

HOUSE OF REPRESENTATIVES—Monday, September 30, 1991

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. LEWIS of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 30, 1991.

I hereby designate the Honorable JOHN LEWIS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

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

Hear these words from Psalm 19:
The law of the Lord is perfect, reviving the soul; the testimony of the Lord is sure, making wise the simple. The precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes. The fear of the Lord is clean, enduring for ever; the ordinances of the Lord are true, and righteous altogether. More to be desired are they than gold, even much fine gold; sweeter also than honey and drippings of the honeycomb.

Gracious God, of faith, hope, and love, be present in our lives and may the words of the psalmist touch our hearts and be with us this day and every day. Amen.

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 bill of the House of the following title:

H.R. 1988. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

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

S. 1035. An act to amend section 107 of title 17, United States Code, relating to fair use with regard to unpublished copyright works;

S. 1742. An act to authorize grants to be made to State programs designed to provide

resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, from farmers' markets, to expand the awareness and use of farmers' markets, and to increase sales at the markets, and for other purposes;

S. 1766. An act relating to the jurisdiction of the U.S. Capitol Police; and

S.J. Res. 172. Joint resolution to authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month."

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. The Chair will recognize the gentleman from Nebraska [Mr. BARRETT] to lead us in the Pledge of Allegiance.

Mr. BARRETT 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.

NEVER TOO OLD TO LEARN NOR TO BE SURPRISED

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

Mr. MAZZOLI. Mr. Speaker, I never thought I would live so long. First, to see the Berlin Wall shattered and reduced to dust, and then to see the U.S.S.R., the former Evil Empire, spinning apart and disintegrating before our very eyes. Then, last week, to see a U.S. President urging unilateral disarmament and being cheered, not impeached.

Mr. Speaker, that is exactly the outcome of the President's very appropriate and very much welcomed speech of last week, in which he suggested that there is room to reduce short-range nuclear missiles and other kinds of nuclear armament in the new world in which we are entering. It was received very well at home, abroad, and throughout the world's communities.

Mr. Speaker, I think this bids well for a much more pacific and much more peaceful world. It also offers us the opportunity of finally securing that illusive peace dividend that we have heard about for so long.

Not least, Mr. Speaker, it suggests that we are never too old to learn, and we are never too old to be surprised.

TIME TO RESOLVE CONGRESSIONAL ABUSES

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

Mr. COBLE. Mr. Speaker, several days ago two constituents in my district, at different occasions, directed my attention to September's Reader's Digest story entitled "Pigtails for Taxpayers."

This article depicts the indifferent abuse that surrounds the appropriations process here, in other words, the reckless manner by which the Congress spends taxpayers' money.

Mr. Speaker, in the wake of this story came the report that many Members of Congress are either incapable of or unwilling to balance their personal checkbooks. The suggestion that these violators be publicly identified and that the congressional bank be permanently closed deserves serious consideration.

As we say in the rural South, it is high time these abuses are resolved. The people we represent deserve at least this much of a response from the Congress.

AIDS COMMISSION IS RIGHT

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

Mr. McDERMOTT. Mr. Speaker, last week the National Commission on AIDS called for a national plan to fight AIDS, which has already taken twice as many American lives as the Vietnam war. This distinguished Commission includes Secretary Sullivan and two other members of the President's Cabinet, as well as our colleague, Dr. ROY ROWLAND.

One of its recommendations is to give greater priority and funding to behavioral research. The Commission said.

Government restrictions on certain HIV programs and on behavior-oriented research studies impede the fight against HIV disease. HIV prevention programs and research into sexual and drug using behaviors must be conducted and evaluated.

Yet, as the Commission report appears, the National Institutes of Health has backed away from funding an important, well-designed research project

□ 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.

on adult sexual behavior—because it was afraid to ask permission from the Department of Health and Human Services.

We need survey research to understand what leads to the high-risk sexual behavior that spreads the AIDS virus, and what we can do to change that behavior. Only 2 months ago, this House rejected an attempt to cut off funding for this kind of research.

The Commission has made some excellent recommendations, and has put responsibility for addressing this epidemic squarely where it belongs—at the doors of this Congress and the White House. I urge my colleagues, the President, and Secretary Sullivan to heed the Commission's urgent advice.

BANKING REFORM MUST PROTECT SMALL BUSINESS JOB CREATION

(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, very shortly we will commence debate of H.R. 6, the most comprehensive and, some would say, controversial piece of banking legislation since the Glass-Steagall Act.

In rushing to reform the banking industry, we must be aware of the impact that sweeping reform will have on the small business community.

Small businesses generate some 40 percent of the gross national product. In order to continue to fuel our economy, small businesses need access to loans, loans which are typically supplied by local community banks.

It is small business that will provide the permanent solution to our unemployment problem, full-time jobs for the unemployed.

Any comprehensive reform package enacted must protect the traditional sources of funds for small business. That is our local community bank. But as we debate this banking legislation, big banks, big business, and big government, will get all the headlines. But the most essential part of our economy that will be at stake during that debate is small business.

Mr. Speaker, I would urge Members to remember when the time comes that it is easy to say you are all for small business, but it is how you vote that counts.

□ 1210

THE POOR WERE BETTER OFF UNDER THE REAGAN ADMINISTRATION

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

Mr. ROHRBACHER. Mr. Speaker, time and time again we have heard

from this floor attacks on former President Ronald Reagan and attacks on his administration as if that was a time period when the poor lived in a very wretched condition and their conditions got worse and worse and worse. I would like to share with the American people some clippings from the papers late last week. It says, "A rise in poverty for the first time since 1983." What does that mean?

Apparently it means that during the 1980's once Ronald Reagan's policies had a chance to work, actually there was no increase in the rise in poverty and actually the poor were better off.

It also indicates, Mr. Speaker, that we are now having a rise in poverty for the first time since the 1980's. That could be because President Bush was forced to cave in to the Democratic policies of high taxes and high spending last year and their policies are now having an impact.

Who cares about the poor? Let us see what the results are. Liberal spending, liberal big spending Democrats gave us a rise in poverty and hurt the middle class. During Ronald Reagan's administration there was no increase in poverty. In fact, the poor got better and everyone was better off.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McDERMOTT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 1, 1991.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT OF 1991

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3350) to extend the U.S. Commission on Civil Rights.

The Clerk read as follows:

H.R. 3350

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 "Civil Rights Commission Reauthorization Act of 1991".

SEC. 2. REAUTHORIZATION.

The United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975 et seq.) is amended—

(1) in section 7, by adding at the end the following: "There are authorized to be appropriated \$6,000,000 for each fiscal year thereafter through fiscal year 1993."; and

(2) in section 8, by striking "1991" and inserting "1993".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Texas [Mr. BROOKS] will be recognized for 20 minutes and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Speaker, H.R. 3350, the Civil Rights Commission Reauthorization Act of 1991, reauthorizes the U.S. Commission on Civil Rights for 2 years, through 1993, at an annual authorization level of \$6 million. During the past reauthorizations, including the last one—which was for 22 months—in 1989, concerns were expressed about the Commission's commitment to its fact-finding mission. The Commission seemed to be expending its energies more on divisive rhetoric than on fulfilling its mandate to investigate and report on the complex issues surrounding the protection of civil rights.

This mandate has guided the Commission since its creation under the Civil Rights Act of 1957 as a fact-finding agency. Despite changes in the Commission's structure—from a Presidentially appointed body to a joint Presidential-Executive Commission—the Commission's goals of studying discrimination and the denial of equal protection under the law have remained constant for over 30 years. This mission is important to ensuring that all of our citizens are treated fairly.

With the appointment of a new Chairman and the creation of a Staff Director position since the last reauthorization, the Commission has shown some signs of moving in a productive direction. The 2-year reauthorization allows that progress to continue and will encourage the agency to focus its resources on fulfilling its important statutory responsibilities.

Mr. Speaker, the chairman of our Civil and Constitutional Rights Subcommittee, the gentleman from California [Mr. EDWARDS] has done an excellent job on this important piece of legislation. I also commend the ranking minority member of the subcommittee Mr. HYDE, for his leadership and support of this legislation.

Since the authorization of the Civil Rights Commission expires today, it is important that we adopt this legislation and send it to the Senate. I urge the Members' support.

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

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

Mr. Speaker, I rise in support of H.R. 3350, to reauthorize the U.S. Commission on Civil Rights for a period of 2 years at a funding level of \$6 million per year.

The subcommittee has carefully reviewed the activities and programs of the Commission during its most recent 22-month authorization. Unfortunately, the record of the Commission

in that time period is less than stellar. The Commission has had no hearings, no consultations, and has issued only one statutory report. In addition, the testimony from our oversight hearing with regard to future activities of the Commission was not comforting. While we are reassured by the sincerity of the Commissioners and its fine staff, it appears that, as a whole, the Commission is unable to focus its energy and resources on the completion of specific projects within its congressional mandate.

