup held yesterday (September 25) by the Subcommittee on International Development, Trade, Finance and Monetary Policy of the Committee on Banking.

The bill contains authorizations of capital increases to support five international financial institutions as proposed by the administration. In addition the bill contains major initiatives on the following subjects—

Reduction of poverty and economic and social barriers in developing countries,

Advancing the process of debt and debt service reduction,

Elevating environmental considerations at the International Monetary Fund,

Directing the United States to join the World Bank's global environmental facility and authorizing the necessary contribution,

Mandating a followup report on the environmental programs contained in the subcommittee's 1989 bill (Public Law 101-240),

Advocating a program of Energy efficiency that can conserve hundreds of billions of dollars of development lenders and developing nations,

Strengthening the programs and administration of the Export-Import Bank as a prime instrument of promoting American exports and other U.S. foreign economic policy goals,

Providing substantial new tools for better evaluation and management of all of the multinational financial institutions, including wider cooperation between them at all levels, increased publication of their economic reviews, enhanced statistical programs for both lending institutions and borrowers, establishment of offices of inspectors general at each institution to improve efficiency, and detect and investigate fraud, waste and abuse.

A series of provisions added by Members at yesterday's markup on such matters as including the International Monetary Fund within prevailing human rights standards, prohibiting the Export-Import Bank from financing sales of military articles, and making possible increased American business with Eastern Europe, the Baltic States, and the Soviet Union.

As a result of the subcommittee's further efforts, many of these provisions have also been made a part of conference report being developed as to the Foreign Aid Authorization Bill.

So at this point, I would like the record to reflect how proud I am of our subcommittee members. We have conducted eight hearings and five briefings on international financial matters since January, and it has been obvious that Members have conscientiously addressed the responsibilities and opportunities presented by U.S. participation in multinational financial institutions and the increasing global context of vital American economic and political interests. As one example, according to the administration, 40 percent of U.S. economic growth in 1990 was accounted for by U.S. export trade, which also supports more than 7 million American jobs. Our provisions will materially strengthen institutions and programs that have proven effective in opening and expanding markets for U.S. products and services.

I want to thank my subcommittee for its work in producing this major piece of legislation.

What the future holds for the foreign aid authorization bill, we cannot be sure. However, whatever happens, we can derive satisfaction from the fact that our subcommittee is fulfilling its responsibilities, including the very credible bill that we are now introducing.

A TRIBUTE TO CURTIS HAMMOND

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. TRAXLER. Mr. Speaker, I rise today to pay tribute to Curtis Hammond, of Bay City, MI, who received the Pilgrim Degree of Merit

on May 26, 1991 at Mooseheart, IL. The Pilgrim Degree is the highest and most coveted degree of the Loyal Order of Moose and is conferred on only 1 in 6,500 Moose members each year who have compiled an outstanding record of meritorious service over a period of many years. I am very proud that such a significant honor has been bestowed on Curt, a Brother Moose.

On Saturday, September 28, 1991, Lodge No. 169, Curt's home lodge, will sponsor the Pilgrim presentation ceremony, a colorful ritual in which he will be invested and presented with the traditional gold jacket, tie, and lapel pin. This regalia can be worn at any authorized Moose function.

Curt joined the Loyal Order of Moose in April 1959 and moved on to the second degree, the Legion of the Moose in 1967. During his 32 years of membership, he has served on most committees, has held several lodge offices, including governor and has served in all offices of the Legion. He has held all offices in District 13, ending with the presidency in 1984. Curt's recruiting zeal has earned him the membership in the "25" Club, having signed over 100 new members to date. His leadership and service to the philanthropic programs of the order earned Curt the Fellowship Degree, which was presented to him at the 1970 International Convention in Chicago.

Curt's untiring efforts extend beyond the realm of the Moose. His community activities include Red Cross CPR instructor, volunteer fireman in Essexville for 11 years, board member of the Michigan Licensed Beverage Association and the TIPS trainer; and memberships in the Consistory and Elf Khurafah.

Members of the fellowship degree and the Pilgrim Degree of Merit are recognized throughout the Moose domain as fraternal leaders and have earned the respect of their Brother Moose by their meritorious service to the order. Curtis Hammond has certainly displayed this kind of dedication and devotion and is most deserving of the honor and recognition bestowed on him. Please join me in extending congratulations and best wishes to Curtis Hammond on this joyous occasion.

THE LAND OF THE FREE, UNTIL
YOU GO TO WORK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. CLAY. Mr. Speaker, the American Civil Liberties Union [ACLU] has recently released an informative report regarding conditions of employment and how they relate to basic rights. It has always been my belief that principles embodied in the Bill of Rights, protecting free speech, due process, privacy, and equal protection, have application far beyond the relationship of citizens to their government. In fact, I have always thought of these principles as a secular restatement of the Christian ethic, principles that embody basic human rights, not simply civil rights. A general respect for the views of others, a desire to treat others as you would be treated, not only serves to enhance the quality of life, but re-enforces the

security of our political liberties. Regrettably, as the ACLU report makes clear, we have much to do if the principles of democracy are to be extended to the workplace. I am enclosing a summary of the ACLU report for the benefit of my colleagues and commend it to your attention.

A CALL TO ACTION FOR CIVIL LIBERTIES IN THE
WORKPLACE

This year, America celebrates the 200th anniversary of the Bill of Rights. This is a birthday truly worth celebrating. America has achieved a standard of individual freedom that is the envy of the world.

But while we celebrate the Bill of Rights' anniversary, we continue to enjoy few of the document's precious protections while at work. When most employees report for work, they lose their freedom of speech. In most companies, employees can be fired for expressing opinions about politics, company policies, and working conditions either on the job or off. They lose their rights to privacy as well. Employers routinely listen in on workers' telephone calls, spy on them while they are working, and require them to submit urine samples for analysis, often under conditions that amount to a strip search.

And under the employment at will doctrine, which governs most working arrangements in this country, employees' rights to due process are almost nonexistent. Employers can fire their workers without notice at any time for any reason, or for no reason at all. More than 150,000 people are fired every year without cause.

Employers cite economic necessity as justification for denying civil liberties in the workplace. But the success of companies with progressive personnel policies demonstrates that people work harder and more productively in environments where their rights are respected. America's two biggest economic competitors, Germany and Japan, long ago enacted laws to protect employees' rights.

The American Civil Liberties Union recently released a comprehensive report on the state of civil liberties in the American workplace. Their findings are very sobering.

FREE SPEECH

Freedom of speech is our most cherished right, but there is no right to free speech in the workplace. Employees can be fired for questioning company policy on the job, even if they follow it to the letter. Employees can also be fired for off-duty political behavior having no connection with their jobs, even if they follow it to the letter. Employees can also be fired for off-duty political behavior having no connection with their jobs. While several states have passed laws protecting the right to vote as you choose without employer coercion, all other political activity is virtually unprotected. Employees can be fired for attending a rally of the Ku Klux Klan, or for not attending such a rally. Employers can legally fire their workers for expressing any opinion.

PRIVACY

None of the following types of privacy is now protected:

Informational privacy: Employers may force workers and job applicants to take invasive questionnaires in which they must reveal intimate information about their sex lives and bathroom habits as a condition of employment.

Wiretapping: Federal law prohibits government and private employers from monitoring employees' personal telephone calls. But

the law allows employers to monitor calls "in the ordinary course of business," which means that employers may listen to any of their workers' business-related calls. And because employers are not required to give notice that they are monitoring a call, there is little chance that an employee would know that a personal call was being monitored illegally.

Computer monitoring: More than 50 million Americans use computers at work. These computers can be programmed to allow employers to monitor workers' behavior and job performance. Computers can tell an employer how long workers take to complete tasks, how many keystrokes employees make each hour, even how many times they go to the bathroom.

Audio/video surveillance: The incidence of hidden cameras or microphones is unknown because their use comes to light only when employees accidentally discover them. In Maryland, nurses discovered in their locker room a hidden camera that was being monitored by male guards. Courts in most states have upheld employees' right to sue for extremely egregious invasions of privacy. But it is still unclear whether audio/video surveillance falls into that category.

Physical searches

Some employers routinely search their employees.

Spies

Increasingly, employers are hiring undercover agents to pose as employees and report to management on workers' activities. There are no protections against this practice for public or private sector employees.

DUE PROCESS

The concept of due process is central to our system of justice. It guarantees the rule of law, and the right to an impartial trial if a person is suspected of breaking the rules. In the workplace, however, the employment at will doctrine contradicts the notion of due process. It allows employers to fire their workers at any time for any reason, or for no reason at all. In fact, employees' lack of due process rights means that they must submit to all other violations of civil liberties or fear losing their jobs.

There are a few exceptions to the employment at will doctrine. Federal statutes like the Jury Duty Act and the Clean Air Act prohibit retaliation against employees for exercising certain rights. In addition, almost all union members are protected by collective bargaining agreements that prevent them from being fired without just cause. And a very small number of senior executives have employment contracts against unjust dismissal. However, all of these exceptions provide little protection to the more than 60 million private sector workers whose employment situations remain governed by employment at will.

EQUAL PROTECTION

Federal law has prevented employers from making personnel decisions on the basis of race, religion, nationality, sex, age, or handicap. But many employers continue to discriminate against lesbians and gay men, as well as the overweight. Advances in genetic research will soon make it possible for employers to identify individuals who will eventually contract certain diseases. Since these diseases cost thousands of dollars in medical care, employers will have financial incentive to discriminate against those prone to affliction.

CONTROL OF OFF-DUTY BEHAVIOR

Employers have recently started broadening the sphere of their control to include

what employees do in their own homes. Almost half of American employers require their employees to submit to urinalysis testing to determine if they have been taking drugs. The tests don't measure on-the-job impairment, however. They only measure previous use of a legal or illegal drug. In fact, most available evidence suggests that recreational use of legal or illegal drugs at home does not render people drug dependent or affect their work.

Other employers refuse to hire people who smoke tobacco, and even fire current employees who refuse to quit smoking. The employer's motivation, to reduce health care costs, is understandable, but leads eventually to complete domination of workers' lives. The ACLU has already received its first complaint about an employer using a cholesterol test as a pre-employment screen.

There are two limited exceptions to this bleak picture. Government employees enjoy somewhat greater protection than just described. But even their rights are inadequate. Union members generally enjoy much greater protection. But only 16 percent of American employees belong to unions—and this percentage has been declining for years. Federal laws provide protection against some forms of discrimination, and patchwork of state laws provide some protections for some workers in some states, but for the most part, private sector employees have almost no civil liberties once they go to work.

RECOMMENDATIONS

Legislation provides the most effective solution to the denial of civil liberties in the workplace. Other workplace issues, like racial and gender discrimination, have been successfully remedied through legislation. Three statutes are needed.

(1) Privacy protection

A comprehensive workplace privacy statute is needed to limit computer surveillance, telephone monitoring, searches, invasive testing, audio/video surveillance, and invasive questionnaires. Included in the privacy statute should be provisions stipulating that:

All surveillance, testing, and searches must be directed toward information that is demonstrably related to job performance;

Any search for evidence of misconduct must be supported by a reasonable suspicion that such evidence will be found;

Electronic monitoring of job performance must be accompanied by a simultaneous signal that such monitoring is taking place;

All searches must be carried out in the least intrusive manner possible.

(2) Equality protection

Employers must base all personnel decisions only on factors related to job performance. Discrimination based on appearance, lifestyle, political activity, health, sexual orientation, or factors unrelated to job performance would be prohibited, just as religious, racial, and gender discrimination are today.

(3) Wrongful discharge protection

The practice of employment at will must be abandoned and replaced with a statute that protects all employees from unjust discharge.

The statute should include the following three basic components.

Employees can be terminated only for "just cause."

Just cause means either (a) a good faith belief by the employer that business circumstances require termination of the em-

ployee's position; or (b) the employee's failure to produce an adequate quantity or quality of work, or to follow rules of workplace conduct.

Employees who believe they have been fired unjustly have the right to appeal to binding arbitration. The cost to the employee of such proceedings shall be only a filing fee to discourage frivolous complaints.

I am happy to announce that the American Civil Liberties Union has created a National Task Force whose goal is to extend the blessings of the Bill of Rights into the working lives of all Americans. Americans do not want to lose their rights when they go to work. I call upon my colleagues who believe in the Bill of Rights to work with us to create the legislation that is needed to achieve this goal.

MICHIGAN CONGRESSIONAL DELEGATION HONORS ERNIE HARWELL AND PAUL CAREY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. KILDEE. Mr. Speaker, on behalf of Congressman JOHN DINGELL, Congressman WILLIAM BROOMFIELD, Congressman GUY VANDER JAGT, Congressman WILLIAM FORD, Congressman JOHN CONYERS, JR., Congressman BOB TRAXLER, Congressman DAVID BONIOR, Congressman CARL PURSELL, Congressman ROBERT DAVIS, Congressman BOB CARR, Congressman PAUL HENRY, Congressman DENNIS HERTEL, Congressman SANDER LEVIN, Congressman FRED UPTON, Congressman DAVE CAMP, Congresswoman BARBARA ROSE-COLINS, I want to rise today in the U.S. House of Representatives to pay tribute to two of the true legends in the game of baseball—the voices of the Detroit Tigers—Ernie Harwell and Paul Carey.

Mr. Speaker, since 1973, both Ernie and Paul, as they are affectionately known, have worked together in the radio booth, providing Tiger fans with exciting play-by-play and commentary. They are well-known and well-loved throughout the broadcasting world, and their voices have become synonymous with the game of baseball. Many Michiganites would tell you that they grew up listening to the voices of Ernie and Paul. We all remember the excitement of a new season as the sound of Ernie's voice came over the radio as he repeated the opening day poem. And we also remember Paul Carey's great insights, and his comprehensive baseball wrap-up after the game had ended.

Mr. Speaker, we in Michigan have considered ourselves extremely fortunate to have two outstanding broadcasters announce the games of our beloved Tigers. Over the years, they have provided us with very special moments. Through World Championships and tight pennant races, through tough losses and one-run victories, Ernie and Paul have been great announcers, and friends to us all. We will all sorely miss Ernie and Paul, but we are grateful that we have had the opportunity to share in a part of their lives.

Mr. William Earnest Harwell came to the Detroit Tigers in 1960 after having worked as

a broadcaster for 6 years with the Baltimore Orioles, 4 years with the New York Giants, and 2 years with the Brooklyn Dodgers. It was in 1951 that Ernie was the announcer for the "shot heard around the world"—Bobby Thompson's famous playoff home run. This was the first coast-to-coast telecast of a major sporting event in baseball. As Bobby Thompson's home run sailed into the stands, Ernie, in his classical style, simply said "it's gone," and let the roar of the crowd tell the story.

Throughout his career, Ernie has been recognized by his peers as one of America's great baseball announcers. In 1985, Sports Illustrated selected Ernie as their radio voice for their all-time dream baseball team. He was named Michiganian of the Year by the Detroit News, as well as National Sportscaster of the Year 12 times by the National Sportscasters Hall of Fame. In 1989, Ernie was inducted into the National Sportscasters Hall of Fame by a unanimous vote. And in August of 1981, Ernie was bestowed the great honor of being inducted into the Baseball Hall of Fame in Cooperstown, NY. Ernie Harwell was the first active announcer ever to receive such a high honor.

He was also the only announcer in baseball history to be traded for a player. In the late 1940's, the Brooklyn Dodgers were in desperate need of an announcer, and they wanted to hire Ernie who was announcing the Atlanta Crackers games at the time. Coincidentally, the Atlanta team needed a catcher. So in one of the stranger transactions in baseball, the deal was made. Frankly, we think Brooklyn got the better end of the deal.

However, broadcasting is not Ernie's only claim to fame, he is also an acclaimed writer, having written for the Saturday Evening Post, Esquire, Parade, and Reader's Digest. He is also an author of his autobiography, *Tuned to Baseball*, which was a best-seller and won critical acclaim. Few people know about Ernie's other accomplishments, such as his contributions to the American music scene. He has written over 50 songs that have been recorded by such respected artists as B.J. Thomas, Mitch Ryder, Barbara Lewis, Lee Talboys, and Homer and Jethro.

Paul Carey came to work for the Tigers in 1973 after working for more than 21 years in broadcasting. After graduating from Michigan State University in 1950, he spent 2 years in the Army serving our country in West Germany. Soon after returning to the United States, Paul got his first job at the WJR radio station where he became a staff announcer. Two years later, Paul was named assistant sports director. During this time, Paul was involved in covering the Big Ten sports scene, production of the Detroit Tigers baseball games, and play-by-play for the Detroit Pistons basketball team.

Paul is also greatly respected by his peers in the broadcasting field. He has been regional chairman of the Associated Press all-state football and basketball selection panels since 1962. His outstanding work has been honored by many and in both 1970 and 1971, he was honored by his peers as he was voted Michigan Sportscaster of the Year in a poll of sportswriters and sportscasters. For several years, thousands of Michiganites tuned to

WJR to listen to Paul's review of the scores of high school football and basketball games.

During the Detroit Tigers broadcasts, we could always count on Paul to provide us with key insights to the complexities of the game, and his knowledge of the game of baseball is second to none. When the game was over, we all looked forward to listening to Paul's post-game show, where he did an excellent job of describing the day's action.

Mr. Speaker, we are all indeed sad with the departure of these two fine men, and both the Detroit Tigers and State of Michigan will lose the voices that brought grace and pleasure to America's favorite pastime for millions of fans nationwide. We want to wish Ernie, Paul, and their families, the best of health and happiness in the future. As they leave the radio booth, the memories they have given us will live forever in our hearts.