While the reauthorization may seem harsh, it is meant to send a clear message to the Civil Rights Commission: Your work is needed more than ever, but Congress and the American people must have the confidence that it is being performed in a focused and thoughtful manner.

The administration supports reauthorization of the Civil Rights Commission and has no objection to the passage of H.R. 3350. I offer a copy of the statement of administration policy for the RECORD.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports reauthorization of the U.S. Commission on Civil Rights and has no objection to House passage of H.R. 3350. The Administration, however, is concerned that the appropriation authorizations in the bill are insufficient and the two-year extension of the Commission's termination date is too brief.

H.R. 3350 would authorize appropriations of \$6 million for each of FYs 1992 and 1993 for the Commission. These levels are significantly below the \$10.8 million requested for the Commission in the President's FY 1992 Budget and less than the amounts in the FY 1992 House and Senate appropriations bills. The two-year extension of the Commission's termination date is well below the 10-year extension previously endorsed by the Administration.

The Administration will work to address its concerns during the House/Senate conference.

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

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], the distinguished chairman of the subcommittee that brought this bill out and channeled so much civil rights legislation to us over the years.

Mr. EDWARDS of California. Mr. Speaker, I thank my chairman, the gentleman from Texas [Mr. BROOKS] and subscribe to his remarks, and those of the ranking member of the subcommittee, the gentleman from Illinois [Mr. HYDE].

We did examine the work of the Civil Rights Commission with great care and were disappointed with the record of the past few years.

The Congress, in establishing the Civil Rights Commission in 1957, established a fact-finding agency. The Commission strayed from that mission, and we expect them to get back on track.

After the controversy of the 1980's, there is a new spirit in the Civil Rights

Commission, thanks to the distinguished new chairman, Mr. Arthur Fletcher, new Commissioners, and the new staff director. We expect good things. We expect that they are going to get back to their fact-finding mandate.

That is the message that we are sending to the Civil Rights Commission, that we want them back on track. It has been and again can be a very valuable institution.

We believe the \$6 million authorized in H.R. 3350 will provide sufficient resources for the Commission's fact-finding work. However, it will not allow them to open additional regional offices in different parts of the country. That should be down the road, after the Civil Rights Commission comes back to us in a year or two and says, "This is what we have been doing. You see we have made these improvements. We're back to our statutory mandate, and we are asking Congress to authorize and appropriate a little more money so that these necessary offices can be put in place."

At every stage of the subcommittee's reauthorization review, we have had the cooperation and have been working together in a most agreeable fashion with the minority members of the subcommittee. The minority members being led by the distinguished gentleman from Illinois [Mr. HYDE].

Mr. Speaker, we had no disagreement about the 2-year reauthorization and the \$6 million appropriation. I must admit that there was some discussion among some of the members who, after listening to the testimony and reading the record, recommended less money and a 1-year authorization, but the administration wants more.

We think that with the admonitions that we have raised during this reauthorization, that we are doing the right thing.

□ 1220

So Mr. Speaker, I thank the chairman of the committee, I thank the gentleman from Illinois [Mr. HYDE] and the Members on the other side of the aisle. Both the minority and majority staff have done good work.

We wish the Commission well. We are going to be their partners in the next 2 years of the authorization, and we hope that next year and the year after that we can return to this body, Mr. Speaker, with a more favorable report.

I ask that the bill be enacted as reported by the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], who is the former ranking member on this subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this legislation. This legislation proposes to authorize \$6 million per year for each of

the next 2 years for a Federal agency that has been mismanaged, has not done anything, and is roundly criticized even by its supporters, as we have just heard from the last three speakers. It is time to put this Commission out of its misery. It is time for the Congress to abolish the Civil Rights Commission and to start up a new agency, in my opinion, which can act in a far more constructive and productive manner on the many issues relating to civil rights that face our society.

Even the supporters of the Commission within this Congress are less than enthusiastic about their endorsement. We have heard from the gentleman from Texas [Mr. BROOKS], the gentleman from California [Mr. EDWARDS], and the gentleman from Illinois [Mr. HYDE]. None of these three gentlemen who have spoken prior to my speech today have given the Commission an enthusiastic endorsement. As a matter of fact, if I heard them correctly, it was not an endorsement at all.

I think in these times of fiscal constraint, when we are looking for ways to save money, to reduce the deficit, and to reset priorities, keeping the Commission members and the Commission staff on the Federal payroll are something that we can do without.

According to the gentleman from California [Mr. EDWARDS] at the Judiciary Committee markup on September 24, 1991:

During the last 2 years the Commission has only issued one report, and it has had no hearings or consultations.

Yet the appropriation has been a little bit less than \$7 million per year for each of the last 2 years. Providing \$14 million for one report and no hearings or consultations, in my opinion, is mismanagement of the highest order. To continue this Commission without any guarantees that there will be increased productivity I believe simply takes money out of the taxpayers' pocket and does not use it for good use.

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

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I say to my distinguished friend, I would like to observe, and I know we Democrats are not perfect, we have many flaws, but we are not the ones who recommended the 10-year extension of this Commission at \$10 million a year. That was this administration.

We thought that was a little much, and so we cut it back to \$6 million, \$1 million less than last year, and \$4 million less than the administration requested. We did not make it for 10 years, we made it for 2 years.

I thought we used some judgment but also some compassion. We always are trying to help any administration when they are making an effort to do the Lord's work, and so we tried to help, but not too much.

Mr. SENSENBRENNER. Reclaiming my time, even my administration can be wrong, and I am awful afraid that it is on this one.

I think the administration's recommendation was 10 years too long and \$10 million a year too high, given the track record of this Commission.

Twenty-two months ago when I was the ranking minority member of the subcommittee that my friend from California, Mr. EDWARDS, chairs, we took the floor and got an extension of this Civil Rights Commission and put them on notice that they were on strict probation during this 22-month period when their work would be carefully reviewed before the authorization was up, and before the Congress had to make a decision on what to do next.

I have carefully reviewed that record, as has my friend from Texas, and I think that one report, and no hearings, and no consultations for \$7 million a year is missing the target. There is nothing in the record that indicates to me that this Commission is going to clean up its act. We do not have any kind of promises that there is going to be any more activity during the next 2 years than there was for the last 22 months.

Another member of the subcommittee, a member of my party, the gentleman from Florida [Mr. MCCOLLUM] last Tuesday at the markup said:

The Commission seems unable, in my judgment, to focus its energy and resources on the completion of specific projects within its congressional mandate.

The Commission members will be the same Commission members that we have had for the last 22 months and the same staff. Here the gentleman from Florida [Mr. MCCOLLUM] says that it has been unable to focus on what its job is. Should we continue it? Should we reward it with another \$12 million of the taxpayers' hard-earned dollars? I think the answer to that question is no.

During the last 22 months, the Commission has produced practically nothing. Many civil rights groups around the Nation have asked the Congress to close down the Commission, and in the words of my friend from California, the chairman of the subcommittee [Mr. EDWARDS] to get rid of it altogether. And I think the time has come for the Congress to accept that challenge and to get rid of it altogether, given its track record.

We have given this Commission chance after chance. We have funded them to keep most of their staff on the payroll, and there has been no results whatsoever.

At least they have gotten themselves out of the controversy that plagued the Commission during the decade of the 1980's, but apparently their way to avoid controversy is not to do anything except cash their paychecks. I think that given our deficit and given the

fact that we cannot find money for unemployment compensation, we cannot find money for victims of crime, we cannot find money to help the police do their job, that a reallocation of resources away from a do-nothing Commission and into some programs that will help improve the quality of life for all Americans is very much in order.

I would hope that this Congress would defeat this bill today so that we can have a better focus on the issues of civil rights and save the taxpayers some money to boot.

I thank the gentleman from Illinois for yielding time, and yield back to him the balance of my time.]

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

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

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3350.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on H.R. 3350, the bill just passed.

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

There was no objection.

DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS FOR YOUTH

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3259) to authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youths, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3259

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

SECTION 1. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

(a) ELIGIBLE ENTITIES.—Section 3501 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801) is amended by inserting "(including agencies described in paragraph (7)(A) acting jointly)" after "agencies" the first place it appears.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended by striking "\$15,000,000" and all that follows through "1991", and inserting "\$16,000,000 for fiscal

year 1992 and such sums as may be necessary for fiscal years 1993 and 1994".

(c) ANNUAL REPORT.—Chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805) is amended by adding at the end the following:

"SEC. 3506. ANNUAL REPORT.

"Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

"(1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,

"(2) the number and characteristics of the youth and families served by such projects and activities, and

"(3) each of such projects and activities the Secretary considers to be exemplary."