A TRIBUTE TO SS. CYRIL AND
METHODIUS CATHOLIC CHURCH

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. KOLTER. Mr. Speaker, today I rise with a great deal of pride to salute and honor SS. Cyril and Methodius Catholic Church located in New Brighton, PA. This October, they are celebrating the 75th anniversary of their parish. His Excellency, Bishop Donald Wuerl will be conducting a Mass of Thanksgiving in honor of this occasion.

The church was originally founded on October 1, 1916 with Rev. Ignatius S. Herkel serving as pastor. Because of the vast number of people of Croatian and Slovenian descent, a special Mass was offered in their native language every Sunday. In 1926, SS. Cyril and Methodius Parochial School was opened with 230 children in attendance. Later, in 1928, a Convent was added to house the Sisters who taught the children.

During the depression, the church had experienced financial difficulty and the school had to be closed. However, when times got better, in the 1950's, the parish began to think of a new place to worship. On September 14, 1957, Bishop John F. Dearden dedicated a new church with a seating capacity of 420 people. Even though the school was not able to re-open because of the shortage of Sisters, the school rooms were used for Saturday morning catechism classes. On April 5, 1964, the parish celebrated the burning of the church mortgage and the following year was financially able to build a social hall.

Until his retirement on June 10, 1991, Father Albert Marconyak served as pastor for over 30 years, longer than any of his predecessors. His replacement is Father John A. Geinzer, now serving as administrator.

Mr. Speaker, I know that you join me in saluting the long and proud history of SS. Cyril and Methodius Church. In addition, we all wish a very blessed future for this fine parish.

TRIBUTE TO JOHN CARLO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. BONIOR. Mr. Speaker, today, September 25, 1991, the Southeast Michigan Chapter of the March of Dimes Birth Defects Foundation is honoring John Carlo—a man whose dedication to the prevention of birth defects has earned him the Alexander Macomb Citizen of the Year Award.

We who live in and around Macomb County are very grateful for John Carlo's leadership and deeply appreciate his important contributions to our community. He unflinchingly gives his time and effort to our most important concerns and can always be counted on when there is a need for charity. By any account, his commitment to excellence is an inspiration to us all.

Mr. Speaker, because of the tireless hard work and determination of people like John Carlo, we have taken long and meaningful strides toward our common hope of preventing birth defects. I ask my colleagues to join me in recognizing his fine accomplishments.

MEMORIAL FOR LANETTE S.
FLOWER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Ms. OAKAR. Mr. Speaker, one of Cleveland's finest citizens, Lanette Flower, has passed away. She was a person of great quality. Her husband, Dr. John Flower, recently retired as president of Cleveland State University. He did an outstanding job. His wife was always by his side.

The following is the article which memorialized her life:

LANETTE S. FLOWER, 62, WIFE OF CSU
PRESIDENT

Lanette S. Flower was chief referee of the Domestic Relations Division of Cuyahoga County Common Pleas Court and wife of Cleveland State University President John A. Flower.

Born Lanette Sheaffer in Reading, Pa., she attended Mary Washington College of the University of Virginia and received a bachelor's degree in music in 1951 from the University of Michigan.

Nearly 20 years later, after raising a family, she returned to school to pursue a degree in law. She graduated from the University of Akron School of Law in 1971.

Mrs. Flower, 62, died Tuesday. She had cancer.

As first lady of Cleveland State University, she was a role model to women returning to school after years at home or in the work force. During an International Women's Day program in 1990, she was honored by the CSU community as "an urbane woman who has played a multiplicity of roles with grace and fortitude" and as a woman who "enhances the public image of the university."

At this year's International Women's Program, she again was singled out for special recognition. Mareyjoyce Green, CSU interim

vice president for minority affairs and human relations, called Mrs. Flower's life "a required textbook example" for all women.

"Lanette Flower is a re-entry woman, a professional woman, a community person, a university stalwart, a wife and a mother," said Green.

"She has performed the juggling act, and has shared herself unselfishly and unstintingly with grace and elegance."

Mrs. Flower met her future husband at the University of Michigan School of Music. They were married in 1951.

The couple spent their first 16 years of marriage in Ann Arbor, where their daughter, Jill, and son, John, were born. In addition to being a wife and mother, Mrs. Flower was self-employed as a private music teacher, worked for four years in the University of Michigan School of Music library, and served the university and Ann Arbor communities in a number of volunteer positions.

In 1966, Flower joined the administration at Kent State University and the family moved to Ohio. Upon earning her law degree, Mrs. Flower was hired by the Summit County Legal Aid Society to establish a domestic relations department dealing with divorce and custody cases.

After four years with the Summit County Legal Aid Society and a short time in private practice, she accepted a job as a court referee in the Cuyahoga County Common Pleas Court in 1976.

Mrs. Flower had been chief referee since 1981. A referee hears cases and makes recommendations to judges.

Mrs. Flower was a member of Delta Gamma, Mu Phi Epsilon and Phi Alpha Delta, and was active in university and Cleveland-area events.

Her husband recently announced he would step down as CSU president when a successor is named.

Besides her husband, she is survived by her son, John A., III, a manager with AT&T Germany in Frankfurt, and her daughter, Dr. Jill Flower, a psychologist in Minneapolis.

The funeral will be private but a memorial service will be held at 4 p.m. Oct. 4 in the Waetjen Auditorium of the CSU Music and Communications Building, 2001 Euclid Ave.

TRIBUTE TO THE FRANKENMUTH
OKTOBERFEST

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. TRAXLER. Mr. Speaker, I rise to inform my colleagues of the second annual Frankenmuth Oktoberfest during October 11-13 in Frankenmuth, MI, which is located in my district. These fine people hold this celebration in honor of the reunification of East and West Germany. I commend the wonderful citizens of Frankenmuth who have for the past 146 years continued to appreciate and nurture their German heritage.

The community of Frankenmuth was founded by immigrants from the Franken area of Germany in 1845. Today, the heritage of the Frankenmuth community is maintained through language instruction in our schools, through promotion of Bavarian-style architecture in our buildings, through cultural exchanges sponsored by the city's Sister City Committee, and through activities and events.

Let me tell you about the fineness of Michigan's "Little Bavaria," Frankenmuth. It is a town of 4,408 residents, and it attracts 3 million tourists every year, making it the No. 1 visitor attraction in Michigan. The draw is the Bavarian architecture, the Bavarian Inn and Zehnder's Restaurants, the Frankenmuth Brewery, and Bronner's year-round Christmas wonderland.

The Oktoberfest celebration will include German music and food. A special treat during Oktoberfest is a personal appearance by "De Jodeler Franzl." Franzl is from Zillertal and will be appearing in Frankenmuth during his North American musical tour. I invite my colleagues to come to Frankenmuth, MI, to participate in the Oktoberfest activities. I salute my Michigan neighbors of Frankenmuth for their pride and loyalty to their German heritage.

CENSUS PROCESS DEMANDS CONGRESSIONAL OVERSIGHT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. CLAY. Mr. Speaker, yesterday the Committee on Post Office and Civil Service considered and reported favorably H.R. 3280, a bill to provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters. The Decennial Census Improvement Act of 1991, has been introduced by the distinguished chairman of the Subcommittee on Census and Population, Mr. SAWYER. It directs the Secretary of Commerce to enter into a contract with the National Academy of Sciences to study means by which the Government can achieve the most accurate population count possible; and, consistent with that goal, ways for the Government to collect other demographic and housing data.

Specifically, this legislation directs the National Academy of Sciences to review the kinds of data presently collected in the census, the need for that data, and the possibility of collecting that data by other methods. H.R. 3280 also directs the academy to investigate means by which the Government can improve the enumeration of the population, alternative methods of collecting necessary data for the basic population count, and the appropriateness of using sampling methods in the acquisition or refinement of population data. In assessing alternative methods of collecting information about American citizens, the legislation directs the Academy to consider the potential impact upon privacy, public confidence in the census, and the integrity of the census as well as cost effectiveness of potential methodologies. Finally, the legislation directs the National Academy of Sciences to submit an interim report on its findings to the Committee on Post Office and Civil Service and the Committee on Governmental Affairs 18 months after the contract initiating the study is entered into and to submit a final report to the committees within 36 months.

The 1990 census was an enormous, complicated undertaking. Approximately one-half

million people were temporarily employed by the Census Bureau to conduct the 1990 Census. Notwithstanding this enormous effort, according to the General Accounting Office, the 1990 census may contain as many as 25.7 million errors and as many as 9.7 million people may have been miscounted. According to the Census Bureau, itself, the final 1990 census figures released by the Secretary of Commerce understate the population of the United States by 5.3 million people, a disproportionate percentage of whom are blacks and Hispanics. Further, the disproportionate undercount of minorities was greater in 1990 than it had been in 1980, a problem that strikes at the heart of the promises of equal protection and equal representation guaranteed by the Constitution.

While much attention has been focused on the magnitude of the overall errors in the 1990 census, too often we fail to fully appreciate the ramifications such errors have for our constituents. I wish to commend to the attention of my colleagues the following news article that appeared in the September 13, 1991 issue of the St. Louis Post-Dispatch. As the article explains, 1,241 people have been mislocated on Census Bureau maps. According to the Census Bureau, the 1,200 people in question live in an area that is actually occupied by a park, while only a single individual lives in the neighboring five block area that, in fact, includes a 209-unit apartment complex, approximately 300 homes, the Incarnate Word convent and the provincial house of the Daughters of Charity of St. Vincent DePaul.

This seemingly small and obvious error has had serious economic consequences for three different jurisdictions in the Greater St. Louis area. More important than the error, itself, is the difficulty that local officials have had in getting the Census Bureau to even recognize the error, much less correct it. While officials from three cities sought to bring the error to the attention of the Census Bureau as early as last August, it apparently required the intervention of St. Louis County officials and took until May to convince the Census Bureau that the error even existed. Having now acknowledged the problem, it apparently will still require another 2 months before the Census Bureau can correct it.

Clearly, the time has come for an independent, thorough, and comprehensive review of the census. As chairman of the Committee on Post Office and Civil Service, I want to assure the Members of this body that this is an issue that has the highest priority of the committee. H.R. 3280 provides the crucial first step in this process. I want to commend Chairman SAWYER and the members of the Subcommittee on Census and Population for the work they have done on this legislation.

EULOGY FOR JOSEPH J. LAMB

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SANTORUM. Mr. Speaker, on July 31, 1991 the 18th District, the State of Pennsylvania and the Nation experienced the loss of a

true model citizen and veritable hero. For 75 years, Joseph J. Lamb exemplified and gave genuine meaning to the words "service to fellow man". His strength of the character guided his actions in all aspects of his life, always the right direction, a direction of selfless service to his family and his country.

I respectfully offer the eulogy for Joseph J. Lamb entitled *My Father, My Hero*, given by his son, Michael G. Lamb on August 3, 1991. It is the story of a man from whom we all can learn a great deal from as we confront the various tests and crises thrust upon us in our lives. He remains a hero, not for the sake of heroism, but for the ideals of right and justice. We can only hope to follow in this footsteps.

MY FATHER, MY HERO

(Eulogy for Joseph J. Lamb, 1916-1991)

I would like to thank my family, Father John, Father Newmeyer, and all our many friends for their tremendous support during this difficult time. I would also like to share with you my thoughts regarding my father. His death is hard to accept. But I believe it has a meaning; a meaning that in part lies in learning from the lives of those who have gone before us.

In the last days of Dad's life, his brother Carl recalled to me how vividly he remembers my father returning from basic training during the war. "I can still see him", Carl said, "I was 13 years old and he was my hero." The day that my father died Carl whispered the same words at his bedside, "he was my hero". Since then those words have remained fixed in my mind. What is a hero? Is he the baseball slugger, or the movie star, the army general, the famous political leader or the talented singer? Somehow, I don't think these are our real heroes. It seems every evening, the news reveals yet another scandal involving such pseudoheroes, the athlete who abuses drugs, the movie star's perversions, the politician's corruption, and the wealthy businessman's extramarital affairs.

Yet I think my father truly was a hero. For in an age rampant with divorce and infidelity, he was happily married for 44 years.

In an age in which families fall apart, he always kept his together. For him the word "family" meant everything.

In an age of selfishness, he thought of others first.

In an age of dishonesty, he championed the truth, and in all his affairs he was scrupulously honest.

In an age of racial strife, he abhorred prejudice and his company in the Hill District of Pittsburgh, employed blacks and whites as equals long before there were civil rights laws.

In the world of business he was very successful and he retired with many friends and no financial worries, but he never had to cheat anybody to get there. As a boy at age 2, his mother died and though he didn't know her, Dad always felt that loss. He extended this feeling to others who suffered similarly from losing their parents, contributing for over 50 years to Boys Town. He never took credit for this or any of the other multiple charities that he silently donated to over the years. My father always said there is no limit to the good a man can do if he doesn't care who gets the credit.

During the Second World War at age 25, he volunteered for duty in the Army and gave up a safer desk position that he could have had in the Merchant Marines, to his younger 19-year-old brother Dan. He neglected his own safety so that his brother would be out

of harms way. Dan never forgot the sacrifice that my father made. They remained forever close, and the best of friends.

My father served in North Africa, Italy, France, and Germany during the war. He was wounded in action in France and was awarded the Purple Heart. In the battle of the Rhineland, he rushed into enemy fire to rescue a young private, risking his life for a person he didn't even know. For that act, he was given the Bronze Star for heroic achievement.

Dad seldom talked of these events, and in fact purposely concealed them for many years, because he did not wish to glorify war. Even today, some of his family and many of his friends never knew that he had won the Bronze Star. Dad felt he was lucky to have survived the war and believed that what he did was no more than his duty. The real war heroes, he said, lie buried in France.

In his last years, despite a terrible illness, he retained his wonderful sense of humor, joking with nurses and family even during his final few days. He suffered with dignity and gallantry, with the disease never really besting him. In spirit, he was the winner and the illness the loser. My father's valor, was exemplified best, not so much in his military record as in the way he adhered to his ideals and beliefs in his daily life. He was a decent courageous man who did his best for his family, his fellow man, and his country.

And yet, there will be no 21-gun salute for my father today, the flag will not be at half mast and he won't make the big headlines on the evening news. That's the way he would have wanted it. His will be the fanfare of the common man, although he was a very uncommon man.

To my mother, who he loved very dearly for 44 years, he was her hero.

To my brother, who he helped become a successful salesman, he was his hero.

To me, he was my father, he was my hero.

POPE CONSECRATES ZABLOCKI HOSPITAL WING IN POLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. FASCELL. Mr. Speaker, during the August recess it was my great honor and privilege to lead a House delegation to Krakow, Poland for the dedication by His Holiness Pope John Paul II of the Clement J. Zablocki Ambulatory Care Center of the Polish-American Children's Hospital. Joining me were Representatives DENNIS HERTEL, ED FEIGHAN, CLAY SHAW, and MIKE BILIRAKIS.

President Bush was represented at the dedication ceremony by our former colleague from Illinois, the Honorable Edward J. Derwinski, now Secretary of the Department of Veterans Affairs.

The Zablocki facility was created by the passage of legislation in 1984, Public Law 98-266, as a living memorial to our late, and beloved, colleague from Wisconsin. Zablocki served for 35 years as a Member of the House of Representatives and Committee on Foreign Affairs with honor and distinction, culminating in his chairmanship of the committee in his last 6 years from 1977 to 1983.

Project HOPE, a United States private voluntary organization in coordination with the

ministry of Health and Social Welfare of the Polish Government, supervised the design and construction of the Zablocki outpatient facility. The outpatient facility has been developed with the welfare of sick children and their families as its primary objective. The facility can accommodate over 100,000 visits each year for such requirements as same-day surgery, diagnostic services, emergency care, and specialized ambulatory care.

It is out of respect for our late friend and colleague that we traveled thousands of miles to participate in this ceremony.

From the start, this hospital has been a symbol of the deep and lasting friendship of the American people for the people of Poland. To Clem Zablocki, this hospital was the embodiment of Polish-American cooperation and understanding.

In a very real sense, however, it was Clem himself who embodied the richness of the cultures and heritages of both Poland and America. The son of Polish immigrants, Clem became the fulfillment of the promise his parents sought in coming to the United States.

Mr. Speaker, in addition to the House and Presidential delegations, this dedication was attended by Jane Zablocki, Clem's daughter, Ralph and Betty Zablocki, Clem's brother and sister-in-law, key former Zablocki aides, George Berdes and Bob Huber, and Robert Saltzstein, Clem's personal counselor and friend.

I would be remiss if I did not mention the people who have given so tirelessly of themselves to make the Polish-American Children's Hospital what it is today: Dr. William B. Walsh, Project HOPE's founder and president; John Walsh, vice president of development at Project HOPE; and Prof. Jan Grochowski, M.D., director of the Polish-American Children's Hospital.

The August 13 consecration and dedication ceremony was a most moving, befitting, and memorable event. The Zablocki wing of the Polish-American Children's Hospital stands as a vision of the future that we all hope for and a living symbol of what we hold most important. It is a fitting monument, and living memorial, to Clem's dream and to the continuing friendship of Poland and the United States.