(d) TECHNICAL AMENDMENT.—The table of contents in title II of the Anti-Drug Abuse Act of 1988 is amended by inserting after the item relating to section 3505 the following:

"Sec. 3506. Annual report."

SEC. 2. PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994."

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 3259 reauthorizes title III of the Antidrug Abuse Act of 1988 which created two antidrug programs for youth.

These two programs were developed by the House Education and Labor Committee as part of the Antidrug Abuse Act of 1988.

□ 1230

The first is drug education and prevention relating to juvenile gangs. Funded at a level of \$14.8 million in fiscal year 1991, this program requires the involvement of families and communities in a range of projects designed to prevent or reduce illegal gang activities and drug abuse among youth.

The second program is drug education and prevention for runaway youth and homeless youth. Also funded at \$14.8 million in fiscal year 1991, this program provides funding for service projects, research, and training designed to prevent or reduce the illicit use of drugs by this at-risk population of youth.

H.R. 3259 amends the act by including language to encourage the continu-

ation of grants to multiagency consortiums, fostering cooperation between public and private agencies, and adding a requirement that the Secretary of HHS submit an annual report on the youth gang program to Congress, conforming it to the runaway and homeless youth program, which already requires an annual report.

Mr. Speaker, this bill represents a bipartisan effort to address the ravages of drugs on our youth in our communities. This effort is reflected by Chairman FORD's cosponsorship of H.R. 3259, along with that of ranking minority members of the House Committee on Education and Labor, and the Human Resources Subcommittee, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Illinois [Mr. FAWELL].

Most of us have heard talk about the vulnerability of the people served by the programs under the jurisdiction of the Human Resources Subcommittee, but none are more vulnerable than our youth. These teenagers are impressionable and are struggling with a world of constantly changing values and are in the process of making the transition from childhood to being an adult, an extremely difficult task for even a young person fortunate enough to grow up in a good house with a caring family.

But for those who have no support at home and few places to turn other than the street, they are the disenfranchised who feel the real crunch. These who feel disenfranchised reach out for peer approval and find it where it is available, whether it is belonging to a gang or doing drugs. Some of these young people are just trying to hide their pain through the abusing of drugs, and others have just come through peer pressure wanting to be accepted.

Regardless of the reason, drugs have become a blight on our society. Every day you can pick up the paper and read about violence related to drugs or about some famous person who has or had a drug-abuse problem, and it is getting harder and harder to say that, "This is not my problem." These young people out there are all of our children.

Drug abuse is a classless phenomenon, and it no longer is just an inner-city problem. It is a rural problem as well.

America has declared war on drugs. We have not been fighting it adequately. We must now join our youth at the front line to fight that war.

Education and prevention are the most vital tools with which to arm them. I urge you all to support this effort. H.R. 3259 is the keystone in the foundation of the future of our children. Let us continue to build upon it.

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

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

Mr. Speaker, today we are considering H.R. 3259 which reauthorizes two

very worthwhile drug abuse education and prevention programs that are administered by the Department of Health and Human Services. Before I speak further about the programs, I would like to thank my colleagues on the Committee on Education and Labor for acting so expeditiously on this bill, as today is the final day for the current authorizations of these two programs. Although we once again are leading the way, I hope our colleagues in the other body, will also act with the recognition that time is of the essence.

The drug abuse education and prevention programs for youth gangs and for runaway and homeless youth, target drug education services toward groups of youth who often fall through the cracks of traditional school-based programs. These youth are those at the highest risk of falling prey to drug use, as positive adult role models are often lacking in their lives and they often see little opportunity for positive alternatives to drug use. In the context of youth gangs particularly, the economic incentives of involvement in the drug trade have been a powerful lure.

The Subcommittee on Human Resources, on which I sit, held several oversight hearings on the youth gang and the runaway and homeless youth programs, in preparation for the reauthorization. We heard compelling testimony from youth involved in several of the projects funded by the two programs, and they spoke volumes about how these projects not only directed them to just say no to drug use, but gave them reasons why to say no. Practitioners that work with youth involved in drug gangs or with runaway and homeless youth, highlight the fact that providing these youth with alternatives to drug use and showing them that there is a better way, that there can be more to their lives, is often half the battle in terms of drug abuse prevention.

Mr. Speaker, I rise in strong support of H.R. 3259, reauthorizing the drug abuse prevention and education programs for youth gangs and for runaway and homeless youth. I might add that the administration also supports reauthorization. For a relatively small sum of money, these programs provided needed drug education services to youth who are not otherwise served by traditional programs. I urge support for this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3259, the drug abuse education and prevention programs relating to youth gangs and runaway youth and I would like to commend the gentleman from California [Mr. MARTINEZ] for introducing this measure, and I would also like to recommend the extensive efforts of the distinguished chairman and ranking

minority member of the Committee on Education and Labor respectively, the gentleman from Michigan [Mr. FORD] and the gentleman from Missouri [Mr. COLEMAN].

Mr. Speaker, H.R. 3259 would authorize approximately \$32 million for fiscal year 1992 and additional sums for fiscal year 1993 and fiscal year 1994 for very worthy and much needed programs: Drug-abuse education and prevention activities for youth gangs, and prevention programs for runaway and homeless youths.

The drug scourge in our Nation has claimed too many victims. Our citizens are being caught in the drug dealers' crossfire, substance abuse addicts are dying of an overdose, and innocent babies born addicted to crack cocaine are dying only after a few short days of life. The most pitiable and preventable victims of our drug war are our children.

Mr. Speaker, there are children growing up today who are more familiar with a nine-millimeter weapon than a schoolbook. They are more familiar with the inside of the neighborhood crack house than their elementary school.

We talk about ending the drug war and triumphing over the drug kingpins in foreign countries, but we will not win this war unless we can stop our citizens from using drugs. Our young people are our future, and if their children become addicted, then our Nation will remain addicted.

Mr. Speaker, this bill seeks to fund programs which aim at prevention—preventing the most peripheral youth from becoming substance abusers. At-risk youth whom we fail to help today will be the criminals and the drug abusers of tomorrow. These programs can give our youth hope and alternatives, two very rudimentary things that these young people lack.

Accordingly, I wholeheartedly support this measure and urge my colleagues to vote in favor.

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

Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN] for his support of the bill.

Mr. ALEXANDER. Mr. Speaker, I rise in strong support of H.R. 3259.

While the cold war thaws, there is another war—the one being waged against illegal drugs—which must be prosecuted to the fullest extent possible.

Because this problem has the potential to destroy us from within, I believe it is past time that we declared a national emergency to deal with this scourge on our society.

Mr. Speaker, it was about 20 years ago that I conducted the first seminar on illegal drugs in my district. At that time concerned speakers forecasted a grim outlook as drug pushers began to prey upon an unaware public.

Since that time, countless lives have been lost to or ruined by illegal drugs, and countless innocent people have been made the victims

of crime as drug addicts prowl our streets in search of money to pay for their next fix.

The problem grows.

Therefore, it's vital that the Federal Government provide more assistance to help combat this plague.

A cloud will forever hang over our future until we adequately address the flood of illegal drugs flowing across our borders and into the veins of our people.

How can we compete if illegal drugs infect our workplace?

How can we educate when these drugs are sold on schoolyards?

How can we feel safe in our homes when drug addicts victimize us to support their habit?

How can we look to the future with confidence when so many babies are being born already addicted because of their mothers' drug usage?

Obviously, we can do none of those things until our country is free of drugs * * * and those who sell them.

The bill we debate today will help, but it will not win the war.

This is not to say that we are not making some progress.

For example, Congress has increased funding identified for the Federal antidrug abuse program. In fact, it increased by nearly 300 percent during the decade of the 1980's.

And, programs aimed at the war on drugs extend to almost every department in the Federal Government, including the Pentagon.

Many of these programs, however, are aimed at interdiction of the drug supply.

While this is an essential part of the overall effort, most experts agree that drug lords will find a way to move their product as long as there is demand, and that more should be done to try and reduce the demand level.

If there are no buyers, there will be no profit in pedaling this poison.

Yes, we have made progress.

But, there is much more the Federal Government can do.

For example, many officials in my district have told me that providing afterschool activities for young people would cut back on idle time and the temptations that hanging out presents.

The school facilities are there, staff is available, but the money isn't available. School district budgets are already strained to the breaking point in providing normal school day activities.

I believe that programs of this sort will help us win the war.

There is nothing less than the future of the Nation at stake.

We can have a future bright with promise or one clouded in the haze of mind altering drugs.

The choice is ours, the challenge is ours, the fight is ours.

Yes, we face a formidable enemy—an enemy wallowing in cash and armed to the teeth, but we can defeat that enemy if only we have the will.

Mr. KILDEE. Mr. Speaker, I rise today in support of H.R. 3259, a bill to authorize appropriations, for three additional years, for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth.