With the bronze bust of our late colleague in the foreground, and the Sun shining so brilliantly, and thousands of Polish people in attendance, His Holiness spoke in his usual eloquent style. I wish to share with my colleagues the thought-provoking words of His Holiness Pope John Paul II. His address follows:

SPEECH DELIVERED BY POPE JOHN PAUL III AT THE DEDICATION OF THE CLEMENT J. ZABLOCKI WING OF THE POLISH-AMERICAN CHILDREN'S HOSPITAL, AUGUST 13, 1991

Dear children, who are staying in this hospital so as to return to health. At the same time I wish to welcome, first of all, Mr. President of the Republic of Poland and his wife. Also the distinguished Representatives of the President of the United States led by Mr. Ed Derwinski and the Congress of the United States headed by Dante B. Fascell, the Board of Directors of the Foundation Project HOPE, the Representatives of the International Board of Directors of this Foundation, the Representatives of the Government of Poland and the Representatives of the Sponsors and their wives. I welcome all the ladies that are present here. I wel-

come all the employees of the Polish-American Pediatric Institute of the Cracow Academy of Medicine and the Representatives of this Academy with its Rector Prof. Andrew Szczeklik and all the guests present here.

1. As it is known I am in the beginning of the second part of my Pilgrimage to my Homeland this year. This time my Pilgrimage leads me to the Shrine of Jasna Gora (the Mountain of Light), where at the feet of the Most Holy Mother of God, Queen of Heaven, the Queen of Poland and the Mother of the Church, I will be meeting with youth from all over the world to celebrate their Youth Feast.

During this Pilgrimage from Rome to Czestochowa, I could not omit Cracow and the Wawel hillside, places that are a true sanctuary of our history.

However, it is Divine Providence that has directed the first steps of my Pilgrimage to a hospital, a children's hospital, an exceptional sanctuary of human suffering, of the mystery of human suffering. So I thank God for this meeting! I do not consider my visit to this hospital as an ordinary pause in my Pilgrimage to the Holy Shrine of Our Lady of Jasna Gora, but as a fact of primary importance both from the religious sense and from the point of view of Our Holy Mother the Church. In fact it is a meeting between humans and their Creator, touching upon and experiencing one of His very specific mysteries and as a purification and preparation for the next stage of this Pilgrimage.

And what can purify us more and bring us closer to Almighty and Holy God if not suffering and sacrifice of an innocent human being?

To be able to say these words, one must have deeply in one's heart, the Person of Christ, Son of God and the mystery of His Pascal mystery. The mystery of Salvation—that through Your Cross and Agony You have redeemed the world.

It is in this spirit that St. Paul accepts his weaknesses, insults, hardships and persecutions, because "Strength . . . through weakness is made perfect." (2 Cor. 12:9). Human weakness when set through faith in the mystery of Christ becomes the source of Divine help. That is the reason that the Apostle writes: "However many times I am weak, I am strong" (2 Cor. 12:10).

Therefore human suffering, which cannot be omitted, accepted in the spirit of faith, is the source of strength both for the one who is suffering and for others, and is a source of strength for Our Holy Mother the Church, in Her mission of redemption. It is the reason why each meeting with the ill and suffering is of such importance to me. It is the reason why I depend so strongly upon the fruits that their sufferings and weaknesses will put forth.

It is of that truth message that once again I wish to give to you, dear children, to your parents, to all those that love you, to those that are looking after you, to those that are healing you. I wish to give it to all of my countrymen, who are suffering in their homes, in hospitals, in various institutes and I wish to give this message to all of the suffering people of the world.

Human beings are afraid of suffering, shrink away from it and wish to omit it—just as Christ himself was afraid of agony and death—and it is not only man's right to do so, but also his duty. But suffering exists in the world and touches us.

I know, dear children, that both you and your parents would wish to welcome me in your homes, in the Church, in school or in the playground, in good health and physical

fitness. And yet—you have invited me to the hospital, which is only a temporary home for you, so that you may return to your true homes, to your family in good health. I am praying for a healthy gleam in your eyes, a joyful smile, happiness. I pray that in spite of your illness, you may feel well in this hospital, that you will meet loving people, wise doctors, caring nurses, good friends.

In moments of strife, when you will be feeling sick or sad, turn your eyes to crucified Christ, who resurrected. His Mother stood under the Cross. It is to this Mother, who is our Mother, to whom I am going tomorrow. I will take you with me. Your sufferings, prayers and hopes and all that I wish for you.

2. We find ourselves in this sprawling hospital, which was brought to birth by love and human solidarity. Much good is being done here; people are being restored to health, restored to life. All of this is an evangelical sign of eternal life and a sign of God's summons of mankind to that life.

Just as Christ acted by using His divine power, so you can by using human science, skills and wisdom in union with his grace. For this reason, your Institute is, as all such places are, a sign which gives witness to the dignity and worth of human life.

This Institute, in addition to its essential meaning, still plays a special role as a symbol. It began more than twenty-five years ago, at a time when division in the world was emphasized. It began in spite of the ideological differences which divide the world and even in defiance of the hostility incited in these late years between the East and West. To put it better: this work has been accomplished on a higher level than all this. Along with other such works, it must speak with a loud voice to us and to all the world. The good of mankind has become stronger than whatever is contrary to it. Human solidarity has triumphed over divisions and hostilities. Therefore, I wish to express my gratitude. I wish to pay special homage to those who brought it to completion and to those who are continuing to help it grow. At this moment, spiritually present before our eyes are all those children who have, in this hospital, regained their health and have returned to their homes and to a normal life.

And so, gratitude and commendation are due first to American "Polonia." From its midst this idea was born, and it found support from the members of the House of Representatives.

It is not possible to name all those who have particularly distinguished themselves in this project. I will, then, recall only one member of Congress, an eminent man of politics who served in the highest government responsibilities, a man so very dedicated to American "Polonia"; Mr. Clement J. Zablocki of Milwaukee. I knew him personally and I conferred upon him a distinguished Papal honor. Needs have grown, and so this hospital has expanded. To the government of the United States who has contributed directly to this expansion. It is worth recalling that Mr. Clement Zablocki was present when the construction of the Institute for Rehabilitation began and that this hospital was dedicated by the then Vice-President of the United States, Mr. George Bush. I ask the members of Congress who are present here to convey to President Bush my expression of deep gratitude. In the course of expanding this large, modern hospital at Prokocim, principal support has come from the American Foundation: Project Health Opportunity to People Everywhere.

The government of the United States designated this foundation as the sponsor of the

Pediatric Institute of the Academy of Medicine at Cracow. The first letters of the Foundation's name make up a very meaningful word: HOPE. The Foundation's president is its founder, Doctor William B. Walsh, who is present here with his wife. Serving as Director of the Polish program is his son, Doctor John Walsh, a faithful friend of Poland. He has put his whole heart into working for children. The beginnings and the history of this Foundation are very interesting, for it is a story of human sensitivity to the needs of others. The background for this story always remains Christ's parable of the Good Samaritan.

Suffice it to say that Project HOPE carries on a hundred programs, one of which takes place in Poland. In the future, it plans to move into other countries: Czechoslovakia, Hungary, the Baltic Nations, Yugoslavia, Bulgaria and Romania. "May God reward and help them." Obviously many organizations and individuals participate in all this work: both public and private funds have been invested. We cannot fail, therefore, to mention the contributions of Poland; its government and institutions on various levels, as well as the Academy of Medicine at Cracow and the Director of the Polish-American Institute of Pediatrics, Professor Jan Grochowski, who is present. I ask to be excused for naming only these few.

Thanks to this cooperation and solidarity, we have now arrived at the last phase of this great initiative carried out by Project HOPE, namely the Ambulatory Care Center for Children, which I blessed a few minutes ago. It will bear the name of the great friend of Poland, Clement Zablocki, whom I mentioned before. And this is not yet the end. There are also new projects underway for further developing this Center. Among them, I am told, is the construction of a hotel for parents and children. Dear Brothers and Sisters, all of this is particularly significant because it tells us of the degree to which this hospital takes into account the many needs—physical and spiritual—of the human advances in science and technology being employed, but that there is also a concern for the person as a whole. May God bless this undertaking and all others like it.

3. Ladies and gentlemen, dear Brothers and Sisters, at the end please allow me to share with you some of my memories and thoughts.

Right from the beginning of my clerical and pastoral service, I have had a special bond with doctors and the whole health service. Many of them are here today. I can see among the people who are gathered here today, persons close to me already in the beginning of my clerical and pastoral service. Also are present persons whom I met when I had been the Archbishop, Metropolitan of Cracow. And last of all are here those who are the youngest, with whom I am meeting for the first time. I have always attempted to and still do so, to remind all members of the health service about the great vocation of serving the sick. In the Pastoral Letter, about the Christian sense of suffering, I wrote: "How very Samaritan is the profession of a doctor or a nurse or others of the same kind. Because of the evangelical meaning that lays hidden within it, we are more apt to think here about a vocation than just of a mere profession (Salvifici doloris 29)." There is no doubt that the work of a doctor or nurse, every work carried out among the sick is service rendered to Christ. "All that you have done to one of the smallest of my brothers, You have done to me." (Matthew 25:40).

The nature of helping and nursing the sick is such that it is more a vocation than a profession and in its nobleness and ideals close to the vocation of a priest, religious values are of the utmost importance in the realization of this vocation. They strengthen among doctors and the whole health service a spirit of true service towards the patients and give motivation to carry out one's profession in a more dignified manner and inspire a greater responsibility for the entrusted goodness, which is man. This is the reason why religious life plays such an important part in the service rendered both by doctors and nurses. This is the ground to be worked upon what we refer to as clerical, pastoral service for people of the health service. It wishes to bring to them a deeper knowledge of the Gospel and all of the teachings of Our Holy Mother the Church and to bestow upon them moral and spiritual help.

Thank you. I wish to thank you all once again. Thank you children for the program especially prepared for me. Thank you for the little rose that fell out of the basket and thus . . . expressed her pleasure and joy.

Thank you for your warm hearts and prayers, but most of all for your suffering. I am taking you with me to the Holy Shrine of Jasna Gora and hope that you will participate . . . if not directly, then at least from a distance in the next World Youth Days that will take place in a yet unknown part of the world.

SACRED HEART CHURCH OF LAKE GEORGE, NY, REFLECTS AREA'S RICH CATHOLIC HERITAGE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SOLOMON. Mr. Speaker, even people of other faiths are proud of the rich Catholic heritage of upstate New York, which is so intimately bound with the history and development of the Northeast.

That is what makes Sacred Heart Church of Lake George one of the area's most important places of worship. That heritage includes the early missionary work and subsequent martyrdom of St. Isaac Joques and the inspiring piety of the Indian maiden, Blessed Kateri Tekakwitha.

It will be my pleasure to enter in today's RECORD an article on Sacred Heart Church published recently in my hometown newspaper, the Glen Falls Post-Star:

LAKE GEORGE BOASTS RICH CATHOLIC HERITAGE

(By Janet Marvel)

LAKE GEORGE.—The statue of the Indian maiden, Kateri Tekakwitha, that stands behind the Sacred Heart Church tells only part of the church's almost 350 year affiliation with local Native Americans.

Lake George's Roman Catholic tradition dates back to the spring of 1646, when Father Isaac Joques was the first white man to see the lake. It continued through Kateri's visit in the late 1600s, through the gathering of Indians who saw the church cornerstone set in 1874, and the dedication of the Kateri statue more than 100 years later.

And interspersed in that history are an association with the Missionary Society of St. Paul the Apostle, expansions of the church

facilities, and the planned Aug. 12 visit of Bishop Howard Hubbard.

The history began when Joques, the French missionary who ministered to the Indians, named the lake "Lac du Saint Sacrament" or "Lake of the Blessed Sacrament."

Before coming to the area, Joques had ministered to the Huron Indian tribes in Canada. Joques was captured, tortured by Indians who chewed off two fingers of his right hand, and later escaped, returning to France in 1643.

He returned to North America and named the lake in the spring of 1646. During a peace conference on June 10, 1646, Joques bartered beads for the release of a Huron Christian Indian girl and a young Frenchman.

Later, Joques was lured into the chief's lodge under the pretext of a great feast. The medicine man was jealous of the missionary's influence, and Joques was tomahawked to death when he entered the lodge.

A statue of Joques, given in memory of Anna and William Rust and the family of Helen and John Koslow, stands on the church grounds facing the lake.

The church shows 10 stained glass windows, divided into two panels each, showing the life of Joques, who was canonized in 1930.

The window over the altar shows Jesus, surrounded by a multitude of people of many races, and symbolizes the cause for which Joques gave his life.

After Joques, no missionaries are known to have come to Lake George until 1868, said the church's pastor, the Rev. George A. Phillips.

The Missionary Society of St. Paul the Apostle, popularly known as the Paulists, was founded in 1858 in New York City by the Rev. Isaac Thomas Hecker.

The Paulists first came to Lake George in 1868, and in 1872 were given property on the east side of the lake, where they still maintain a summer residence.

The church land, once a campsite for the Algonquins, who were ministered to by Catholic missionaries, was donated in 1851 by the William Caldwell estate. William's father was James Caldwell, an influential merchant who died in 1829. The town of Lake George was originally named Caldwell in 1810 in honor of this family.

The cornerstone of the Sacred Heart Church was laid in September 1874 in a ceremony which brought 800 onlookers, including Americans, Frenchmen and scores of Indians in full tribal regalia. Indians looked on "with their air of imperturbable gravity," according to church records.

Two tents were erected; the ceremony was in one and the other was for honored guests. A large mission cross was raised at the site of the future altar.

The Rev. Alfred Young addressed the crowd for 35 minutes, relating the coming of Joques and explaining why a Catholic church was being built. He ended with an appeal for funds. History tells us that a little girl laid the first contribution on the cornerstone. In total, \$264 was raised.

Church records show the first baptism was performed on May 7, 1885. Charles Mulligan, who was born on Nov. 15, 1884, was sponsored by James and Mary Caldwell. Young Charles, who died at age four, was the first death to be recorded in church history.

The congregation was small; baptisms from 1885 through 1887 totaled eight, according to records.

The cloister and rectory were added to the church in 1945. In subsequent summers, when many tourists joined local residents to at-

tend Masses, both the church and the open cloister were packed with worshippers. More than half a dozen pennies were placed in the mortar of the cloister's exterior walls by the contractors who built it. The cloister was enclosed and winterized in 1975. The vestibule and the ambulatory were winterized in 1989-90.

Kateri Hall, a brick building built as a parish hall in 1957, is now used for summer services. Between 500 and 600 worshippers can be seated there. The 1874 church is used from Oct. 12 to Memorial Day.

Kateri Tekakwitha, known as the Lily of the Mohawk Indians, was known for her goodness, her care for the aged and sick, and her work among her Indian people. Her mother was a Mohawk and her father was an Algonquin.

She dedicated her life (1656-1680) to Christianity and was ridiculed by her fellow tribesmen. For her own safety, the Jesuits sent her to an Indian reservation in Quebec where she served others, dying at age 24.

Kateri had traveled from Auriesville on the Mohawk River, coming to Lake George to stay with relatives.

A sculpture of Kateri is located on the door of St. Patrick's Cathedral in New York City, Phillips said. That sculpture was the model for a wooden sculpture created by a South American artist for the local church.

The local sculpture was donated in memory of Henry Schulz, the first parish president. The rustic enclosure for the sculpture was created in honor of Wenceslas and Juliette LaFond. The shrine was dedicated July 24, 1983.

Phillips said he hoped Kateri would be named a saint, and noted that elevation to sainthood as a three-step process. Kateri was declared venerable, the first step, in 1943 by Pope Pius XII, and was named blessed, the second step, in 1980 by Pope Paul II.

"I hope she will become a saint," Phillips said. "People here and in Canada are pushing for the cause of sainthood."

The parish's mission church is the Chapel of the Assumption, located on Ridge Road in Queensbury. The cornerstone for the church was laid in 1966. The church was part of the Bolton parish until 1968, being made part of the Lake George parish for logistical reasons.

Ground should be broken this fall, Phillips said, on a new parish center, which will be located on the church property that edges Mohican and Courtland streets.

NATIONAL ENERGY STRATEGY PETITION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MILLER of California. Mr. Speaker, recently I received a petition and letter to Congress signed by over 280 scientists and energy professionals in support of making energy efficiency the centerpiece of our national energy strategy. Signers of the petition include energy professionals from Pacific Gas and Electric, the University of California, the California Public Utility Commission, the National Research Council, MIT, Princeton, and many other prominent organizations involved in the energy field.

The core message conveyed by these energy experts is a simple one—increased effi-

ciency is the most economic and environmentally benign energy alternative available to our Nation. Wise use of energy resources will not only increase American's energy security, it will reduce energy costs, increase our competitiveness in world markets, and lessen pollution.

Sadly, the comprehensive energy legislation submitted by the Bush administration to Congress earlier this year completely neglects the energy efficiency option. Only 3 pages of the 150-page long bill submitted by the administration concern energy efficiency. Ironically, most of the energy efficiency language in the Bush bill prohibits the establishment of energy efficiency standards. The rest of the administration proposal is composed primarily of the legislative wish-list of the nuclear and oil lobbies.

Mr. Speaker, energy efficiency should be the centerpiece of our Nation's energy strategy. The signatories to this petition have performed a valuable service by outlining the policy framework needed to put America on the path toward efficiency. I commend them for their efforts.

I am submitting the petition and letter to Congress to be inserted in the RECORD.

PETITION TO CONGRESS FROM SCIENTISTS AND ENERGY PROFESSIONALS CONCERNING THE NATIONAL ENERGY STRATEGY

We, the undersigned scientists and energy professionals, call upon the Congress and the President to make the commitment to our economy, our environment, our future . . . to take the least-cost energy path. We appeal to you to make energy efficiency the top priority of our National Energy Strategy. Savings from energy efficiency investments can give us the money we need to develop environmentally responsible and cost-effective alternatives to expensive fossil fuels and nuclear power. These investments will increase our economic competitiveness and our national security.

We urge you to adopt the following energy policies:

1. Increase the Corporate Average Fuel Economy (CAFE) standards to a minimum of 40 mpg for cars and 30 mpg for light trucks by 2001. (This can be achieved with no reduction in safety, performance, or carrying capacity.)

2. Implement creative, revenue-neutral automobile efficiency incentives such as the Gas Guzzler/Gas Sipper Fee/Rebate program known as DRIVE+ and Pay as You Drive (PAYD) liability insurance using a fixed per-gallon fee at the pump.

3. Increase the federal gasoline tax by 20 cents/gallon per year over the next 10 years. Tax revenue should initially be used for improvements in mass transit systems, for R&D on energy efficiency and renewable energy, and for energy conservation programs for low-income communities to offset the burden of increased fuel prices.

4. Provide incentives for the states to adopt and enforce the ASHRAE 90 series of building energy standards.

5. Upgrade existing federal appliance efficiency standards and expand the standards to include windows, lighting, commercial appliances, and motors.

6. Require state regulatory reforms to provide financial incentives for profitable utility investments in energy efficiency.

7. Increase federal R&D funding for energy efficiency and renewable energy.

8. Encourage community planning to facilitate the use of mass transit, reduce the necessity of automobile use, facilitate bicy-

cle and pedestrian travel, and minimize urban heat islands.

9. Redirect a substantial portion of federal highway funding to mass transit programs.

10. Encourage waste recycling and source reduction policies. Postpone mass-burn incineration for at least 10 years to allow recycling and source reduction to expand.

LETTER TO CONGRESS FROM SCIENTISTS AND ENERGY PROFESSIONALS CONCERNING THE NATIONAL ENERGY STRATEGY, JUNE 1991

Most Americans agree on the appropriate goals of a National Energy Strategy: to reduce our dependence on foreign oil; to maintain our economic competitiveness; and to reduce stress on the environment.

President Bush proposes to use the free market as the basis of his National Energy Strategy. Key elements of the Bush strategy are reduced regulatory constraints on the natural gas, coal, and nuclear industries, and increased domestic oil production. The commitment to energy efficiency is token. We argue that such an approach will maintain our harmful addiction to oil, reduce our economic competitiveness, and increase the already critical stress on the environment.

If we as a nation are committed to the free market for solving our energy woes, we must be honest in our assessment of the costs, benefits, and subsidies associated with various energy paths. Many of the real costs of the nonrenewable energy sources are not currently factored into the price. The military subsidy we have long paid to ensure access to Middle East oil makes renewables look cheap by comparison. When reactor decommissioning, waste disposal, accident liability, and the risk of weapons proliferation is included in the price of nuclear power, it looks even less viable than it does now.

It is clear that the popularity of nonrenewable energy supplies would plummet if their real costs to public health and the environment were incorporated in their price. These missing costs—paid by us and our children in medical bills, crop losses, and degradation of the environment—are subsidies to the fossil fuel and nuclear industries. This is no free market!

Even at today's energy prices, with their embedded subsidies, energy efficiency is the least-cost path. This fact is now widely recognized by the public, the scientific community, and energy professionals. When the Department of Energy, at President Bush's request, held its "dialogue with the American people" * * * to build a national consensus" on our energy future, it concluded that the single loudest message heard all across the country was support for energy efficiency. When the National Academy of Science [NAS] analyzed US energy use with regard to global warming—also at the President's request—it concluded that, not only is energy efficiency imperative for reducing greenhouse gas emissions, but we can actually save money by making the investment * * * A LOT OF MONEY!¹² Totaling the net benefits of energy efficiency improvements suggested by the NAS, we estimate annual savings of about \$70 billion. In fact, a number of large electric utilities are already investing

in efficiency programs, and are reaping the benefits of the avoided costs of new supply.

With the savings we earn from energy efficiency we can further develop renewable energy sources that are cost effective and less harmful to the environment. We can invest in mass transit and community planning to further reduce our costly dependence on fossil fuels and, as a fringe benefit, create more liveable communities.

This approach is irresistible! We receive the immediate fiscal benefits from energy savings. We reduce critical stress on the environmental life support systems of this planet.

And, we ensure our economic future in a world in which essentially all advanced industrialized countries except the United States have committed to reducing CO₂ emissions because of the threat of global warming. All of these countries will want to purchase energy efficient technologies. By investing in energy efficiency and renewables we ensure our future economic competitiveness, as Japan and Germany have already begun to do.

Why further compromise our wild lands and risk global environmental catastrophe, when we can save money and the environment at the same time? Why ravage the Arctic National Wildlife Refuge (ANWR) for a possible half year of oil, when increasing the average automobile fuel efficiency to its present economic optimum of 40 mpg³ would save daily several times the maximum daily output from ANWR * * * especially given that efficiency savings are permanent, "producing" year after year with no harmful side effects.

In signing the accompanying petition, we scientists and energy professionals are, collectively and with the strongest possible degree of urgency, calling upon Congress and the President to make the commitment to our economy, our environment, our future * * * to take the least-cost energy path. We appeal to you to adopt the policies listed on the accompanying petition as the top priorities of our National Energy Strategy. Make energy efficiency our first priority!

LABOR DAY STATEMENT OF THE U.S. CATHOLIC CONFERENCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. CLAY. Mr. Speaker, I am pleased to commend to the attention of my colleagues the following statement of the Most Rev. James Malone, Bishop of Youngstown, OH, and chairman of the U.S. Catholic Conference Committee on Domestic Policy.

A TIME FOR ACTION

(By Most Rev. James Malone)

"the obligation to earn one's bread by the sweat of one's brow also presumes the right to do so. A society in which this right is systematically denied, in which economic policies do not allow workers to reach satisfactory levels of employment, cannot be justified from an ethical point of view, nor can

that society attain social peace." John Paul II, *Centesimus Annus*.)

The U.S. Catholic bishops continually urge the President and the Congress to enact legislation to protect human life and dignity and fundamental human rights. On this Labor Day, I want to reflect on three issues to illustrate the Church's commitment to a just society in which individual rights are respected within an overall context of protecting the common good.

The three issues of special interest as we celebrate our labor tradition are family and medical leave, the right to strike, and help for the unemployed.

What the three issues have in common is the Church's understanding of work as both human right and human responsibility and the role of society and government in safeguarding their exercise. In our Catholic teaching all of us, acting through our social institutions and government, are obliged to protect these rights. Moreover, we must ensure that the exercise of one human right or responsibility does not have to be paid for by the sacrifice of another. As the Pope explains in the new encyclical, a market economy brings significant strengths, but it needs to operate within "a juridical framework" of laws and regulations to guard and preserve human rights and the common good, which cannot be assured by market forces alone.

Human rights and dignity here in the U.S., as elsewhere in the world, cannot be secured in the absence of such a legal framework. The Church has pointed this out clearly in its efforts to give unborn children the protection of the law and to ensure that high quality prenatal care is available to their mothers. Just as we are working to protect the lives and health of babies both before and after birth, we are working also to secure the fundamental human rights of working people.

FAMILY AND MEDICAL LEAVE

For seven years the bishops have supported legislation to protect working men and women who need time off to handle family crises or to recover from a serious illness. The Family and Medical Leave Act, now pending again in Congress after suffering a Presidential veto last year, would guard most Americans against losing their jobs when they are needed at home to welcome a new baby, to comfort a dying parent, or to nurse a recuperating spouse. They'd also rest easier knowing that their jobs would be waiting for them they recovered from a heart attack or surgery. While many employers do the right thing, even without legal requirements, many others do not. All Americans have a stake in creating a society where family values are more than just political rhetoric.

STRIKER REPLACEMENT

The bishops endorse legislation to protect workers who exercise their legal right to strike over wages and benefits. For a hundred years it has been a basic tenet of Catholic teaching that working people have a right to organize, join labor unions, and bargain collectively. Our teaching also recognizes that the right to strike without fear of reprisal is fundamental to the right to collective bargaining. That principle has been firmly entrenched in U.S. labor law which forbids the firing of strikers. Unfortunately, some employers have unfairly taken advantage of a loophole in the law that allows them to hire "permanent replacements" for their striking workers. It's hard to see the difference between being fired and being "permanently replaced." Communities are

¹Policy Implications of Greenhouse Warming, Committee on Science, Engineering, and Public Policy, National Academy Press, Washington, D.C., 1991.

²The Congressional Office of Technology Assessment reached a similar conclusion in their report, *Changing by Degrees: Steps to Reduce Greenhouse Gases*, Congress of the United States, Office of Technology Assessment, Washington, D.C. 20510-80026, OTA-0-483, February 1991.

³M. Ledbetter and M. Ross, *A Supply Curve of Conserved Energy for Automobiles*, in *Proceedings of the 25th Intersociety Energy Conversion Engineering Conference*, Reno, NV, August 12-17, 1990 (published by American Institute of Chemical Engineers, New York, NY, 1990).

often the big losers, as the two sets of workers are pitted against each other in an atmosphere of tension and betrayal.

Outlawing the permanent replacement of striking workers is a matter of basic human rights, and all of us have a stake in this issue. It's clear around the world that, without a strong, independent union movement, no workers—union or non-union—can expect their rights to be respected. That is as true today in the U.S., as it was a century ago in Western Europe when Pope Leo XIII proclaimed the rights of workers in *Rerum Novarum*, and as it was a decade ago in Poland when Solidarity led the way to the overthrow of the communist regime.

HELP FOR THE UNEMPLOYED

We bishops also call on the President and the Congress to reform the unemployment insurance system to help Americans who are still looking for work after losing their jobs in the recession.

Young workers, with relatively little work experience, are finding it very hard to get rehired. Many are just starting to raise families, and few have a financial nest-egg to survive prolonged unemployment. To see these young families forced to accept charity and welfare when their unemployment insurance runs out is heartrending. Knowing that neither is enough to protect children from serious deprivation should make us all ashamed.

The other group shouldering a heavy burden is older workers, many of whom spent years getting back on their feet after the recessions of the 80's, and who now too young to retire but are "overqualified" for available jobs. When their unemployment benefits expire they are often ineligible for any other help and may have to exhaust their savings and sell their homes just to survive.

Why should these families lose everything while waiting for the recession to end? Shouldn't government policy keep them afloat until they and the economy are back on an even keel? In looking at the recession, perhaps policymakers have focused too much attention on the official unemployment statistics and other economic indicators and not enough on real people who are all too clearly suffering. Obviously, new jobs are the best answer, but, in the meantime, we owe these people some measure of compassion and justice.

On this Labor Day I ask you to reflect on the Pope's words that "the social message of the Gospel must not be considered a theory, but above all else a basis and motivation for action." He urges us to "make the necessary corrections" in our economic system and to recognize that love for others and, especially for the poor, in whom the Church sees Christ himself, is made concrete in the promotion of justice. In a more just society people would not have to sacrifice their jobs to exercise fundamental rights and responsibilities—such as caring for the young, the old and the sick—or find themselves out of luck when illness or the business cycle leaves them out of work. Working to pass these vital reforms is an excellent way to mark the 100th anniversary of *Rerum Novarum*, the encyclical that helped build bridges between the Church and working people that endure today. This Labor Day let us commit ourselves to acting on the Church's teaching on work and workers.

FEIGHAN: A PERSUASIVE VOICE FOR LOAN GUARANTEES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SOLARZ. Mr. Speaker, in recent weeks, there has been a tremendous amount of debate in Washington and around the country concerning Israel's request for loan guarantees to help absorb Soviet refugees.

Our colleague, EDWARD FEIGHAN, who is an active and dedicated member of the Foreign Affairs Committee, has written an extremely articulate justification of these guarantees. When Congress takes up this issue—and I hope that will be soon—I would suggest that Members carefully read EDWARD's op-ed in the *Cleveland Plain Dealer*. His arguments make a lot of sense.

[FROM THE PLAIN DEALER, TUESDAY, SEPT. 24, 1991]

FOR WHAT IS ISRAEL ASKING?

(By EDWARD F. FEIGHAN)

President Bush's decision to delay the \$10 billion loan guarantee program for the resettlement of Soviet Jews in Israel is a major mistake. It appears that the president has allowed his personal disdain for Israel's prime minister, Yitzhak Shamir, to affect his judgment about a humanitarian aid program that will cost the American taxpayer virtually nothing while, at the same time, aiding hundreds of thousands of oppressed people.

That is an important point. Despite some assertions, the loan guarantee is not a U.S. gift to Israel. It is not even a U.S. loan to Israel. It is simply a U.S. promise to cosign loans Israel will receive from commercial banks. The loans will only impact on the American taxpayer if Israel fails to repay them, something Israel—one of the world's most credit-worthy nations—has never done in its 43 years of existence.

For members of Congress, the president's decision to delay the loan guarantees is particularly distressing. Back in the spring, in the months after the Gulf war, the White House, Congress and the Israeli government agreed to put Israel's request for refugee assistance on hold until after Labor Day. All sides agreed that come September the request for the loan guarantees would be made and would be met with a favorable response from our government.

Israel's willingness to accept that postponement was a demonstration of faith in the president's fairness, Israel was in a strong position to request the guarantees in the days after the war. After all, Congress understood the unprecedented sacrifice that Israel had made in acceding to President Bush's request that it not respond militarily to Iraq's nightly Scud attacks against its civilians.

The president had told Jerusalem that an Israeli retaliatory strike against Iraq would have harmed the anti-Iraq coalition, and Israel allowed its hands to be tied. Congress was impressed and by a unanimous vote, passed my resolution commending Israel for its restraint and urging continued support for our embattled ally.

Congress was determined to help Israel deal with the unprecedented influx of Jewish refugees from the Soviet Union. Members of Congress of every political stripe had been calling on Moscow to release its persecuted

Jewish population for years. Now they were coming by the hundreds of thousands. Even the nightly Scud attacks didn't deter the refugees arriving at Tel Aviv airport. Their first experience with Israeli life was receiving instructions on how to don a gas mask.

The \$10 billion loan guarantee for refugee aid would have sailed through Congress this month or next, if President Bush had not decided to link it to Israel's settlement policy. He now says he wants to delay approval of the loan guarantees until after the Middle East peace conference convenes later this year. And he gives no assurance that he will favor the guarantee even then.

In fact, it appears that he intends to use the loan guarantees as a stick with which to beat Israel into acceptance of a freeze on West Bank settlements, something that we never intended when we delayed consideration of the loan guarantee until the fall.

After all, the loan guarantee is nothing more than humanitarian assistance. It has nothing to do with overall Mideast policy but represents a simple humane commitment to help Israel feed, clothe, house and provide jobs for refugees.

Moreover, at the insistence of Congress Israel has pledged that none of the guaranteed funds will be used to expand existing West Bank settlements or to build new ones.

Delaying the loan guarantee to extract concessions from Israel is patently unfair. This is not to say that Israel's settlements policy is helpful to the peace process. But neither are far worse provocations from the Arab states. Jordan continues to support Saddam Hussein as it did throughout his occupation of Kuwait. Syria backs terrorists who kill Americans (as in the skies over Lockerbie, Scotland) and occupies Lebanon. Saudi Arabia keeps adding American companies to its list of countries that are not allowed to do business in the Arab world.

But President Bush remains silent—except when it comes to Israel's settlements policy.

I hope Congress approves the loan guarantees swiftly. It is simply unfair to hold the lives of thousands of refugees hostage until Israel, a fellow democracy, changes one of its policies. If we don't like that policy, let's encourage Israel to change it during the negotiating process. But let's not punish refugees. That is not the American way.

WHEN AUNT PERRIE HAD TO MAKE A CHOICE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to submit an article from the *Los Angeles Times* into the CONGRESSIONAL RECORD. The article, "When Aunt Perrie had to make a choice," poignantly reveals the fundamental issues involved when a child is aborted for "quality of life" reasons. This article begs the question, "Does anyone have the right to decide if another's life is worth living?"

WHEN AUNT PERRIE HAD TO MAKE A CHOICE—
DISABILITY MOVEMENT AND ABORTION

(By Lillibeth Navarro)

(Lillibeth Navarro, a member of American Disabled for Attendant Programs Today, is executive director of the Southern California chapter.)

Aunt Perrie lives in Australia. She married in her late 30s and in 1980, when she came

here to visit, I got to see her again and meet her husband for the first time. Aunt Perrie comes from a big family, 10 children. For a long while after marriage, she could not conceive. But finally, after five years of trying, she became pregnant. I remember the family being thrilled at the news that she had a healthy baby boy.

Aunt Perrie spoke often about her son. In the course of one conversation during a visit, she mentioned that soon after my little cousin was born, she became pregnant again. I mistakenly thought that she was announcing the coming of her second child.

"I had an abortion," she said. "The doctor did an amniocentesis and found the baby was going to be handicapped." Her words fell on me like a dagger. She did not want a child similar to me.

I've always wondered exactly how my relatives viewed me and my disability, and Aunt Perrie gave me an answer. She did not think a disabled child was worth her while. She dreaded a "life of problems." No wonder she spoke to me very seldom as I was growing up.

And here I had thought that I was proving to my family, with some measure of success, that life with a disability was good, too. With great sadness, I realized that I lost to abortion the only cousin I would have had who was similar to me.

When I met the disability movement in 1985, I was immediately taken by its progressive ideas about the disability experience and its emerging ideology. I agreed with most of what I heard, except for the movement's generally pro-choice stand on abortion.