I commend the chairman of the Subcommittee on Human Resources, Mr. MARTINEZ, for his leadership and continuing support of these important programs, which were first authorized in 1988 when I held that chairmanship.

These drug education and prevention programs address pressing family and community problems in very effective yet economical ways. With regard to the program related to juvenile gangs, grants are made by the Secretary of Health and Human Services to community-based organizations in a manner designed to bring together and empower individuals, families, institutions, and organizations in our communities to begin minimizing the influence of gangs on impressionable, at-risk youth. This preventive approach complements the efforts of law enforcement by reducing the numbers of youth who become involved in gangs.

The drug education and prevention program related to runaway and homeless youth enables the Secretary of Health and Human Services to make grants to community-based organizations which, in most cases, already provide other types of services to runaway and/or homeless youth. This program ensures that local agencies which regularly deal with these youngsters will have the resources and expertise to provide critically needed education, prevention, and intervention services.

Mr. Speaker, the programs authorized by H.R. 3259 provide excellent examples of cost-effective ways that the Federal Government can assist our Nation's families and local communities. I urge my colleagues to support its passage.

Mr. ROTH. Mr. Speaker, drug abuse and gang violence continue to plague our schools and communities. Here in Washington, violent gangs are reported to be all over the city and are credited with being the main source of drugs and death.

Drug-related crimes and violence are not limited to the inner cities or large metropolitan areas in this Nation, however. Recently, a constituent of mine in Green Bay, WI, contacted me to express his frustration with drug abuse in his own community. " * * * the drug war must go beyond law enforcement. The next big step has to be education * * *," he states, and I agree. We must keep up the fight through improved education and prevention programs.

The Drug Abuse Education and Prevention Programs Relating to Youth and Gangs and Runaway Youth provides real solutions to problems caused by the effects of drug abuse and gang activities in our communities. Our communities cannot win the fight alone—let us in Congress today send a message of support home to the people by passing H.R. 3259.

Ms. NORTON. Mr. Speaker, I rise in strong support of this legislation because it provides renewed and increased funding for critical programs targeting those most at-risk of drug and alcohol abuse—runaway, homeless, and gang involved youth. During a hearing held earlier this summer on H.R. 3259, witnesses representing two programs located within the District of Columbia testified about the benefits which have been realized here—about the many young lives that have been helped as the result of their ability to provide direct service programs in this community. But the "Why

Say No" Sports Camp and Youth Leadership Program, founded by Washington Redskins wide receiver Gary Clark, and the Early Intervention Program initiated by the Metropolitan Police Boys and Girls Clubs, are just two examples of many other creative initiatives which have been undertaken around the Nation since 1988 when the Congress created the Drug Education and Prevention Programs for Runaway and Homeless Youth and Juvenile Gangs.

The Metropolitan Police Boys and Girls Club received its first 1-year grant under the youth Gang Program for 1990 [\$140,000]. It used the funds to open up satellite clubhouses in the Finsbury Square and Washington Highlands neighborhoods of Wards 7 & 8. These locations were targeted because of their high homicide rates and high levels of drug-related activity.

There are housing projects and 12 schools in the areas served by these facilities. As the result, the club's staff works closely with both the D.C. Public Schools and the Department of Public and Assisted Housing to coordinate the many educational, counseling, and recreational activities which are offered. A key element of the overall program is the involvement of parents. They are helped to improve communication with their children through various interactive activities including family retreats. During the past 21 months, considerable progress has been made with the boys and girls involved with the clubs. In particular, the Early Intervention Program, which involves 137 youth, has been successful in reducing juvenile crime related activity.

Based on merit, the Metropolitan Police Boys and Girls Club's grant was extended through 1991 [\$112,000]. If this legislation before us today is enacted, an application will be filed to continue its activities through 1992. The club will seek additional funds in order to open a third satellite facility in the Valley Green Housing Complex, and, in addition, initiate a youth hotline, and longer family retreats. The club, today, is the only agency in the District of Columbia currently receiving funding. By continuing and increasing the Drug Education and Prevention Program's funding, more agencies can participate and much more intervention can be done.

Gary Clark's "Why Say No" Sports Camp, has not yet applied for funds under this program. However it is just the kind of community-based effort which could get that support in the future. Earlier this summer, Mr. Clark completed his first camp in the District of Columbia. The camp's purpose is "to provide youth with the developmental skills to enhance their chosen athletic specialty, as well as to instill positive feelings toward 'self' and [prevent] negative responses to drugs and alcohol." Guest speakers were brought in to talk with participants, drug education activities were held on a daily basis, and professional athletes interacted with the participants as counselors and role models.

Early prevention activities such as these have made a difference in my community. The enactment of H.R. 3259 will enable the District and the Nation, to offer young people a wider range of alternatives to gang and drug involvement. I urge my colleagues to support this legislation.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 3259, which will reauthorize the Drug Abuse Education and Prevention Program Relating to Youth Gangs and the program for Runaway and Homeless Youth. Originally established as a part of the 1988 Anti-Drug Abuse Act, these crucial programs are the MASH units in the war against drugs.

Drug abuse and gang warfare are no longer just big city problems, they are calamities for small towns and even tiny villages. No one is immune from the threat of illegal drugs or the murder and mugging that inevitably go along with it.

The youth drug problem in America is an international embarrassment. We have the highest rate of teenage drug use of any country in the industrialized world. Thirty-five percent of high school seniors reported heavy drinking within the last 2 weeks of being asked. One-third of all 12th graders had smoked marijuana. Cocaine was used by 8 percent of the students polled, and 1 out of 20 had used crack cocaine.

The youth gang program deals with the rapidly spreading danger of organized criminal behavior by teenagers. These bands of youths, emboldened by drugs and drug money, consume runaways and delinquents, and then breed violence in the streets of America. It is time to break this cycle by giving more help to these children and prying away their drugs. This program goes directly into communities and counsels families—how to get their kids out of gangs and how to keep them out. H.R. 3259 would increase authorized funding for this section from \$14.8 million to \$16 million.

The second phase of our antidrug battle provides for service projects, research, and training designed to prevent young people from using drugs. Convincing children who have never used drugs to never start and getting kids who are on drugs to give them up are its twin goals. The authorized funding for this section would also increase from \$14.8 million to \$16 million.

Winning the drug war is going to mean winning the drug battles each step of the way. Congress' unflinching and determined efforts are necessary to carry the day for the physical, mental, and social health of our young people.

Mr. Speaker, we must reauthorize appropriations for drug abuse education and prevention programs relating to runaway and homeless youth. This is a struggle we cannot afford to lose and I urge all of my colleagues to vote for H.R. 3259.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 3259, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3259, the bill just passed.

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

There was no objection.

DECENNIAL CENSUS IMPROVEMENT ACT OF 1991

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3280) 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, as amended.

The Clerk read as follows:

H.R. 3280

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 "Decennial Census Improvement Act of 1991".

SEC. 2. STUDY.

(a) IN GENERAL.—The Secretary of Commerce shall, within 30 days after the date of enactment of this Act, contract with the National Academy of Sciences (hereinafter in this Act referred to as the "Academy") to study—

(1) means by which the Government could achieve the most accurate population count possible; and

(2) consistent with the goal under paragraph (1), ways for the Government to collect other demographic and housing data.

(b) SPECIFIC CONSIDERATIONS.—In conducting its study, the Academy shall consider such matters as—

(1) with respect to subsection (a)(1)—

(A) ways to improve the Government's enumeration methods, especially with regard to those involving the direct collection of data from respondents;

(B) alternative methods for collecting the data needed for a basic population count, such as any involving administrative records, information from subnational or other surveys, and cumulative or rolling data-collection techniques; and

(C) the appropriateness of using sampling methods, in combination with basic data-collection techniques or otherwise, in the acquisition or refinement of population data; and

(2) with respect to subsection (a)(2)—

(A) the degree to which a continuing need is anticipated with respect to the types of data (besides data relating to the basic population count) which were collected through the last decennial census; and

(B) with respect to data for which such a need is anticipated, whether there are more effective ways to collect information using traditional methods and whether alternative sources or methodologies exist or could be implemented for obtaining reliable information in a timely manner.

(c) REPORTS.—(1) The Academy shall submit to the Secretary and to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate—

(A) within 18 months after the date on which a contract is entered into under subsection (a), an interim report on its activities under this Act; and

(B) within 36 months after the date on which a contract is entered into under subsection (a), a final report which shall include a detailed statement of the Academy's findings and conclusions, as well as recommendations for any legislation or administrative action which the Academy considers appropriate.