I was warned not even to touch the topic, lest we lose our financial support for ADAPT (American Disabled for Access Power Today) Southern California. I was recently called a Nazi by a fellow disabled activist for expressing my pro-life views in a speech at a National Right-To-Life conference. It is intimidating, but I want to engage in sincere dialogue. In an atmosphere of democracy and free speech, I am entitled to propose a pro-life argument compatible with the disability-rights ideology.

The cornerstone of the disability-rights philosophy is that we people with disabilities are equal to and have the same rights as people without disabilities. We enjoy the right to life, liberty and the pursuit of happiness promised by the Constitution.

At protests and demonstrations, we chant that access to transportation, education, attendant care, housing and employment are civil rights. When people violate those rights, when they refuse to acknowledge the inherent equality of us all, we call the violation discrimination. We protest and get arrested to decry this prejudice based on our disabilities.

And yet, when it comes to abortion, this holocaust that is also wiping out our tiny brothers and sisters with disabilities, our movement chooses to remain silent. We have bought the argument, proposed by pro-abortion activists, that we should side with the woman, who claims absolute right to do with her body as she pleases, baby or no baby. Our sentiments are supposedly with her because, like her, we suffered from years of oppression from medical doctors telling us what we can and cannot do with our bodies.

But this sentimental cry for the "choice" to kill (allegedly for the woman's benefit) is truly ideologically different from our cry to live with dignity. As a disability-rights activist, I know that when I get arrested in the fight for attendant care or transportation, I

am fighting to live; I am not fighting to live at the expense of another.

The movement also has bought the argument that the "line of birth" makes a difference in the abortion debate. This dividing line has created two sets of people, the "born" and the "unborn." It is murder to kill the one, but it is a matter of "choice" to kill the other. Accepting this argument, we have agreed to the creation of yet another minority—the "unborn"—the only minority without a voice of its own. We do not realize that discrimination against them is dangerously similar to the discrimination against people with disabilities.

Disabilities are physical phenomena. Even mental and emotional disabilities may have physical origins. But isn't birth also a physical phenomenon? But discrimination based on disability is a crime, whereas discrimination based on birth is a "choice." The abortion of a disabled baby is dual discrimination—the baby is not only disabled, but also not yet "born."

Unborn babies have great similarities to many of us adults with disabilities. They cannot yet "think," "see," "hear," "speak," "walk," "taste" or "touch." They are thus dependent on and at the total mercy of those who arbitrarily decide to keep them or not.

They are an "inconvenience" for nine months and a couple of years thereafter. They intrude into the woman's lifestyle, plans and preferences. When it comes to disabled babies, it is even deemed "socially irresponsible" to give them birth. Like us, they also are called non-persons. We are the "defectives" and "vegetables"; they are the "anomalies."

Back to Aunt Perrie. Before she left, she invited me to visit Australia. She said that her city had excellent access for people with disabilities. She assured me that living there would not be a problem. She spoke of ramps, elevators, vans and buses with lifts.

There is another country, I thought, that is making things accessible for a future generation of people with disabilities that it does not want to be born. My own little cousin, aborted because she was disabled, was not welcome in her own country, by her own family. I wish I had been there to intercede for her.

DAV HOSTS PROGRAM IN TRIBUTE TO PERSIAN GULF WOUNDED

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MONTGOMERY. Mr. Speaker, on September 12, it was my privilege to participate in a stirring program hosted by the Disabled American Veterans at their headquarters here in Washington which honored our service personnel who were wounded or otherwise disabled during the recent action in the Persian Gulf. Sixteen veterans of Operations Desert Shield/Storm, each of whom is undergoing rehabilitation at Walter Reed Army Medical Center, were on hand to represent the men and women who lost limbs or were otherwise injured in the war against Iraq:

Spc. Lois Abretske, North Huntingdon, PA; Spc. Christopher Balon, Johnstown, PA; Spc. Angela Betton, North Versailles, PA; Spc. Alan Briggs, Essex Junction, VT; Sgt. Robert Collin, Bath, ME; Pfc. Anthony Drees, Grand Forks,

ND; Sgt. Patrick Duffield, New Cumberland, WV; Sgt. Stephen C. Hamrick, Sebastian, FL; Sgt. Marvin Ivie, Ontario, CA; Spc. Jean Kazlauskas, Waterbury, CT; Spc. Kevin Moellenberndt, Kansas City, MO; Spc. Fatimah Musawwir, Washington, DC; Cpl. Ollie Robinson, Turkey, NC; Spc. Steven Schultz, Watertown, SD; Cpl. Erik Tate, Reston, VA; and Spc. John Vaughn, Granada Hills, CA.

President Bush took time from his very demanding schedule to pay tribute to these individuals who participated in what he termed a "mission of high principle and noble purpose." I'd like to share with my colleagues the President's remarks:

REMARKS OF THE PRESIDENT IN ADDRESS TO DISABLED AMERICAN VETERANS

Tonight we honor those who answered their country's call to service. They went proudly, willingly, on a mission of high principle and noble purpose: To defeat aggression and defend freedom. In a far-away land, they battled the enemy in the field, and the inner enemy of fear. Through their sacrifice, they put an end to brutal aggression. They freed a captive nation, and set America free by renewing our faith in ourselves.

From the time Operation Desert Shield began, a sacred bond grew between Americans here at home and those serving in the Gulf. Think of all those yellow ribbons. Think of how the American family has never been more united. That bond, that unity, and that love must be preserved for those injured or disabled by war.

For more than 70 years, the D.A.V. has helped veterans the old-fashioned way: Person to person, veteran to veteran. The soldiers here tonight are finding out how fortunate they are to have thousands of volunteers ready to help, to offer support, and to just be a friend to those on the road to recovery. So I just wanted to offer my sincere thanks for all you've done and all that you continue to do on behalf of America's veterans. As President, but even more as a veteran, I'm proud to be a member of the D.A.V.

You know, every day, many important papers and documents cross my desk in the Oval Office, but very few items remain there for long. There's one thing, though, that stays there as a constant reminder. It's a small American flag, the same kind they give to children to wave at parades. An American soldier gave it to me in a hospital in San Antonio, and I'll never forget what he said. "This is from all the men in Panama," he said, "and I want you to have this from them. And we thank you for sending us." That soldier had come home a paraplegic.

Where would America be without its veterans? There wouldn't be an America. No Commander-in-Chief forgets the sacrifices of America's veterans. Nor will America forget those who do the hard work of freedom. We supported you in peacetime and in wartime, and we will support you now that you are home.

May God bless America, and the veterans who keep her free.

Secretary of Defense Dick Cheney, Secretary of Veterans Affairs Ed Derwinski, Senator STROM THURMOND, Kuwaiti Ambassador Shaikh Saud Nasir Al-Sabah and Belgian Ambassador Juan Cassiers also participated in the program.

Among the other distinguished guests were representatives of the Governments of Great Britain, France, Canada, Australia, Italy, Japan, and New Zealand and several Mem-

bers of Congress. Richard D. Cameron, Commanding General, Walter Reed Army Medical Center, also attended.

Mr. Speaker, the men and women of our Armed Forces have never performed more magnificently than they did in the Persian Gulf war. They gave us a swift and decisive victory. In my 50 years of service in and association with the military, I have never seen higher quality military personnel than those who served during this crisis and who are now serving.

War is brutal. It is not fought nor won without a price. It demands a toll, no matter how brief, no matter how decisive. While on one hand, each war we fight strengthens the hand of freedom and democracy, it also takes something away. It leaves physical and emotional scars. Both triumph and sorrow are the aftermath of war. Perhaps it can be of some solace to those who were wounded and to those whose loved ones did not return that what they did has helped discourage future wars and additional loss.

These men and women made tremendous sacrifices, sacrifices which are manifest through patches and prosthetics, through impairments and scars and, for some, through a long and arduous rehabilitative process. As they will attest, there are times during their rehabilitation when they feel alone, when they feel down, when they might wonder "Why?" But they should know that, through their service and by their losses, they did much more than win a war. They renewed America's sense of pride and lifted it to a level it has not seen since the post-World War II years. They also heightened the world's respect for our great Nation. Because of them, our friends in Kuwait are again free and, in the process, our own freedom has been immeasurably strengthened.

It had been many months since some of the evening's honorees had been home and seen families and friends. But I believe that, here in Washington and all across America they have a new family, a family that cares deeply about them and their welfare—the American family.

Mr. Speaker, the war is not over until each and every participant receives the care and attention he or she has earned, whether it be quality health care and rehabilitative services, counseling or compensation, home loans or any of the other services established by a grateful nation for the defenders of liberty. This commitment should be the guiding force in our legislative deliberations, not only in this Congress, but always.

We should keep in our prayers all who have been hurt and disabled in service to their country, those at Walter Reed and elsewhere across the Nation. We should also remember that there are others still serving in the Persian Gulf region and around the world. Let's not forget them.

In a related matter, I want to commend two individuals—Jim Mayer and Bob Moran, both Vietnam veterans, both double amputees, both VA employees—who, since February, have taken it upon themselves to visit and counsel the wounded at Walter Reed.

These two gentlemen have become common and very welcome sights up and down the halls of Walter Reed. They have made themselves available to hospital staff for visits

with patients in order to answer their questions and offer advice and assistance. Bob and Jim certainly can empathize with the wounded; their experiences uniquely qualify them to counsel amputees on what to expect and how best to deal with it. On many occasions, Jim and Bob have hosted meals and recreational outings for the hospital's patients. They and their wives have opened their hearts and homes to these individuals.

Bob Moran explained why they do it: Jim and I realized that the most important treasured thing we received when we were patients was an individual who had undergone similar experiences and who had sustained the same type injuries as ours sitting down with us and talking to us, somebody who had been there. It was some of the best medicine we could have received. We figured these returning amputees could benefit from the same one-on-one encounters. Maybe, in some small way, we can contribute to their healing.

I know my colleagues will join with me in expressing gratitude and appreciation to Jim Mayer and Bob Moran for the selflessness and compassion they have displayed in caring for their fellow veterans and to the Disabled American Veterans, one of the Nation's fine veterans' service organizations, for reminding us that there are those still fighting the war's battles with tremendous courage and dignity.

INTRODUCTION OF THE SMALL BUSINESS RECOVERY ACT

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MAVROULES. Mr. Speaker, I am pleased to have bipartisan support for legislation I, NANCY JOHNSON and many other members of the New England Delegation, introduced yesterday, H.R. 3419, the Small Business Recovery Act of 1991, to help ease the credit availability problem many businesses are experiencing in the region. The New England Council worked diligently with us in crafting this legislation which is also endorsed by the Smaller Business Association of New England, the Massachusetts Business Roundtable, the Associated Industries of Massachusetts, the Connecticut Business and Industry Association and many other business groups in the area.

Just last week the Commerce Department reported that we have had 3 consecutive quarters of negative growth, 1 more than necessary to declare a recession. We have tried unsuccessfully during these recessionary times to provide credit access for the small companies who are the backbone of our Nation's economy. The economic downturn is pervasive and continuing to spread. Without capital, businesses are unable to expand and contribute to the rebounding of New England's economy. Clearly what differentiates this recession from that of 1982 is credit and capital availability. Because credit was available at that time, it was possible for new enterprises to develop into some of today's corporate giants.

Large businesses and large banks can obtain the necessary capital. It is the smaller

ones that need our assistance and who this bill is designed to help. A decline in New England capital of 25 percent from September 1988 to December 1990 has left small banks and businesses drained, when the national decline was only 3 percent according to Federal Reserve data.

Sixty percent of the Nation's work force are employed by small businesses, and 50 percent of new jobs by the year 2000 will be created by small businesses. Therefore, it is crucial that we protect the backbone of our Nation's economy. In 1990, failures of New England businesses rose 193 percent over 1989, while nationally business failures were up only 14.5 percent.

The economic horror story of the region goes on and on. In New England, 254,000 jobs were lost in the last 2 years, 20 percent of the Nation total. An incredible figure when New England only makes up 5 percent of the U.S. population. In April of this year, five of the six New England States had unemployment rates substantially higher than the national average of 6.8 percent.

Under the terms of the Small Business Recovery Act of 1991, H.R. 3419, 200 banks in the region would be eligible to obtain up to \$5 million in authority to issue stocks or debentures. This investment would be insured for up to 7 years with banks having a capital asset ratio of between 3 and 8 percent, total assets of not over \$1 billion, has a Federal or State charter for at least 3 years and tier 1 capital between 3 and 8 percent of total deposits.

The maximum amount of private capital raised would be \$500 million with an SBA guarantee covering \$425 million. This figure is modest given that under normal banking policies every \$1 in asset usually creates \$12 in loan capacity.

I am excited about the opportunities this measure presents to restore the economic vitality of our region and look forward to working diligently with my colleagues for its adoption.

SUPPORTING TAIWAN'S MEMBERSHIP IN THE UNITED NATIONS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. HERTEL. Mr. Speaker, today, I rise to introduce a resolution which supports Taiwan's membership in the United Nations and other international organizations. Taiwan is presently represented by appointees from the Government of the People's Republic of China.

Taiwan was a Japanese colony during the period between 1895–1945. At the end of World War II, the United States alliance with the Nationalist Chinese administration allowed the Nationalist President, Chiang Kai-shek, to consolidate the Nationalist position on Taiwan under United States military protection. A period of civil war followed between 1945–1949, resulting in the overthrow of the Chinese Nationalist Government by the communistic regime that remains in control of the mainland today. The Chinese nationalists were forced off the mainland, and fled to Taiwan where they established a "provisional" capital in Taipei, Taiwan in December, 1949.

Taiwan has been politically and economically independent from the People's Republic of China since 1949; furthermore, appointees of the Chinese Nationalist Government, based in Taipei, represented Taiwan and China in the United Nations until 1971. During that year, appointees of the Government of the People's Republic of China, based in Beijing, assumed the role of representing both mainland China and Taiwan.

The Nationalist Government of China, based in Taipei, was granted diplomatic recognition by the United States until December 15, 1978 when the United States and the People's Republic of China released a joint communique announcing a switch in United States diplomatic recognition from Taipei to Beijing. The United States also stated in the joint communique that the "United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan." In a unilateral statement released concurrently with the joint communique, the United States further stated that it "continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves".

The People's Republic of China has made no attempts to settle the Taiwan issue peacefully or otherwise, and has repeatedly threatened to invade Taiwan. I do not want to see another example of the the People's Republic of China's ability to use force to quench internal strife. The brutal crackdown in 1989 on the prodemocracy demonstrations in Beijing proves that the Chinese Government is capable of acting out on their threats of violence.

Historically, the United States has had friendly relations with Taiwan. On April 10, 1979, the United States signed into law the Taiwan Relations Act which created a domestic legal authority for the conduct of unofficial relations with Taiwan. Since January 1, 1979, the United States has even continued the sale of selected defensive military equipment and defense technology to Taiwan, in accord with the Taiwan Relations Act.

Taiwan has in the past 40 years become an independent political entity and an important partner in world trade and international economy. Taiwan has the world's largest foreign currency reserve, is the fifth trading nation in the world. In spite of its economic achievement and significant role in the world economy and in world affairs, the government of Taiwan does not have representation in the United Nations and other international organizations. Taiwan is represented by a country it has been politically and economically separated from since 1949.

It was in the United States' best interest during our cold war with the U.S.S.R. to have friendly relations with China, but the cold war is over, and I think it is now time to stand up for the people of Taiwan.

Mr. Speaker, every year since becoming a Member of Congress, I introduced a resolution designating June 14 as "Baltic Freedom Day." The people of the Baltic countries are now free, and have self-determination and representation in the United Nations. I am hopeful that I will see the day when the 20 million people in Taiwan can enjoy the same representation in the United Nations.

TRIBUTE TO BRIGADIER GENERAL LARRY R. CAPPS

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. CRAMER. Mr. Speaker, today I rise to pay tribute to Brig. Gen. Larry R. Capps, the deputy commanding general of the U.S. Army Missile Command at Redstone Arsenal in Huntsville, AL, who is retiring after many years of distinguished service to this country.

General Capps has proudly and bravely served his country both domestically and overseas. He served in Germany, Vietnam, and Cambodia as well as in South Carolina, Maryland, Washington, DC, and Alabama. His awards and decorations speak of his many accomplishments. General Capps has received the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal, Humanitarian Service Medal, and the General Staff Identification Badge.

The general came to Huntsville 6 years ago as a colonel to run the Patriot Missile Program. Almost any American can tell you the significant role the Patriot missiles played in the gulf war, but few people realize that General Capps was the man behind the Patriot's success. In 1985, the general convinced the Army leadership and the Congress to let him do the research and development work necessary to convert the Patriot from an airplane killer to a weapon that could also shoot down ballistic missiles. Had it not been for General Capps' efforts, the term "Scud buster" may never have come to be a household phrase. For the past 3 years, the general has served as Micom deputy commander at Redstone.

General Capps has also remained interested and active in the events of the Huntsville/Madison County community. He was a key player in the Vision 2000 planning, and he played a major role in the consolidation of Army Materiel Command activities in Huntsville. The general was also responsible for the success of the Sparkman Center by personally steering this project through the Army and Defense Departments.

General Capps and his wife, the former Brenda Bailey of Covington, GA, are retiring in Huntsville. They have two sons: Barry, a senior at the University of South Carolina, and David, a member of the class of 1992 at the U.S. Military Academy.

It is my pleasure to congratulate General Capps on his many accomplishments and to thank him for his many years of service. I wish him all the best in his retirement.