(2) With respect to each alternative proposed or discussed in its final report, the Academy shall include—

(A) an evaluation of such alternative's relative advantages and disadvantages, as well as an analysis of its cost effectiveness; and

(B) for any alternative that does not involve the direct collection of data from individuals (about themselves or members of their household), an analysis of such alternative's potential effects on—

(i) privacy;

(ii) public confidence in the census; and

(iii) the integrity of the census.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

□ 1240

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

Today we are considering legislation that will provide for a comprehensive, objective, and authoritative study of census methods.

This may be the most important single effort of the Congress to launch a successful planning effort for the 2000 census.

There are many people who are not satisfied with the outcome of the 1990 census. The 1990 census was the first in modern history that was less accurate than the one before it.

The disproportionate undercount of minorities was the highest ever recorded.

But the 1990 census was not a failure of effort or execution. It was a failure of design. It is a design that clearly is no longer adequate to measure the large, diverse, and mobile Nation we have become.

We have all come to the conclusion that the census process is badly in need of reform. Not just bells and whistles on an outdated method. We need to rethink the purpose of the census and our objectives. We need to explore a wide range of methods that might improve the quality and accuracy of the data we collect.

We learned a lot from the planning that took place during the 1980's in preparation for the 1990 census.

The Census Bureau started out at the beginning of the decade—1980—trying

to invent a light bulb. They wound up merely making improvements to the lantern instead, and as a result we lost our way in 1990.

I'm afraid that if we don't invent the light bulb this time around, we will all wind up in the dark. That old lantern is obsolete. And the quality of data we collect by it may be dimmed to the point where we can no longer be guided by the result.

H.R. 3280 provides for a broad-based 3-year study by the National Academy of Sciences. The Academy is well positioned to address the policy and technical issues surrounding the census as well as the broader statistical system. The legislation requires the Department of Commerce to enter into a contract with the Academy within 30 days of enactment.

The Academy will issue an interim report within 18 months, and a final report within 3 years to the Congress and the Commerce Department.

The study will include a review of 1990 census methods and of alternative ways to count the population. The Academy will recommend ways to make the population count more accurate. In addition, the Academy will address the Nation's other data needs. The Academy may recommend reducing the number of questions on the census questionnaire. If it does, it will recommend alternative ways to collect population characteristics and housing data.

I want to clarify that the funds for this study will come from discretionary accounts available to the Secretary of Commerce, subject to the availability of a fiscal year 1992 appropriation. The Academy estimates that the study will cost \$1.4 million. That amount of money was carefully set aside for this study in the House-passed version of the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations bill.

H.R. 3280 enjoys the unanimous, bipartisan support of the Post Office and Civil Service Committee.

I particularly want to acknowledge the constant support and assistance of Congressman TOM RIDGE, the Census Subcommittee's ranking minority member. I also want to recognize the efforts of Chairman BILL CLAY, who provided invaluable assistance in drafting the legislation and moving the bill through committee expeditiously.

Finally, I want to thank my colleague from Kentucky, HAL ROGERS, for his foresight on the critical need for census reform, and Chairman NEAL SMITH for his attentiveness to the need to find that needed reform.

I urge my colleagues to support this important piece of legislation.

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

Mr. Speaker, permit me this opportunity to commend the chairman of the Subcommittee on Census and Popu-

lation, Mr. SAWYER, and the ranking minority member, Mr. RIDGE, for their outstanding leadership and commitment to their oversight responsibilities through their oversight committee. I would also like to commend the chairman and the ranking minority member of the Committee on Post Office and Civil Service, Mr. CLAY and Mr. GILMAN, respectively, for effective and efficient leadership in expediting this legislation through the committee.

The timing is now critical for addressing the year 2000 planning for the census. H.R. 3280 would authorize a 3-year study by the National Academy of Sciences on improving the accuracy of the decennial census in the year 2000. I previously supported similar language that was included in the committee report to the Commerce-Justice-State appropriations bill for fiscal year 1992.

It is imperative that we recognize the mistakes of the 1990 decennial process and take the necessary steps not to repeat what happened. We must explore new methodologies and new approaches in taking the decennial census for the year 2000.

The information gathered by the decennial census is the basis upon which so many critical decisions are made. The techniques of enumeration must produce the most reliable data possible while protecting the integrity of the census.

I urge my colleagues to join with me in supporting this important legislation.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes to the Delegate from the District of Columbia [Ms. NORTON] an outspoken member of the full Committee on Post Office and Civil Service on matters of census population.

Ms. NORTON. Mr. Speaker, I appreciate the leadership of the gentleman from Ohio and the leadership of the ranking minority member and of the chair and ranking minority member of the full committee on moving this important piece of legislation.

The census was greeted with some consternation by many of us in the committee and I very much appreciate the gentleman's expeditious handling of this matter that improves our hope that the next census will indeed be an improvement.

Mr. Speaker, I rise in support of H.R. 3280, the Decennial Census Improvement Act of 1991, designed to make the next census more accurate than the last one. The District of Columbia is but one of many jurisdictions in the United States victimized by an inaccurately low census count. Of the 50 States and the District of Columbia, the District was one of the most inaccurately counted, with between 5 and 6.2 percent undercount, depending on what figures are used.

This will mean \$120 million in Federal funds we are due that we will not get.

The census has a constitutional status for a reason. The framers realized that government cannot work when it lacks the most basic information of all. Our Government has more experience counting people than doing any other mandated function.

The controversy surrounding this census might be more acceptable if the first census had been 1990, instead of 1790.

We have the methodology and the technology to improve the count. We have not adequately addressed the conditions in the big cities that make it more difficult to do the count.

The 1990 census was the first since we have had the capacity to measure an undercount that was less accurate than the one before it. The 1990 undercount is a tragic anticlimax to the 1980's. This was the decade that literally robbed the cities to pay the military.

In 1981, urban areas got \$47.9 billion from the Federal Government for priority municipal programs. By 1990, that figure had fallen to \$19.1 billion, less than half. During the same period, housing assistance to urban areas fell from \$27 billion to \$8 billion, and the revenue-sharing program and the Urban Development Action Grants were eliminated altogether.

An undercount is a cruel final blow for cities wracked with cumulative issues of neglect and bewildering new problems, such as AIDS and escalating gun violence.

□ 1250

The Census Bureau has not yet figured it out. Surely the National Academy of Sciences can help.

Mr. Speaker, we owe the estimated 5.3 million Americans who were not counted the effort to see that they do count.

Mr. SAWYER. Mr. Speaker, I thank the gentlewoman for her thoughtful comments and for her support for this measure.

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

Mrs. MORELLA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service, who has been very interested in this subject and has been a real leader on this issue.

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to commend the distinguished committee chairman, the gentleman from Ohio [Mr. SAWYER] and the gentleman from Pennsylvania [Mr. RIDGE], the ranking member of the Census and Population Subcommittee for moving this important census improvement legislation. I supported similar language that was included in the report to accompany the Commerce-Justice-State appropriations bill for fiscal year 1992.

Mr. Speaker, despite some objections, I believe upon the whole that the

Census Bureau did a good job in conducting the 1990 census. However, it is obvious that major improvements can and should be made in the census-taking process. The 1990 census was taken in essentially the same manner as the prior censuses of 1970 and 1980. It is time that the basic design of the census should be reviewed and that viable alternatives should be considered.

I do not believe that any group or organization can objectively judge themselves from within and that is why the contract with the National Academy of Sciences to review our census process is so necessary. The National Academy of Sciences will be looking at alternatives to the census without any prior bias to light the way for more effective future censuses.

Accordingly, Mr. Speaker, I urge my colleagues to join me in supporting this very important proposal to improve our Nation's census.

Mrs. MORELLA. Mr. Speaker, I urge our colleagues to very swiftly pass this important legislation. We have done all right, but we owe it to the American people to do better with the next census.

Mr. Speaker, again I thank the chairman, the gentleman from Ohio [Mr. SAWYER] for his leadership in this important work.

Mr. Speaker, this bill was unanimously passed by the Committee on Post Office and Civil Service, and the administration has no objection.

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

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

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 3280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GWEN B. GILES POST OFFICE BUILDING

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3322) to designate the Wellston Station facility of the U.S. Postal Service in St. Louis, MO, as the Gwen B. Giles Post Office Building, as amended.

The Clerk read as follows:

H.R. 3322

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

SECTION 1. DESIGNATION.

The building located at 1409 Hamilton Avenue, St. Louis, MO, known as the Wellston Station, is designated as the "Gwen B. Giles Post Office Building".

SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, record, or other paper of the United States to the building referred to in section 1 shall be deemed to be a reference to the Gwen B. Giles Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

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

Mr. Speaker, I rise in support of H.R. 3322, a bill to designate the post office located at 1409 Hamilton Avenue in St. Louis, MO, as the Gwen B. Giles Post Office Building.

Gwen Giles, who passed away in 1986, was well known and well respected in the city of St. Louis. She was the first American woman of African descent elected to the Missouri State Senate. She was also the first female assessor for the city of St. Louis.

Ms. Giles was known for her work on civil rights issues, and for her efforts to help those in need. In this regard she served as the executive secretary of the St. Louis Council of Human Rights, was a founder of the West End Community Association, and director of the Civil Rights Enforcement Agency.

Ms. Giles lived in St. Louis virtually her entire life. The author of H.R. 3322, the honorable BILL CLAY, who represents St. Louis, has described her as "a community bridgebuilder, bringing together black and white, and Catholic, Protestant, and Jew."

It is altogether fitting for this post office building in St. Louis to bear her name.

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

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

Mr. Speaker, I want to take this opportune time to advise my colleagues in the House of my support and the support of my colleagues on the committee, for H.R. 3322, to designate the postal facility at 1409 Hamilton Avenue in St. Louis as the Gwen B. Giles Post Office Building.

Gwen Giles was the first African-American woman to be elected to the Missouri State Senate, the first female assessor for the city of St. Louis and founder of the West End Community Association. The area of St. Louis in which I understand this postal facility is located.

In our full committee chairman's [Mr. CLAY] remarks, when he introduced H.R. 3322, he expertly laid before the House the justification for us adopting the measure this morning. On behalf of the minority, I concur in his comments and urge the adoption of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from

New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I want to take this opportunity to join with my colleagues from the committee and to add my voice in support of H.R. 3322, to designate the postal facility at 1409 Hamilton Avenue in St. Louis as the Gwen B. Giles Post Office Building.

Gwen Giles accomplished many significant "firsts" in her short life as described by our distinguished subcommittee chairman, the gentleman from Ohio [Mr. SAWYER] and the gentlewoman from Maryland [Mrs. MORELLA] and I urge my colleagues in the House to join us in taking note of those accomplishments and honoring her life in this fashion.

Mr. CLAY. Mr. Speaker, on Thursday, September 12, 1991, I introduced legislation to designate the Wellston Station facility of the U.S. Postal Service in St. Louis, MO, as the Gwen B. Giles Post Office Building. On Tuesday, September 24, 1991, I received correspondence which is representative of the sentiment of St. Louisians who were privileged to know Gwen B. Giles. I would like to insert for the RECORD that correspondence.

COUNTY OF ESSEX, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT,

Cedar Grove, NJ, September 20, 1991.

HON. WILLIAM CLAY,
Rayburn House Office Building, Washington, DC,

DEAR BILL: I read your remarks in the CONGRESSIONAL RECORD of September 12, 1991, proposing to designate the Wellston Post Office as the Gwen B. Giles Post Office Building.

I take this opportunity to express my sincere appreciation for this recognition of our beloved friend and supporter.

Gwen was one of the first persons I met while in St. Louis, and that was on an occasion when she came to the Housing Authority to petition for consideration in behalf of some perceived community need. Gwen is remembered for her tireless efforts on behalf of her city. Her special interest in nurturing our minds and character through empowerment is reflected in the fond affection that I and thousands of others have for her.

I know your colleagues will join with you in support of this fine gesture. The memory of Gwen Giles will always be with me, we are better because of her being here.

Sincerely,

PHILLIP THIGPEN.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 3322, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the building in St. Louis, MO, which is currently known as the Wellston Station, as the 'Gwen B. Giles Post Office Building'".

A motion to reconsider was laid on the table.

PATRICK J. PATTON U.S. POST OFFICE BUILDING

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2935) to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the "Patrick J. Patton U.S. Post Office Building."

The Clerk read as follows:

H.R. 2935

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

SECTION 1. DESIGNATION.

The building located at 6600 Lorain Avenue in Cleveland, Ohio, is designated as the "Patrick J. Patton United States Post Office Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Patrick J. Patton United States Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

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

Mr. Speaker, I rise in support of H.R. 2935, a bill to designate a post office in Cleveland, OH, as the Patrick J. Patton Post Office Building.

Patrick J. Patton was a prominent citizen of Cleveland, OH. As a first-generation American, he was known for his patriotism and his love of this country. He and his wife had four children, each of whom, by the way, worked in this post office building while on their way to successful careers in business and public service.

Mr. Patton spent his life in the construction industry, and was involved in the construction of many well-known buildings in the Cleveland area, including the Aluminum Co. of America, the Cleveland Terminal Tower, and the Fairview General Hospital.

Although Mr. Patton passed away in 1983, his family maintains ties with the community, and it is entirely appropriate that the post office located at 6600 Lorain Avenue be known as the Patrick J. Patton Post Office Building.

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

□ 1300

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

Mr. Speaker, I urge my colleagues on both sides of the aisle to support the measure before us. This bill designates the postal building located at 6600 Lorain Avenue in Cleveland as the Patrick J. Patton Post Office Building.

Introduced by our good friend and colleague, Congresswoman MARY ROSE OAKAR, it seeks to recognize with great pride the many efforts of this first generation American, who lived near the post office in question for 63 years and whose four children all worked at that particular facility at various times in their lives. He is, I believe, deserving of this tribute and letting us have the opportunity to honor his memory in this fashion.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I want to join with my good friends from the committee in urging my colleagues on both sides of the aisle to give their support to the measure before us. This bill designates the postal building located at 6600 Lorain Avenue in Cleveland as the Patrick J. Patton Post Office Building.

Introduced by our colleague, the gentlewoman from Ohio [Ms. OAKAR], this legislation seeks to recognize with great pride the many efforts of this "son of Ireland" who became so important to the city of Cleveland.

I commend our distinguished committee chairman, the gentleman from Missouri [Mr. CLAY] and our subcommittee chairman, the gentleman from Indiana [Mr. MCCLOSKEY] as well as "our strong right arm" on the minority side of the committee, the gentlewoman from Maryland [Mrs. MORELLA] for bringing this issue before us and providing us with this opportunity to honor Patrick J. Patton in this fashion.

Mr. SAWYER. Mr. Speaker, I would like to close by offering my very special thanks to both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New York [Mr. GILMAN] for their thoughtful comments, not only on the two previous bills, but on the measure to enact the special study by the National Academy of Sciences. The gentlewoman from Maryland [Mrs. MORELLA] is a former member of the Subcommittee on Census and Population, and fully knowledgeable about the issues at hand and spoke with clarity on the issues of that, and the gentleman from New York [Mr. GILMAN], as the ranking member on the full committee, has been an active participant on census issues throughout the past year, and I would like to thank them both for their contributions on all three of these bills.

Ms. OAKAR. Mr. Speaker, I recently introduced H.R. 2935 to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the Patrick J. Patton Post Office Building. I would like to express my deep appreciation to Post Office and Civil Service Committee Chairman CLAY, Postal Operations Subcommittee Chairman MCCLOSKEY, and ranking full committee member, Congressman GILMAN, and ranking subcommittee member, Mr. HORTON for agreeing to expedite this legislation.

Patrick J. Patton was a first generation American who lived in the post office station A neighborhood for 63 years. Patrick Patton emigrated to the United States in 1922 from County Mayo, Ireland, and lived in the post office A neighborhood all of his married life with his wife, Mary Corrigan Patton. Mr. Patton rose to a position of prominence in the Cleveland construction industry as a construction supervisor. He took great pride in the fact that he built some of Cleveland's most famous landmarks, including, to name a few, the Aluminum Co. of America, the Fairview General Hospital, and the Cleveland Terminal Tower.

He also took great pride in being an American and would frequently say "Of all my travels, this country offers the greatest opportunities for those who are prepared to work for them." He was a very proud man who deeply loved America, for it gave him every thing he hoped for. He once received a commendation from the Governor of Ohio for voting in every election for 50 consecutive years.

Mr. Patton and his wife raised four children, all of whom went on to pursue successful careers in business and public service. The Patton family maintains its ties with this community and it is all the more fitting that this facility bear his name. All four of these children worked at this postal facility at different points in their lives. He was a devoted family man and would often say that his greatest achievement would be the success of his children.

Patrick Patton's concern for his fellow man is best reflected in a story told to me many years ago by a friend and fellow worker of his. At one point during the construction of Cleveland's Terminal Tower, two men were buried alive when they fell down a deep hole below the foundation. Patrick J. Patton was one of two men who volunteered to go down into that hole to rescue these men while the earth was slowly caving in around them. Mr. Patton passed away in August 1983 at the age of 87.

Mr. Speaker, this designation is a fitting tribute to an outstanding member of this community who exemplifies the work ethic and family values of the first generation Americans who built our Nation. It is important that, from time to time, the Congress recognize and honor average working Americans for their extraordinary contributions to their communities. I appreciate my Senator's support—Senator Government Affairs Chairman JOHN GLENN of Ohio. I urge all of my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2935.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3280, H.R. 3322, and H.R. 2935, the bills just passed.