SUPPORT FOR ALBANIANS, CROATIANS, AND SLOVENIANS IN THE FACE OF CONTINUING COMMUNIST REPRESSION IN YUGOSLAVIA

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SWETT. Mr. Speaker, yesterday thousands of Americans of Albanian, Croatian, and

Slovenian background gathered on the west front of the U.S. Capitol to demonstrate their support for the forces of freedom and democracy in their homeland and to urge stronger action by the American Government against the entrenched Communist Yugoslav Government and the renegade Communist-dominated Yugoslav military organization. I joined with a number of my colleagues from the House and the Senate in this massive rally against the continuing repression and violence that is plaguing Yugoslavia.

Mr. Speaker, I insert my remarks at that rally in the RECORD:

REMARKS OF HON. DICK SWETT AT THE FREEDOM FOR YUGOSLAVIA RALLY

I am happy to join you today, to join you in calling for a peaceful and democratic solution to the tragedy now unfolding in Yugoslavia. The freedom-loving peoples of Croatia, Kosova, Slovenia, and the other republics and provinces of Yugoslavia are being viciously and brutally repressed by the communist government and the communist-dominated military as they fight for democracy and human rights.

The last few years have been truly historic. The world has watched in amazement as the forces of liberty and democracy have won the battle against communist tyranny in Central and Eastern Europe and the Soviet Union. In this part of the world, the only exception to this triumph of democracy has been the central government of Yugoslavia and the government of the Republic of Serbia. There communist domination remains firmly entrenched, and those totalitarian forces have sought to maintain their power with tanks, guns, and bullets and they have sought to crush the newly revived democratic spirit of those peoples in Yugoslavia who have thrown off communist domination—the Croatians, Albanians, and Slovenes.

In this century, again and again, the civilized world has watched in horror as totalitarian governments have repeatedly ignored and suppressed the will of their own people. No matter how vicious and bloody the government repression has been, the forces of democracy have again and again come to the surface. In the past few months, the strength and the power of this will for freedom has again been verified by the Albanians of Kosova, the Croatians, and the Slovenians.

The United States government must send a clear and unequivocal message to the communists of Yugoslavia, to the communists of Serbia, to the communists of the Yugoslav armed forces. These forces of reaction and repression must know that we stand on the side of freedom and democracy, that we stand on the side of the Croatians, Albanians, and Slovenes in their fight against communist totalitarianism.

As we stand here today, in the shadow of the Capitol of the greatest democracy on earth, we must remember that the infringement of freedom and democracy of any people anywhere is a threat to the democracy and liberty of free men everywhere. The struggle of the Croatians, Albanians and Slovenes in Yugoslavia is the struggle of all of us. When they triumph, democracy triumphs, and we in America triumph as well. With the firm and unequivocal help of the United States, we will soon rejoice as the Albanians, Croatians, and Slovenes—former victims of tyranny and communist repression—join the ranks of free and democratic peoples.

A TRIBUTE TO REV. KENRYU T. TSUJI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to salute the accomplishments of the Rev. Kenryu T. Tsuji on this the 50th anniversary of his service as a Jodo Shinshu minister. To honor Mr. Tsuji and his years of dedicated service, the Ekoji Buddhist Temple will host a dinner in his honor next Saturday at the Phillips Restaurant here in Washington, DC.

During the last five decades, Reverend Tsuji has served as a minister in both the United States and Canada and also as the director of Buddhist Education and as the bishop of the Buddhist Churches of America. Additionally, he was one of the few ministers of the pre-World War II era who spoke excellent English. He continues to be a distinguished speaker of Buddhism, a sound administrator, and a far-sighted leader for Buddhism in North America.

I ask my colleagues to join me in saluting Reverend Tsuji and in extending our best wishes for a successful and enjoyable celebration next Saturday.

A CONGRESSIONAL SALUTE TO MR. WAYNE T. KISTNER, ESQ.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Mr. Wayne Kistner, the recipient of Crohn's and Colitis Foundation of America's 1991 Humanitarian Award. Mr. Kistner is honored for his 10-year commitment to reducing the pain and suffering brought to over 2 million Americans with Crohn's disease or ulcerative colitis. This occasion gives me the opportunity to express my deepest appreciation for his many years of service to our entire community.

Mr. Kistner graduated from California State University, Long Beach, cum laude, obtaining the President's honor list in both 1977 and 1978. He spent a summer in Nicaragua, leading a health and community development program which vaccinated thousands against polio and smallpox. Subsequently, he volunteered in England for a year to assist the homeless, youth, and the Gypsy community. For his tireless work, Wayne was selected as an "ambassador of goodwill" by the Ambassador to Great Britain, Mr. John Winant.

Not forgetting the myriad of problems faced by people in our own community, Mr. Kistner has been involved in noteworthy social service organizations in southern California. He assisted in the development of the Cypress College Human Services Program to provide much needed counseling for distressed students. Later, he fused two community-based organizations, Community Concern and Straight Talk, to form Straight Talk Inc. to bring a mental health program and related social services to the local community. He has

since served as a board member to this organization and provided 3 years of strong leadership as the chairman of the board.

In addition to his great work for nonprofit organizations, Mr. Kistner is also the director and founding principal of the law firm of Bennett, Kerry, Kistner & Garcia. He started his law career in 1981, graduating from Southwestern University School of Law and being admitted into the California Bar in the same year. During his training, he was chosen as the extern for the U.S. Court of Appeals, ninth circuit under Chief Judge Alfred T. Goodwin. In recognition of his impressive work, he was named one of the outstanding young men of America in 1981.

Even as his responsibilities grow at work and home, Mr. Kistner still finds time to work for the benefit of our community. He serves as a member of the Honorary Long Beach Police Officers Association, the Long Beach Bar Association, and is currently chairman of the Endowment Board for California Pools for the Handicapped, Inc. and trustee of the Long Beach Civic Light Opera Association.

My wife, Lee, joins me in extending our thanks to Wayne Kistner for his contributions to the Crohn's and Colitis Foundation and years of service to the larger community. We wish Wayne, his wife Cindy, and his two beautiful daughters, Lindsay and Whitney all the best in the years to come.

PACIFIC NORTHWEST FOREST COMMUNITY RECOVERY AND ECOSYSTEM CONSERVATION ACT OF 1991

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. McDERMOTT. Mr. Speaker, today, I am introducing the Pacific Northwest Forest Community Recovery and Ecosystem Conservation Act of 1991. I am pleased that Congressmen DAVID BONIOR, LEON PANETTA, and BUDDY DARDEN have joined me in cosponsoring this legislation.

Last July, at the request of the House Agriculture Committee, a distinguished panel of scientists briefed Members of Congress on the health of the Northwest's forests. After 3 months of consultation with hundreds of other experts, the panel's message was precise and unequivocal—the Northwest's forests have been overharvested, and current logging plans cannot be sustained.

It is time we listen to the scientists. The bill I am introducing today establishes a process consistent with the recommendations of the Portland panel. It brings Federal agencies back into compliance with the law, rather than changing the law to pardon their mistakes. It recognizes that our challenge is not simply to save the spotted owl, but to preserve the entire forest ecosystems. And it takes the first step toward informed watershed protection and native salmon preservation. I cannot imagine facing my constituents in 2 years and explaining to them why Congress neglected to address the decline of our native salmon.

We do not need to resolve this problem by preventing citizens from going to court or by

throwing our environmental laws out the window. Those tactics are tempting, but they will lead us back to where we started 3 years ago. My bill will lead to sustainable harvest levels and healthier forests. This is the only way to create certainty for the timber industry and stability for the forests.

Our choice is not between owls and jobs. Our choice is between timber jobs and good replacement jobs for the ones that will be lost. A Wilderness Society report issued yesterday recommended several policy options to help the region keep abreast of the economic transition that is occurring in the Northwest. I agree with their findings and have incorporated many of their ideas in this bill. My bill helps workers find new jobs, provides credit to mills to preserve existing timber jobs, establishes special funds to help communities diversify their economies, offers reforestation tax incentives to small woodlot owners, and guarantees loans to promote the export of value-added wood products.

The ideas in my bill are in most respects the same as the ones introduced in July by Senator BROCK ADAMS. Unlike Senator ADAMS, I have not included provisions to restrict the export of raw logs. Instead, I have cosponsored legislation introduced by Representative DEFAZIO to tax log exports and use the receipts to promote economic diversification in timber-dependent communities. Also, my bill creates new forest management guidelines and ensures that they will apply to all forests covered in the bill, not just the owl forests. Finally, I have made a few technical corrections to other provisions.

However, the similarities between my bill and the one introduced by Senator ADAMS are more important than the differences. These two bills speak for thousands of Northwest residents who believe their views have not been represented by their elected officials. I stand with Senator ADAMS in calling for a resolution to this crisis that is scientifically credible and points to a new economic future for our rural communities.

I am offering this legislation as a member of the Northwest delegation who wants more than anything to resolve this issue. I hope my bill will offer my colleagues in the House a new and important perspective that will be a constructive addition to the debate. I will continue to work with my colleagues from the Northwest and in the House to find a permanent and fair resolution.

THE 80TH NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, "Double Ten," the 10th day of October is National Day for the 20 million Chinese on Taiwan.

The Republic of China on Taiwan is our ally and our sixth largest trading partner. In recent years, Taiwan's economy has grown at a spectacular rate, making Taiwan one of the most prosperous countries in the world. The

hard work and ingenuity demonstrated by the Chinese people will undoubtedly enable them to prosper even more in the future.

We wish President Lee Teng-hui, Premier Hau Pei-tsun and Foreign Minister Fredrick Chien the best of luck. We also wish to assure them that the relationship between the United States and their country is ongoing and strong. My colleagues and I have enjoyed working with Ambassador Ding Mou-Shih and his colleagues, especially Mr. Larry Wang of the liaison division in Washington.

Congratulations to the people of the Republic of China on Taiwan on this auspicious occasion.

INTRODUCTION OF LEGISLATION CLARIFYING THAT ELDERLY- ONLY HOUSING IS PERMISSIBLE UNDER FEDERAL PROGRAM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. DONNELLY. Mr. Speaker, since the administration of President Franklin Roosevelt, Congress and the executive branch have agreed that it is justifiable policy to limit some housing projects to the elderly. Senior citizens have special needs, and Government has long recognized that elderly Americans should be able to live out their last years in housing with other senior citizens.

Recently, however, some public housing projects which had been set aside solely for the elderly are now being populated by nonelderly individuals. This is sparking conflicts which have sometimes ended in violence. The administrator of the Boston Housing Authority wrote in a letter to me, "young residents have become the neighbors of seniors in buildings which senior citizens believed were originally reserved for them. This mix has caused increasing concern and unhappiness among seniors." She also points out examples where this mix has caused violence, robberies, drug crimes, and serious fear among senior citizens.

There is a simple solution to this problem: a statement in the law that senior citizen-only housing is permissible, but I am told that this change is both complex and controversial. I disagree, and I am introducing legislation today to clarify the law and permit elderly-only federally assisted housing.

This problem has several causes, not the least of which is the tendency in Congress by Members with hidden agendas to change policy without advising Members not on committees with jurisdiction over the programs being changed. As one Member of Congress, I am outraged that this change in policy—which I was never told of—is being forced on frail elderly people.

Another cause is the refusal of Congress and the administration to address the housing needs of individuals with disabilities, of homeless individuals, and of other constituencies. But regardless of the reasons for the failure of these important debates to take place, it is fundamentally wrong and misguided to ask elderly Americans to shoulder the burden for our

failure to act. The housing needs of the elderly and the housing needs of other constituencies are two separate issues.

Congress and public housing agencies should address the housing needs of individuals with medical problems, mental health problems, and drug and alcohol-related diseases separately. Elderly Americans should not be forced to live in fear; there are good public policy reasons under Federal law to allow elderly Americans to live together in peace, quiet and security.

Mr. Speaker, this is one of the most important housing issues of the year. I submit a technical description of my legislation to be included in the RECORD at this point.

TECHNICAL DESCRIPTION OF ELDERLY HOUSING LEGISLATION PRESENT LAW

The United States Housing Act of 1937 defines "families" to include single individuals, but only if the single individuals are at least 62 years of age, have a developmental disability, or are handicapped. Thus, when used in the 1937 Act, the word "elderly" can include individuals with disabilities or handicapped individuals.

Under present law (e.g., in conjunction with the Fair Housing Act Amendments of 1988 or the Americans with Disabilities Act), it is unclear whether housing reserved exclusively for the elderly is discriminatory. The Department of Housing and Urban Development has taken the position that with respect to public housing projects, elderly-only housing is impermissible. With respect to so-called "section 202" housing, some HUD officers have reportedly taken the position that elderly-only housing under that program is impermissible, although this view is clearly wrong.

EXPLANATION OF PROPOSAL

The bill defines "elderly" under the United States Housing Act of 1937 to include only individuals age 62 or older. Separate definitions, are provided for disabled persons, handicapped persons, and displaced persons.

The bill also contains a special purpose housing provision which provides that, notwithstanding an other provision of law, a public housing agency may limit occupancy within housing assisted under the Act to only elderly families (as re-defined under the bill), only disabled families, or only handicapped families.

No inference is intended as to present law.

CONGRESSMAN JOHN P. MURTHA AWARDED HONORARY DEGREE OF DOCTOR OF POLITICAL SCIENCE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. McDADE. Mr. Speaker, I am pleased to bring to the attention of the House a recent honor that was bestowed on my friend and colleague from Pennsylvania, JOHN P. MURTHA. Northeastern University of Boston, MA, awarded the honorary degree of doctor of political science to Congressman MURTHA on September 12.

This honor was given in recognition of JACK MURTHA's contributions to this Nation as a de-

voted public servant, champion of industrial development and decorated veteran. His tireless dedication has benefited not only the citizens of Pennsylvania, but all Americans.

I have had the honor of serving in the House with JACK MURTHA for the past 17 years. We have fought many battles on behalf of the people of Pennsylvania, and we have worked together as chairman and ranking Republican on the Appropriations Subcommittee on Defense to insure this Nation's security. I say proudly and without hesitation that JACK MURTHA is one of the finest individuals to ever serve in the U.S. Congress.

The citation honoring Congressman MURTHA reads:

From your assistance that was instrumental in the recovery of your home state after the devastating Johnstown Flood to your contributions as a member of the Appropriations Committee, you have displayed a tireless dedication to the citizens of Pennsylvania and indeed all Americans during your seventeen years of service in the House of Representatives.

While keeping alive the memory of the building of America in the early 20th century by initiating America's Industrial Heritage Project, you also looked ahead to the future. As a co-founder of the Congressional Steel Caucus, you recognized changes in the steel industry and keenly reacted to the changes. The livelihood of Industrial America was saved and the nation's economy was boosted by the modernized and internationally competitive industry that your efforts helped to create.

Your long and distinguished career in the armed services has given you unique insight into what a nation needs in order to provide for the common defense. Chairing the House Appropriations Subcommittee on Defense, you have brought the United States to the forefront as a military power, thus allowing the American ideal of democracy to spread throughout Eastern Europe and the entire world.

For devoting your life to serving the people of this country; for elevating the strength of our nation's defense; and for preserving the past, improving the present and protecting the future of Industrial America, Northeastern University takes pride in presenting you with the honorary degree, Doctor of Political Science.

Mr. Speaker, this honorary degree is a most fitting tribute to an outstanding public servant. I congratulate JACK MURTHA for this honor and for his service to America. I look forward to working with him on matters of importance to Pennsylvania and the Nation.

POSTSECONDARY OPPORTUNITIES ACT FOR STUDENTS WITH DIS- ABILITIES

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. GUNDERSON. Mr. Speaker, section 504 of the Rehabilitation Act states that, "No otherwise qualified handicapped individual in the United States shall, solely by reason of his or her handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any programs of

activity receiving Federal financial assistance." Since most postsecondary institutions are recipients of Federal aid, all have made a major effort in trying to eliminate both physical and attitudinal barriers.

Despite the efforts of postsecondary institutions to improve accessibility to higher education for individuals with disabilities, further changes are needed. Today, I am introducing the Postsecondary Opportunities Act for Students with Disabilities. Highlights of my proposal include: First, establishment of the National Clearinghouse for Postsecondary Education Materials for Students with Disabilities, second, creation of a demonstration grant program that will encourage partnerships between institutions of higher education and secondary schools serving students with disabilities, third, Pell grant eligibility for students with disabilities, and fourth, an allowance for supportive services, and accessibility to work-study funds for students with disabilities.

The National Clearinghouse for Postsecondary Education Materials for students with Disabilities will coordinate the production and distribution of educational materials in accessible form. I would like to take this opportunity to thank one of my constituents, Paul Frank, a student at Viterbo College in La Crosse, WI and the Recording for the Blind. They have played major roles in designing this clearinghouse concept.

Another component of the bill that I would like to discuss is the formation of partnerships between institutions of higher education and secondary schools serving students with disabilities. These partnerships will improve the academic and vocational skills of secondary school students with disabilities, increase their opportunity to continue a program of education after secondary school to begin living independently in a postsecondary setting, and improve their prospects for employment after secondary school.

I look forward to working with my colleagues on the House Education and Labor Committee to see that this initiative is included in the reauthorization of the Higher Education Act.

IN HONOR OF 100 YEARS OF ST.
JOHN'S CHURCH

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to St. John's Church on the occasion of its 100 years in the 16th Congressional District of California.

In September 1891 a small group of Roman Catholic residents of King City, CA, began religious services in their new church built by the fruits of their labors. Most of the original members of the parish community were Spanish speaking, with several French, some Portuguese and a few Swiss-Italians making up the ethnic mix of this fledgling church. The parishioners of St. John the Baptist Church were predominantly dairymen, ranchers, farmers and in some way engaged in agricultural pursuits. The economic tides that governed their lives also had an effect on the fortunes of the small parish community.

In the past 100 years the congregation has grown from less than 100 people to a present membership of over 3,000 and the ethnic mix is almost the same as when the parish began. Services are conducted in both English and Spanish and the religious education classes reflect the same distribution.

Contributions to the community of King City and its surrounding agricultural area have been numerous. This includes providing a Roman Catholic center for worship, for parish activities such as an ethnic festival, barbecues honoring specific interests of the people of the parish, workshops and study programs and for 32 years operation of a parochial school which served the families of Greenfield, King City and San Lucas.

In observing its first 100 years of service to the community of King City, the parish of St. John the Baptist also honors the presence of the Fathers of St. Charles who minister to the migrant population, their priests having been part of the parish as pastors since 1968.

Beginning its second century of service to the Roman Catholics of King City and the surrounding area, parishioners will observe their centennial at a special bilingual Mass on November 3, 1991, assisted by priests and others who have been part of the history of the parish. This will include descendants of the original and early parishioners, and all present members of this Roman Catholic community which now, as in the past, reflects the diversity of the California population.

Mr. Speaker, I ask my colleagues to join me now in honoring St. John's Church in its centennial celebration. It is with great pride and respect that I pay tribute to the outstanding service the church has provided to the 16th Congressional District of California.

ST. MARY'S ORTHODOX CHURCH
CELEBRATES DEDICATION OF
FELLOWSHIP HALL

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize St. Mary's Orthodox Church in Hunt Valley, MD, upon the dedication of their new Fellowship Hall on September 29, 1991.

The dedication will be performed by His Grace Bishop Antoun who is auxiliary bishop of the Antiochian Orthodox Christian Archdiocese of North America. In addition, this is a very special day for Father George Romley who will be celebrating his 10th anniversary with the parish and will be elevated by Bishop Antoun to the dignity of the rank of the Archpriesthood which is equivalent to the rank of Monsignor in the Roman Catholic Church.

It should be noted that the Antiochian Orthodox Christian Archdiocese of North America, which is under the ancient Patriarchate of Antioch, is one of the oldest churches in Christendom as recorded in Acts 11:26, "the disciples were first called Christians in Antioch."

Bishop Antoun has established many mission parishes in the United States and Canada and his visit to St. Mary's will highlight the

faithful works of this parish. I share in the excitement of his visit and take pride in the elevation of Father Romley to the Archpriesthood. I wish to also commend the parishioners of St. Mary's for their years of hard work, toil, generosity, and prayers that have made this holy and historic day possible.

The dedication of Fellowship Hall is a proud and joyous occasion for everyone at St. Mary's. The hall will be used for a variety of functions and will contain offices, conference rooms, a kitchen, and will house a day-care center to better serve the community. Although this dedication represents years of hard work and devotion by Father Romley and his parishioners, the focus of St. Mary's has always been and continues to be upon their reverent and steadfast faith.

September 29 truly is a momentous occasion for St. Mary's Orthodox Church and I look forward to taking part in this special occasion. I have had the pleasure of being acquainted with St. Mary's for a number of years and sincerely appreciate the many charitable causes the church actively supports. An important and established part of the community, St. Mary's is a place of worship and a source of faith and guidance to many in the community. The health and vitality of the church is a great concern of mine as the church has a profound impact on the well-being of our country. Without the church, we would indeed be a lesser nation.

Mr. Speaker, my fellow colleagues, it is with great respect and admiration that I congratulate St. Mary's Orthodox Church on this special occasion. It is also my pleasure to welcome His Grace Bishop Antoun to Maryland. Again, congratulations and may God bless.

THE SATELLITE HOME VIEWER'S
RIGHTS ACT OF 1991, H.R. 3420

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. TAUZIN. Mr. Speaker, today I rise to introduce H.R. 3420, the Satellite Home Viewer's Rights Act of 1991. This legislation, co-sponsored by 14 of my colleagues, will bring C-band satellite dish owners onto equal footing with cable television viewers. For years we have fought for equitable treatment for dish owners. We nearly achieved that goal in the cable bill which passed the House of Representatives only to die in the final moments of the Senate last session. So, we are back again with the endorsement of the National Rural Telecommunications Cooperative, the Satellite Broadcasting & Communications Association, and the Consumers Federation of America. This legislation is not opposed by cable.

Mr. Speaker, the Satellite Home Viewer's Rights Act is not complicated. First, it requires satellite television programmers who encrypt their services to make those services available to home satellite antenna users. Second, it requires programmers to establish reasonable and nondiscriminatory criteria for licensing satellite distributors. Third, it requires programmers to establish nondiscriminatory prices,

terms, and conditions for distribution of their programming through third-party packagers.

Amid the overall cable debate this issue may seem small, but it is not. There are over 3 million American citizens who own satellite dishes, and that number grows every day as people recognize the value and variety of programming the TVRO dish offers. Unfortunately, this technology has been stifled for various reasons, not the least of which is discriminatory pricing of cable programming between wholesalers of satellite programming and cable operators. Testimony received before the Telecommunications and Finance Subcommittee and reports by the Federal Communications Commission over the past 2 years have built a compelling case that unjustifiable price differentials exist between prices charged cable operators and satellite programming distributors. Our goal is to correct that unfairness and encourage the TVRO industry to mature in an environment where all consumers are treated fairly.

Indeed, home satellite programming distributors are charged as much as six times the amount that the same programmer charges cable operators. This tremendous markup affects the consumer's end price, making the dish owner's price comparable to or even more expensive than the cable subscriber's price. When one considers that consumers, through the purchase of their satellite dish system, pay for their cableless system yet receive little or no benefit in the prices they are charged for programming, the inequity is clear.

Mr. Speaker, this practice becomes more distasteful when one realizes that TVRO consumers are frequently rural families who rely on the satellite dish as their major source of information into the home. The satellite dish affords rural viewers access to all of the news, entertainment, and educational resources easily available to millions of others via cable. This bill will ensure that all of those wonderful channels like CNN and ESPN will be available from Chackbay, LA to Noti, OR.

In closing Mr. Speaker, I am pleased to submit letters of endorsement from the National Rural Telecommunications Cooperative and the Satellite Broadcasting & Communications Association, as well as the names of our original cosponsors.

SATELLITE BROADCASTING AND
COMMUNICATIONS ASSOCIATION,
September 19, 1991.

Hon. W.J. (BILLY) TAUZIN,
Rayburn House Office Building, Washington,
DC.

DEAR CONGRESSMAN TAUZIN: Thank you for your letter of August 16, 1991, regarding your intention to introduce the Satellite Home Viewer Act of 1991. The membership of SBCA joins me in expressing our appreciation to you for the support and encouragement you have given to the satellite broadcast industry to become a strong and vital competitor in the local video market place. The introduction of the Satellite Home Viewer Act is a major step which will help our industry fulfill its goal of offering consumer households the best in high quality television viewing.

We are very excited over the future of satellite broadcasting. As our industry continues to grow, we expect to deliver to consumers by the end of the decade an array of exciting choices in the selection of home video services. Your support of these goals and

your keen interest in the formulation of a national communications policy which fosters competition gives great heart to the entire SBCA membership which has committed itself to the success of satellite broadcasting.

Sincerely,

CHARLES C. HEWITT,
President.

NATIONAL RURAL
TELECOMMUNICATIONS COOPERATIVE,
September 10, 1991.

Hon. BILLY TAUZIN,
U.S. House of Representatives,
Washington, DC.

DEAR MR. TAUZIN: I am writing to express the strong support of the National Rural Telecommunications Cooperative (NRTC) for the satellite television legislation that you are introducing.

Your legislation is desperately needed. Today, home satellite dish (HSD) distributors are required to pay about 600% more than cable companies for the very same television programming! To make matters worse, HSD distributors often cannot get access to the same programming as cable companies. This includes popular programming like NFL Football, and NBA Championship Basketball.

Your bill will remedy this unfairness by requiring cable programmers and satellite carriers to deal fairly with HSD distributors and prohibit them from discriminating in prices, terms and conditions.

Home satellite dish owners badly need the legislation that you are introducing.

NRTC, on behalf of rural dish owners, applauds your leadership. Rural dish owners are too often forgotten in a telecommunications debate that seems dominated by industry giants seeking massive profits. We respect and appreciate your commitment and steadfast support for fairness and open access for the rural dish owner.

We look forward to working with you to gain support for enactment of this important legislative initiative.

Sincerely,

B.R. PHILLIPS III,
Chief Executive Officer.

LABELING OF HAZARDOUS ART MATERIALS ACT

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. DWYER of New Jersey. Mr. Speaker, recently the U.S. Public Interest Research Group released a report, "Art and the Craft of Avoidance," detailing their 2-month investigation to determine whether arts and crafts manufacturers are complying with the Labeling of Hazardous Arts Materials Act [LHAMA], which went into effect in November 1990.

PIRG researchers surveyed art stores, hardware stores, and drug stores, and recorded extensive information on the labeling of 150 most commonly used arts and crafts products that might pose long-term harm. In summarizing their research, the investigation found that 44 percent of art products surveyed that contained toxic chemicals failed to warn of the associated long-term health hazards. Only 19 percent of the toxic art supplies surveyed included an actual phone number on the prod-

uct label, as required. Another inadequacy U.S. PIRG's research revealed was that only 36 percent of the art products initially surveyed included a conformance statement on the label, with many different brands of similarly toxic products showing inconsistency with their labeling. Furthermore, almost 2 years past the deadline which the law imposed, the Consumer Product Safety Commission, the Federal agency in charge of enforcing this law, has only now released a Federal Register notice outlining the important criteria and guidelines for arts and crafts manufacturers to follow.

Obviously, the Consumer Product Safety Commission has not devoted enough resources to mandate the Labeling of the Hazardous Arts Materials Act. As the sponsors of this legislation, I feel strongly that the Commission put an end to its delays, and I have urged it to make the LHAMA a top priority by stepping up its efforts to assume responsibility for the compliance of this law. I believe one important step in doing this is for the Commission to issue the final guidelines to arts and crafts manufacturers on how to evaluate the chronic hazards as soon as possible.

Every day the health of millions of Americans who use art supplies—from professional artists to children—are threatened by the presence of hazardous substances contained in arts and crafts products. However, schoolchildren are at the greatest risk when exposed to hazardous substances due to their lower tolerance levels, developing bodies, higher metabolic rate, and difficulty in following directions properly. For all of these reasons, we must press the Consumer Product Safety Commission to increase its enforcement efforts of the LHAMA and finish the rulemaking process to protect consumers and schoolchildren from exposure to toxic substances contained in arts and crafts supplies.

LARCHMONT: SALUTING THE FIRST 100 YEARS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mrs. LOWEY of New York. Mr. Speaker, when the first settlers arrived in Larchmont, NY, they found a beautiful forest on the shores of the pristine Long Island Sound. Over the years, a village has emerged whose character matches the beauty of any natural setting. Larchmont is celebrating the 100th anniversary of its incorporation as a village this weekend, and I want to take this opportunity to share with my colleagues some of the history of this remarkable community.

The growth of Larchmont into what it is today began at the end of the Civil War, when Thompson J.S. Flint, a grain elevator and grocery magnate purchased a tract of land with the intention of establishing a vacation colony and neighborhood of suburban homes. He founded the Larchmont Manor Co. to sell property and established a horse trolley to the New Haven railroad line. Within 20 years, a bustling community had taken root.

As the end of the century approached, under the leadership of George Wight, a drive

toward incorporation was begun. Over the past 100 year, Larchmont has continued to grow and prosper. It has raised generations of children into productive citizens, and sent its sons off to bravely fight for their country overseas. Its people have built hospitals, churches, and schools to care for one another. And it has provided a haven for those who sought its refuge.

Larchmont has always been a home—in the fullest sense of the word—to those who have chosen to make it one. Its tree-lined streets, excellent schools, busy downtown, and warm, caring people make Larchmont a model suburban community. It has been a leader in environmental protection, remembering its origins and committing itself to endeavors that offer hope for revitalizing Long Island Sound and that, through recycling, will provide a quality life for future generations. It has also made a strong commitment to public involvement in government decisionmaking.

I am proud to serve as Larchmont's Representative in this House and to congratulate them on reaching this noteworthy milestone. I know from the forward thinking leaders it has chosen that this community is looking to the future. Larchmont will be in the century ahead as it has been during the past century, a model community committed to participatory government, the protection of our environment, and a vital economy.

IN SUPPORT OF THE OLDER
AMERICANS ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 2967, the Older Americans Act amendments. This important legislation will improve the current programs existing for senior citizens.

The Older Americans Act of 1965 created many new programs for senior citizens which have helped improve their quality of life. Due to the enactment of this law and other legislation which aided older Americans, the poverty rate among seniors has been cut in half. However, there is still more that we can do to improve the lives of senior citizens, including enacting a long term health care bill.

H.R. 2967, the Older Americans Act amendments, reauthorizes many of senior programs including the supportive services, congregate and home-delivered meals, community service employment assistance, training, research, and demonstration grants, and Indian elderly programs. Additionally, this bill would set up a new National Ombudsman Resources Center to conduct research, provide information on and analyze programs relating to long term care ombudsman policies.

H.R. 2967 also requires the President to convene a National Conference on Aging in 1993. The authority to plan and direct the conference is given to a 30-member policy committee, one-half of whom are to be selected by the President, and the other half selected by Congress. In the past, White House conferences on aging have been very successful

in coming up with ideas for programs to better serve our senior citizens population. I am confident that this conference will be as successful as those in the past.

H.R. 2967 is an extremely important piece of legislation which will help to improve the lives of senior citizens. I urge my colleagues to support this important piece of legislation.

TRIBUTE TO ASIAN RESOURCES,
INC. ON THEIR TENTH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Asian Resources, Inc., on the occasion of their 10th anniversary. This evening, elected officials, community leaders, employers, and former students will gather at Hoi Sing Restaurant in Sacramento to recognize and celebrate 10 years of dedicated service to the Sacramento community.

Asian Resources, Inc. was formed in 1981 when various leaders within the Asian American community saw that our immigrant and refugee communities were not being provided employment-related services and English language training. The organization has grown tremendously over the past 10 years to serve over 3,000 immigrants and refugees in a range of services which include English language instruction, work experience and on-the-job training with public agencies and private businesses, and summer youth employment. In addition, Asian Resources, Inc. provides youth counseling services to encourage students to remain in school and pursue higher education as well as assistance in job search skills and information. Finally, they have been dedicated civil rights advocates on such diverse issues as minimum wage, reapportionment, access to health care, and the rise in hate crimes.

Asian Resources, Inc. has provided a window of opportunity for thousands in our communities. I commend Asian Resources, Inc. for their exemplary service and steadfast role in the empowerment of our immigrant and refugee communities.

I ask my colleagues to join me in paying tribute to Asian Resources, Inc., Executive Director May O. Lee, her board, and staff on the occasion of their 10th anniversary of service to the Sacramento community.

HONORING RAMON G. GUTIERREZ

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SARPALIUS. Mr. Speaker, I ask my colleagues to join me in honoring one of America's greatest World War II heroes, Ramon G. Gutierrez. In heavy action at Salerno, Italy, in 1943, Mr. Gutierrez outflanked and destroyed an enemy gun position while under machine gun fire. For this bravery he was awarded the

Silver Star, a Purple Heart, and the highest Russian medal awarded to a foreign soldier, "The Order of the Patriotic War," an honor he shares with Field Marshal Bernard Montgomery and Gen. Dwight D. Eisenhower. He is the only enlisted man to have received this medal. Overall, he was awarded 16 medals in the war, including three Purple Hearts. He was a prisoner of war twice. Both times he escaped and lived behind the enemy lines in Italy. After the war, the Russian Consul in San Francisco invited him to live in Russia with a monthly pension, but he declined, saying that no other country in the world is as good as ours.

Today, Mr. Gutierrez lives near Wichita Falls, TX, with his wife, Connie. The San Jose and Del Rio G.I. Forums are pursuing the Congressional Medal of Honor for this brave man who has been inducted into the Corpus Christi War Memorial of Forgotten Heroes. He is the epitome of the contributions of Hispanics to our efforts in World War II. I am proud that such a distinguished veteran lives in the 13th Congressional District which I serve.

Over 16 million Americans fought from 1941 to 1945 in the most widespread and deadly war in world history. Their very service was a testament to their valor and dedication. As we approach the 50th anniversary of our involvement in World War II, let us take time to honor those unselfish souls who braved terrible danger to fight for our country and its cause. As people all over the world stand up for their freedom we see once again that it is the individual who makes a difference. I ask you to join me in honoring an individual, Ramon G. Gutierrez, who made just such a difference by risking his life for the welfare of his nation.

CONGRESSMAN KILDEE HONORS
FIRST WOMAN HIGH SCHOOL
PRINCIPAL IN FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Mrs. Bessie Helen Lambert Straham, the first woman high school principal and the first African-American woman high school principal in the city of Flint, MI.

Born on July 19, 1939, in Warren, AR, Mrs. Straham has been a resident of Flint since 1968. She graduated from the Agricultural, Mechanical and Normal College (University of Arkansas at Pine Bluff) in 1962 with a Bachelor of Arts in History. From 1962 to 1963, Mrs. Straham worked as a counselor for sophomore women at the Agricultural, Mechanical and Normal College. In 1963, she left the University of Arkansas to teach English and History at Townsend Park High School in Pine Bluff, Arkansas.