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

There was no objection.

CONGRATULATING GREECE ON THE 2,500TH ANNIVERSARY OF THE ESTABLISHMENT OF DEMOCRACY IN ATHENS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) congratulating the Government and people of Greece, and the municipal government and the people of Athens, on the occasion of the 2,500th anniversary of the establishment of democracy in the city of Athens.

The Clerk read as follows:

H. CON. RES. 209

Whereas, 2500 years ago, the ideals and institutions of democracy originated in the city of Athens;

Whereas Greece is recognized as the cradle of democracy;

Whereas Athenian democratic ideals inspired the founders of the United States to wisely establish democratic institutions for the perpetual benefit of the people of the United States;

Whereas the democratic ideals and institutions that originated in Athens now flourish not only in the United States and Greece but throughout the world;

Whereas the collapse of global communist totalitarianism represents the greatest victory for democratic ideals since the end of World War II, guaranteeing liberty and happiness to hundreds of millions of people and enhancing the prospects for world peace; and

Whereas, during September 26 through 28, 1991, the occasion of the 2500th anniversary of democracy will be celebrated in Athens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress congratulates the Government and people of Greece, and the municipal government and people of Athens, on the occasion of the 2500th anniversary of the establishment of democracy in the city of Athens.

The SPEAKER pro tempore. (Mr. STALLINGS). Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 209, a resolution congratulating the Government and people of Greece and the municipal government and people of the city of Athens on the occasion of the 2,500th anniversary of the establishment of democracy in the ancient city-state of Athens.

I want to commend my colleague, Mr. BROOMFIELD, the ranking member of the Committee on Foreign Affairs, for his leadership in bringing this resolution before us.

We celebrate this historic anniversary at a time when the principles of democratic government are flourishing as never before in our modern history. The ideas first developed in ancient Athens are today taking hold in the countries of the former Warsaw Pact and the Soviet Union. This is truly grounds for celebration.

Greece is an important friend of the United States, and many Americans take pride in our strong bilateral ties and our deep respect and admiration, for Greece's heritage, and its unique position as the source of democracy and of many of our modern political traditions.

I hope my colleagues will join me in saluting Greece, and the city of Athens, on this important milestone. The entire Western World owes a great debt to ancient Athens for its contributions to our democratic traditions.

I urge adoption of House Concurrent Resolution 209.

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

Mr. BROOMFIELD. Mr. Speaker, I would like to thank the gentleman from Florida [Mr. FASCELL] for his assistance in bringing this resolution to the floor so quickly. The chairman, and the gentleman from Pennsylvania [Mr. YATRON], and the gentleman from New York [Mr. GILMAN] are original cosponsors of this legislative initiative, and I appreciate their support.

This resolution is an expression of the appreciation felt by the American people for the longstanding democratic tradition of Greece.

The tradition of representative democracy, established in Athens 2,500 years ago, has provided the world's most enduring political system.

The system which guides this great nation had humble origins. In about 508 B.C., Cleisthenes, a statesman in Athens, proposed a new constitution that made the state a democracy. Although unwritten, that democratic constitution stayed in effect for hundreds of years.

It is clear that now—in the last part of the 20th century—the ideal of democracy retains its appeal. Indeed, we have just seen the blossoming of new democracies in Eastern Europe, the Soviet Union, Africa, and in Latin America. Most of the nations on this planet

are setting sail on the rising tide of democracy.

Only the governments of a few countries such as China, Cuba, Vietnam, and a handful of others continue to hold out against the force of democratic ideals. What greater proof could there be of the virtues of democratic government?

Mr. Speaker, it is my distinct pleasure to propose this resolution today in a spirit both of congratulation and gratitude. It is dedicated to the people and the Government of Greece for establishing the democratic ideal so long ago.

I am sure all my colleagues will give their warm support to this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 209, a resolution congratulating the government and people of Athens on the 2,500th anniversary of the establishment of democracy in Athens. I would like to commend the distinguished ranking Republican member of our Foreign Affairs Committee the gentleman from Michigan [Mr. BROOMFIELD], and the distinguished chairman of our Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], for their timely work on this measure.

For 2,500 years, the city of Athens has stood as a testimonial to the ideals and principles of democracy. It is the Athenian ideal that inspired the Founders of the United States to establish democratic Government in the United States.

The political sea-change in Eastern Europe and the concurrent demise of communism represents the single greatest victory for the concept of democracy since the end of the Second World War. We must take this opportunity to help those emerging democracies of Eastern Europe, in their attempt to emulate the type of government the people of Athens have experienced for thousands of years.

Mr. Speaker, on the occasion of the 2,500th anniversary of the establishment of democracy, let us join together and express our heartiest congratulations to the municipal government and people of Athens, as well as the Government and people of Greece.

Mr. PORTER. Mr. Speaker, 2,500 years ago, a man named Cleisthenes led a political movement in the city-state of Athens that has since changed the world and effected the lives of billions of people from Washington, DC to West Africa, from Moscow to Tiananmen Square.

The concepts that Cleisthenes promoted were rule by the people, free speech, and equality before the law—in a word, democracy. To Americans, these concepts are so commonplace that we forget that they have not always been the pinnacle of political sys-

tems to which peoples and societies have striven. These concepts had to be developed and refined, and Athens was the crucible where this important formative thinking took place.

I congratulate the Government and the people of Greece and the municipal government and the people of Athens on the 2,500th anniversary of the creation of democracy in Athens. This anniversary highlights the strong commitment to democracy shared by the United States and Greece and the importance of the bilateral relationship between the two nations.

It is especially fitting that we call attention to this anniversary in light of the dramatic shift toward democracy, and away from totalitarianism, we have seen in the world in the last year. Not only has all of Eastern Europe and the Soviet Union adopted the concept of democracy, but Africa is seeing a strong shift toward pluralism and even Mongolia has adopted rule by the people which was developed by Cleisthenes twenty-five centuries ago in Athens.

I thank Mr. FASCELL and Mr. BROOMFIELD for bringing this important resolution to the floor, and I join them in congratulating the people of Athens and the people of Greece.

Mr. FASCELL. Mr. Speaker, I want to express my appreciation to my friend and colleague, the gentleman from Michigan, for offering this resolution. This anniversary is certainly an event which deserves recognition by the Congress.

This afternoon this House pauses for a moment to honor events in a small city on the other side of the world, twenty-five centuries ago. The city of Athens and the people of Greece are celebrating the momentous accomplishments of their ancient ancestors whose lover of truth, whose quest for understanding, and whose respect for one another produced the most powerful political idea in all history: democracy.

Today, all over the world, men and women will gather in assemblies like this to freely debate the issues of the moment and to decide by majority vote the policies of our villages, towns, cities, regions, and nations. Each such meeting is a tribute to the wisdom and foresight of those ancient Greeks. The clarity of their vision was remarkable. Their achievement has inspired countless generations and especially the forefathers of our own republic.

Mr. Speaker, it is especially fitting that as we celebrate the 2,500 anniversary of Athenian democracy that we have entered a new age when democracy is triumphant in so many places across the globe. But as we here share in the joy of modern Greeks we must also ponder the dark side of history, those events which have so often seen the principles of majority rule and minority rights perish beneath the boot of tyranny.

Democracy, for all its power, as an idea is a fragile and tender system which needs the constant tending of those entrusted with the reins of power. Since World War II, when we served as the arsenal of democracy, the United States has stood fast with fellow democracies in combatting first fascism and then communism. It was our own tenacity which made possible this new era. Some would now heed the siren call that suggests all is well

and that we can focus on our own priorities, that putting America first can be done in isolation. But the lessons of history cry out for continued involvement. Our well being is inextricably tied to the rest of the world. Yes, our priorities can change from military to economic, but this change in policy priorities must be joined to constancy in our political policy. Active involvement by the United States, in support of democratic values, is essential to assuring a peaceful and stable world. The strength of the alliance which brought down communism lies not in our military might but in the ideal of liberty in the hearts and minds of men and women everywhere, who are the heirs to those whose achievements long ago we honor here today.

Mr. ROEMER. Mr. Speaker, I rise today to recognize the extraordinary democratic achievements that the Government and people of Greece have made on this, the occasion of their 2,500 year anniversary.

The ideals and institutions of democracy that originated in the city of Athens have sustained themselves and flourished across the globe. From the cultural and intellectual achievements of the Golden Age of Pericles, which had profound influences on Western civilization, to the spread of Greek culture by Alexander the Great as he marched east to conquer the world, the Greeks have cultivated a legacy of enlightenment and democratic ideals.

The founders of our Nation followed the path that originated in Athens nearly 2,500 years ago. They created a framework through the Constitution, which relies on the power of the individual to protect and preserve basic rights. The branches of our Government, and the legislative body which I speak before today, Mr. Speaker, are the culmination of Greek ideals allied with the aspirations of the American people to govern themselves.