In 1968, Mrs. Straham moved from Arkansas to Flint where she was hired as a history teacher at the Old Northern High School. In 1974 she was promoted to department head of social studies at Northern. The following year she was promoted to assistant principal for instruction. This was a remarkable year for Mrs. Straham in that she also graduated from the University of Michigan with a masters degree in History.

Eight years later, in 1983, she was promoted once again to deputy principal at Northern High and served in that post until 1989 when she became assistant principal at Northwestern High School. In 1990, she was promoted to deputy principal at Northwestern where she served before becoming principal.

Mrs. Straham's life is an example of her lifelong commitment to academic excellence, both in herself and her students. In addition to her masters degree, she has several post-graduate credits from the University of Michigan, Michigan State University, the University of Wisconsin and Wayne State University. She is a member of the Flint Congress of School Administrators, the National Association of Secondary School Principals, the Michigan Association of Secondary School Principals and past first vice president of the Women Educators Society.

Despite a hectic professional schedule, Mrs. Straham continues to find time to become involved in her community. She is a life member of both the National Association for the Advancement of Colored People and the Delta Sigma Theta Sorority, of which she is past president. She is a member of the Urban League and serves on the board of directors of the International Institute. A member of Vernon Chapel of African Methodist Episcopal Church, she serves as a Sunday school teacher and taught Sunday School at the Michigan Annual Conference.

Her awards include the Community Service Award from the Rose of Sharon Lodge, the Delta Sigma Theta Sisterhood Award, the city of Flint Human Relations Award and the Steffy Award in American History from the University of Michigan.

It is only fitting that on Friday, September 27, 1991, the Metropolitan Chamber of Commerce ambassadors will pay tribute to Mrs. Straham at a reception at the University Club in the Genesee Towers Building in downtown Flint.

Mr. Speaker, it is indeed an honor and a privilege for me to rise today and pay tribute to Mrs. Bessie Helen Lambert Straham, a cornerstone in the foundation of Michigan's education community. I am especially proud to have such an outstanding individual as a constituent. It gives me a feeling of security and confidence that she is molding the minds of the generation that will lead our Nation into the next century.

CONGRATULATIONS TO THE REPUBLIC OF CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. BURTON of Indiana. Mr. Speaker, as the Chinese on Taiwan prepare to celebrate their National Day on October 10, 1991, I join them in their celebration.

The Republic of China on Taiwan has come a long way since its founding 80 years ago. Today it is a modern democratic state, and its people enjoy a high level of living standards. I am particularly pleased to see that the Republic of China on Taiwan is willing to share

its successful Taiwan experience with developing and Third World countries, and that it is anxious to shoulder more international responsibility to help other nations stricken by natural disaster or war.

During ROC Vice President Li Yuan-zu's recent tour of Central America, Li pledged that the ROC will consider giving aid to Central American countries by assisting developments based on the successful Taiwan experience. Such plans include assisting the development of small enterprises, protecting the natural environment, et cetera. Li even promised to grant Costa Rica a United States \$15 million loan to help finance the development of that country's small and medium enterprises.

Such outward assistance to other countries makes the Republic of China a worthy neighbor in today's world of interdependent nations. Congratulations to the Republic of China.

THE REPUBLIC OF CHINA CELEBRATES NATIONAL DAY

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. SANGMEISTER. Mr. Speaker, I am honored and pleased to join my colleagues in wishing the Republic of China continued progress and success on its 80th anniversary. The Republic of China on Taiwan is a democratic country with a fast-growing economy. Presently, Taiwan is our sixth largest trading partner and the 13th largest economic entity in the world. It is definitely a country that deserves our support and congratulations on its 80th anniversary, October 10, 1991.

TRIBUTE TO CARL WYMAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly outstanding individual in mid-Michigan, Carl Wyman of Osceola County. His contributions to Osceola County for the past 28 years have been invaluable.

Born in Midland, MI, Mr. Wyman's family soon moved to Reed City, where he spent his childhood, graduating from Reed City High School in 1943. He then worked as a bookkeeper before being elected to the position of Osceola County clerk in 1963.

Since then Mr. Wyman has been fulfilling the obligations of the county clerk dutifully. Mr. Wyman has seen the workload of the office increase. He has also ushered the computer age into the office, witnessing the modernization of the county's records.

Mr. Wyman has had many responsibilities. As the clerk of the county, Mr. Wyman has been the keeper of all the county's vital records. He has served as the clerk of the court, clerk of canvassers, and the clerk of commissioners. He chaired the special elections scheduling committee and is the head election official for Osceola County.

Mr. Speaker, Mr. Wyman will be retiring from his position as Osceola County clerk at the end of this month. I know you will join me in thanking and commending this outstanding community figure for his accomplishments and commitment to Osceola County. He has indeed left his mark on mid-Michigan.

INTRODUCTION OF HOUSE JOINT RESOLUTION 337

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. INHOFE. Mr. Speaker, today I have introduced a resolution which will designate chili as the official food of the United States.

I believe it is necessary that we in Congress realize that chili embraces the highly individualistic traits of America's heritage through its infinite varieties, highly personalized blending of ingredients and its many adaptive uses. Chili is an indigenous American cuisine that was created, refined, and perfected here in the United States.

Cooks in the wagon trains and cattle drives of the old west knew that chili was both a nutritious and economical way to satisfy the hunger that set in after a long day on the trail. Chili has been a distinctive blend of meat and species that has nourished countless millions of Americans since its inception in the 19th century.

Over time, chili has become a relished cuisine whose vast popularity prevails with American people of every economic and social strata. It enjoys a universal popularity throughout this great Nation that is unequaled by other American foods. Chili cookoffs, which have been held throughout this great Union, have served as a way of brining a herd of philanthropy-minded citizens together to raise thousands of dollars for deserving charities.

I believe it is only proper that a U.S. Representative from the heartland of the old west in Oklahoma should introduce a joint resolution designating chili as the official food of the United States of America. That is why, today, I have introduced House Joint Resolution 337, which will make this designation, calling on the people of the United States to commemorate this designation with appropriate celebrations throughout our Nation.

REQUEST TO REMOVE COSPONSORSHIP FROM H.J. RES. 305

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. GOSS. Mr. Speaker, I wish to clarify that my name was placed in error as a cosponsor of H.J. Res. 305, a Joint Resolution to designate the month of October 1991 as Country Music Month. This clarification is in line with my standing office policy against signing onto any commemorative legislation.

TRIBUTE TO MAJ. GEN. LEROY
HAGEN ANDERSON

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. WILLIAMS. Mr. Speaker, I am sorry to inform my colleagues that a former Member of the House, Maj. Gen. Leroy Hagen Anderson passed away yesterday morning in his hometown of Conrad MT. General Anderson was elected as a Democrat from Montana's Second District and served from 1957 to 1961 during the 85th and 86th Congress.

As an Army Lieutenant colonel he commanded the 81st Tank Battalion through training in the United States and into World War II combat in Europe, where it was said to be the closest to Berlin of all American troops at the end of the war. He remained active in the Army Reserves after the war spending summer congressional recesses in the late 1950's commanding the Rocky Mountain area's 96th Division as a major general before retiring in 1962 with more than 35 years in the military. In a ceremony in May 1990, the headquarters and the museum of the 81st Tank Battalion at Fort Knox, KY, was named Anderson Hall, a rare honor for a living person.

General Anderson was a wheat and cattle rancher as well as a chemical engineer. He carried on a tradition of Montana Representatives by serving on the House Interior and Insular Affairs Committee having filled the spot vacated by another Montanan, former Senator Lee Metcalf. His initial campaign was based on advocating public involvement of water and power resources and opposing the Eisenhower-Benson farm policy. With that in mind he devoted his attention to irrigation and reclamation and water development which are so vital to Montana. He was devoted in his attention to the needs of his constituents in Montana and was particularly concerned and interested in matters affecting Indian tribes in Montana and throughout the West.

On behalf of all my colleagues here in the House particularly those who served with General Anderson our condolences go out to his wife, Virginia, and his family.

MALVIN R. GOODE: A JOURNALIST
FOR ALL TIME AND ALL SEASONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. TOWNS. Mr. Speaker, on behalf of my colleagues in the Congressional Black Caucus, I take great pride in joining in a national tribute to the work and outstanding accomplishments of Mal Goode. Seldom are we able to watch history in the making and understand the import of our labors as they are happening.

We are blessed that true giants remain among us—whose life's work shall fill historic chronicles of the foundations which African-Americans have laid in the building of this Nation. We, as a people have been enlightened

and enriched by a legacy born of the struggles, the sacrifice, the suffering, and pioneering spirit of Malcolm, and Martin, and Medgar, and Justice Marshall, and Malvin R. Goode.

We pause now, to honor a career devoted to excellence, to superior journalism, and an unparalleled commitment to the young men and women who would follow in his footsteps. Mal Goode has brought pride and honor to his own, and to those who respect and revere integrity in the spoken and written word.

He has approached his discipline, driven by an unrelenting zeal for truth and an abhorrence for those who would trample upon the rights of freedom, justice, and human dignity. We who are public servants in elective office—know that the battles we wage are fought shoulder to shoulder with those who tell our story on the pages of the Nation's press and across its air waves. Those who have pioneered in this cause have had as their first in command of the language and the art—Mal Goode. He has sought to empower the powerless through information, to enlighten the uninformed through knowledge. He has witnessed explosive changes in the geopolitical scene and the emergence of a new world order. And he has chronicled that story at home and abroad with piercing intellect and deep compassion.

The Congressional Black Caucus, in recognition of his singular accomplishments named, in 1989, its highest tribute to broadcast journalism—The Mal Goode Award. We are honored by this association with one who has lived out the precept that justice is never advanced by a retreat from those basic tenets of law and journalism which have protected the rights of the few against the prerogatives of the many. Whether in the deserts of the Persian Gulf, the jungles of Vietnam, on the beaches of Normandy, or the global headquarters of the United Nations—there have been journalists to share their stories with the world. None has stood taller, defied greater odds, or fought harder than Mal Goode. The Congressional Black Caucus is gratified to share in this special tribute to a journalist of all time and all seasons.

TRIBUTE TO THE MENTAL
HEALTH REFERRAL SERVICE OF
SOUTHERN CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. LEVINE of California. Mr. Speaker, I rise to recognize the Mental Health Referral Service [MHRS] of Southern California. October 6 will officially begin Mental Awareness Week which runs through October 12th and is sponsored by the American Psychiatric Association.

The Mental Health Referral Service of Southern California was created in 1979 to fill an important community need, that of providing prompt, confidential information to individual callers needing help with their mental health problems.

This program provides referrals to licensed professional mental health practitioners for

people of all ages who need assistance with a wide range of mental health problems. It also offers general information to the public about different mental health disciplines and types of care. The referral programs are offered without charge by a group of mental health professionals as a public service.

The MHRS is able to link callers with professionals who provide individual, conjoint, family, and group treatment for problems such as, marital difficulties, developmental difficulties of childhood and adolescence, alcohol and drug abuse, domestic violence, child abuse, and many others.

The MHRS is ultimately concerned and careful about the quality of treatment provided both by the therapists and the MHRS referral counselors. In order to continually improve the quality of the service, the member therapists meet on a regular basis to discuss issues relating to the needs of the community.

I am pleased to share the accomplishments of the Mental Health Referral Service of Southern California with my colleagues in the U.S. House of Representatives.

INTRODUCTION OF A BILL TO IMPROVE THE ADMINISTRATIVE PROCESS FOR FEDERAL RECOGNITION OF INDIAN TRIBES

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. RHODES. Mr. Speaker, today I have introduced a bill designed to improve and streamline the existing administrative process for evaluating petitions submitted by Indian groups seeking Federal recognition as Indian tribes. The current administrative process is one that was established by regulation nearly 13 years ago under the Secretary of the Interior's general statutory authority over Indian affairs. This administrative process was developed based on the recommendations in the report of the American Indian Policy Review Commission, and after extensive consultations with the Congress and Indian tribes and groups.

For the past 2 years I have been concerned with the increasing frequency with which bills for individual tribal recognition have been introduced in the Congress. The most common reasons given for this phenomenon are that the administrative process takes too long, is too cumbersome, and is capricious. I have no basis for judging the validity of these reasons and believe that extensive hearings are needed in order to determine whether systemic imperfections exist to be corrected.

Although it is clear that Congress has the authority to extend tribal recognition to Indian groups, I have long been concerned about the wisdom of such action. Unlike the Secretary of the Interior, Congress has no uniform standards it uses to evaluate petitions for Federal recognition submitted by Indian groups. In addition, the legislative process is more cursory and much less deliberate than the administrative process when it comes to consideration of Federal recognition requests. Finally, legislative consideration of individual tribal recogni-

tion bills encourages displacement of an administrative process that many Indian groups and tribes have relied upon for nearly 13 years.

All of these factors are particularly troublesome given that one of the primary consequences of Federal recognition is the establishment of a perpetual government-to-government relationship with the United States.

The bill I have introduced today is not intended to be the final solution to criticisms raised about the existing Federal recognition process. However, it is my hope that this bill will generate a substantial and meaningful debate in the Congress, within the administration, and out in Indian country, and that this debate will lead to a reasoned solution.

HOFFMANN-LAROCHE TO BUILD NEW FACILITY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. TALLON. Mr. Speaker, yesterday I had the honor of participating in a ceremony in Florence, SC announcing that Hoffmann-La Roche will be building a multimillion dollar headquarters and pharmaceutical manufacturing facility in my district.

As this new industry locates in Florence, our future has never looked brighter than today.

The people who stood with me in Florence—Irwin Lerner, president and CEO of Hoffmann-La Roche, Fritz Gerber, chairman of the board, Governor Carroll Cambell—are the power to make that potential a reality.

That reality is evidenced by Hoffmann-La Roche's decision to locate in the Pee Dee. Jobs and a bright economic future are what make a community grow and prosper, and we all know what it means when a new industry decides to locate and invest millions of dollars into our community—it means that they see the promise of growth and prosperity in the Pee Dee.

But this investment goes far beyond Hoffmann-La Roche's infusion of permanent jobs into our area. It means a substantial capital investment in our local infrastructure, use of local goods and services to build this facility, and hiring of local businesses to do the construction. It means a ripple effect of regional economic growth and development that is the

result of the combined efforts of every level of Government working with the local business community to show that the Pee Dee is a good risk for investment and future growth.

Working together we can, and must, build a foundation for growth that will drive us into the next century. Business needs improved infrastructure and an educated work force, and the community needs the jobs and a tax base. Achieving this takes the cooperation and commitment of every level of Government in partnership with the business community. I am proud to say that the Pee Dee, with the addition of Hoffmann-La Roche to our community, has the right combination to look toward a prosperous and thriving tomorrow.

President Franklin Roosevelt said "the only limit to our realization of tomorrow will be our doubts of today." We have no doubts today that Hoffmann-La Roche's investment in our community is another step toward the flourishing tomorrow that we all envision for the Pee Dee.

IN SUPPORT OF S. 296

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1991

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of S. 296. In addition to recognizing the invaluable contributions of those foreign nationals who serve in the Armed Forces of the United States, S. 296, as amended, authorizes desperately needed funding for the domestic resettlement of refugees. Beyond that, the measure corrects two technical, but critical, errors in current law and provides the Congress the time needed to evaluate U.S. policy regarding the issuance of visas for foreign artists, athletes, and entertainers.

As passed by the House on September 16, S. 296 contained only one section. That section provided immigrant visas to alien members of the U.S. Armed Forces, and their families, who have served for 12 years with the U.S. military or have agreed to do so. The bill places an annual ceiling of 2,300 on the number of service members who could receive this benefit. That number in turn was placed within existing worldwide quotas. As passed by the Senate on September 24, S. 296 includes the identical provision with minor technical amendments.

As passed by the Senate, S. 296 also includes a provision to reauthorize appropriations for refugee resettlement under the 1980 Refugee Act. The reauthorization is for fiscal year 1992 only, and provides "such sums as may be necessary." Expenditures reauthorized are for the Department of Health and Human Services, which spends about \$400 million a year to assist refugees resettling in the United States. The Refugee Act of 1980 has not been reauthorized since fiscal year 1988.

S. 296 also includes a provision to defer until April 1, 1992, the effective date for the new O and P visa categories—athletes, artists, and entertainers. The Senate provision is identical to H.R. 3294, which was approved by the House Judiciary Committee on September 24.

Also included is a provision to ease the transition from the old immigration law to the new law, which is scheduled to go into effect on October 1, as it pertains to aliens coming permanently and lawfully to the United States because their employment skills are in demand. Under the 1990 Immigration Act, aliens who filed petitions for employment-related visas under the old law are required to refile under the new law. Such a requirement makes little sense, since the categories under the new law and the old law are the same. The Senate provision, therefore, says that a filing made under the old law shall be deemed a filing under the new law. This provision eliminates burdensome paperwork requirements and is strongly supported by not only immigration practitioners but also the Department of Justice.

Finally, as passed by the Senate, S. 296 corrects one additional problem created by the 1990 law. Because of a drafting error, certain aliens who will receive employment-based immigrant visas will not be able to bring their spouses and children to the United States. The spouses and minor children of permanent resident aliens have always been allowed—within existing quotas—to enter with the principal alien. The Senate provision, which is supported by the Department of Justice, reinstates this policy. Again, this does not raise or otherwise alter any existing quotas.

Mr. Speaker, I am aware of no opposition to any of these provisions. In fact, each is strongly supported by those who must administer the law and by those whom it would affect. I urge my colleagues to support this extremely meritorious legislation.