It is my hope, and one that I am sure is shared by many Members of this House, that the endeavors we have undertaken in perfecting our democracy during the last 200 years will be successfully followed by those countries currently emerging from communism. The countries of Eastern Europe have demonstrated an intense interest in following the democratic model set forth by the Greeks centuries ago, and they have made astonishing progress in the last 2 years toward realizing those goals. And, as was illustrated by the events the Soviet Union just a few short weeks ago, every nation which discovers democracy is willing to pay the price to sow its seeds.

Mr. Speaker, these seeds of democracy may be almost as old as history itself, but as we have seen time and time again, the basic desire of all peoples to govern themselves remains forever young. I share the joy and pride of the Greek people as they celebrate their own democracy, which is a living monument to freedom for nations across the globe.

Mr. MAVROULES. Mr. Speaker, I rise today to add my voice to the chorus of congressional congratulations for Greek democracy. Throughout the world, from the Soviet Union to Angola, democracy has risen from the ruins of dictatorship and apathy. Thus, during these days of democratic triumph, it is especially appropriate to congratulate the democratic herit-

age of Greece. It was in sixth century B.C. Greece that the reforms of Cleisthenes gave rise to the first true democratic government of the western world. Today, I am pleased to stand here before you as a living representation of these ideals.

However, within the cradle of free political expression there exists one nation, divided, and denied its democratic heritage. If we truly support democracy, we must continue to encourage the Cyprus peace process currently underway. The democratic heritage of both Greek and Turkish Cypriots represents a peaceful solution to the longstanding crisis. I am confident that the people of Cyprus are eager to take advantage of this opportunity to once again integrate their nation in a democratic union.

Mr. BILIRAKIS. Mr. Speaker, on Monday the House passed House Concurrent Resolution 209, a concurrent resolution congratulating the Government and people of Greece, and the municipal government and the people of Athens, on the occasion of the 2,500th anniversary of the establishment of democracy in the city of Athens.

I would like to commend my colleague from Florida [Mr. FASCELL] chairman of the Foreign Affairs Committee, and my friend from Michigan [Mr. BROOMFIELD] the ranking minority member of that committee, as well as the sponsors of the legislation, Mr. GILMAN and my good friend Mr. YATRON for their support.

This legislation is an expression of appreciation—a thank you from the American people to the people of Greece. Greece has provided us, as Americans, with the framework for our democratic system of government, the marvel of the world and the model for young democracies and democratic movements around the world.

Last year, I sponsored a resolution marking Greek Independence Day. Similar to House Concurrent Resolution 209, my legislation also recognized the 2,500th anniversary of the inception of democracy in Athens. It seems, Mr. Speaker, that we have a dispute here as to the exact year of this important anniversary—last year or this.

In my RECORD statement last year, I quoted Dr. Bernard M.W. Knox, Director Emeritus of the Center for Hellenic Studies here in Washington, DC, noting that " * * * In 510 B.C. Hippias, the last tyrant of Athens, was driven out of the city. Athens had been under his dictatorship and that of his father, Pisistratus before him, for 30 years. Out of the political chaos and factional infighting that followed his exclusion, there emerged a new political system." That system became, in fact, the world's first democracy.

Mr. Speaker, I understand that scholars may differ on the exact date of the implementation of the reforms. I am also well aware of the enormous challenge it is to determine the precise date when we are referring to a time well over 2,000 years ago. Indeed, I do not rise today to quibble. What is most important here is the use of which the world has put this important concept since it was born those many years ago.

The point is that ancient Greek democracy has served generations as a model for democratic forms of government around the world, is so serving today and will continue to do

so—if the sparks of freedom growing today in the once dark corners of our globe in fact are shedding any light on the future.

That ancient Greek democracy was established under the stewardship of Cleisthenes, an aristocrat and one of the organizers—from exile—of Hippias' downfall. A democratic constitution was established toward the end of the sixth century. It has been said that this constitutional form of Government has provided the foundation for the Athenian democracy that we are celebrating.

The Athenians forged a notion of democracy that we would call direct democracy today. All citizens were members of the assembly and when the assembly met, it resembled a modern-day town meeting. Executive power was held, not by the assembly, nor by the council of 500, but by the 10 leaders called the Strategoi who were elected by the assembly and possessed both political and military experience.

During the early years of our republic, Greek—and Roman—sources were repeatedly cited by the Framers of our Constitution. Each time that we perform our constitutional duties in Washington, we do so in the legacy of the ancient Greeks. As Thomas Jefferson once said, "To the ancient Greeks * * * we are all indebted for the light which led ourselves * * * American colonists, out of gothic darkness."

Although the Founding Fathers used Greece as a model, the situation was reversed in the 1820s. At that time the Greek revolutionaries held up the example of the American colonists as a model for their own struggle.

In fact, the American Declaration of Independence was translated into Greek, and Greek intellectuals used it as their own declaration. Under the oppressive rule of the Ottoman Empire, a Greek commander in chief stated, "We shall imitate our ancestors and be thought worthy of them if we succeed in resembling you citizens of America."

Mr. Speaker, America truly has a special relationship with Greece and I would like to again congratulate the Greek people on the 2,500th anniversary of the inception of democracy in Athens.

Mr. SCHEUER. Mr. Speaker, I wish to express my strong support for House Concurrent Resolution 209, which congratulates the government and people of Greece and those of the city of Athens, on the occasion of the 2,500th anniversary of the establishment of democracy.

Two and one-half millennia ago, the people of Athens proposed a constitution that transformed their city-state into a democracy. Previously, they had endured the rule of tyrant kings, and had grown tired of the tendency for absolute power to corrupt.

So they decided that all citizens should play a role in the governance of their society, and ensured that each could participate in making the policies of the state—or, as they called it, the "polis."

Their example of "demos-crazy" has lived on, despite temporary setbacks, until the present day. It is an idea that is inextinguishable, irrepressible, and ultimately triumphant.

Recently, we have seen this essential truth proven again and again, as the peoples of Eastern Europe, the Baltics, and the Soviet Union shake off their totalitarian rulers who

would have had them forget their democratic ideals. The reestablishment of democracy throughout the world today is fitting on this 2,500th anniversary.

We owe the people of Greece a deep debt of gratitude for sharing with us their tradition of democracy, and their rich cultural heritage, from which many of our modern political institutions arise.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 209).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 209, the concurrent resolution just agreed to.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. ROTH. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of House Resolution 194.

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

There was no objection.

□ 1310

NATIONAL LAW ENFORCEMENT TRAINING WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 191) designating January 5, 1992, through January 11, 1992, as "National Law Enforcement Training Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. MORELLA. Mr. Speaker, reserving the right to object, I do so to yield

to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of House Joint Resolution 191 designating January 5 through January 11, 1992, as "National Law Enforcement Training Week." I wish to commend the gentleman from Wisconsin [Mr. ASPIN] for introducing this legislation.

Our Nation is fortunate to have 500,000 law enforcement officers who work to protect our safety each and every day. These brave men and women fight drug pushers, violent criminals, and others who seek to disturb the lives of law-abiding citizens. Law enforcement is a dangerous job. In the past 10 years, more than 1,500 law enforcement officers have been killed in the line of duty. Every 57 hours, an officer loses his or her life while protecting the American public from crime; 200,000 officers have been injured on the job in the last 10 years, and 600,000 have been assaulted.

Law enforcement training is crucial for the safety of our officers and the citizens of our towns and cities. It is our duty to honor those selfless individuals who risk their lives daily for our protection. Further, it is in the best interests of our Nation to encourage our young people to recognize the importance of law enforcement in America.

Mr. Speaker, I urge my colleagues to join me in support of this important legislation.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York for his laudatory comments, which are so important.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 191 and to thank the gentleman from Wisconsin [Mr. ASPIN] for introducing it and the gentleman from New York [Mr. GILMAN] for his thoughtful comments.

Mr. Speaker, I am a former mayor. As a mayor, I have some appreciation for the critical investment that cities all over the United States make in the training of their law enforcement officers. I do not think there has been a time in our history when that training has been more critical, as we deal not only with the skills, but with the science of law enforcement, and the willingness to both sacrifice the kind of family life that all of us sometimes take for granted and the need for a constant willingness to place personal risk and personal safety on the line on behalf of the communities that police officers serve.

Training is a critical component of that effort to protect this Nation from violent crime, to combat drug traffic,

and to apprehend criminals. This particular resolution brings more attention to that undertaking.

Mr. Speaker, I am pleased to stand in support of this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I also rise in strong support of this commemoration of National Law Enforcement Training Week. It is true we have a tremendous reliance on our law enforcement officials to carry out their responsibilities and to protect our citizenry. We expect they are going to be psychiatrists, they are going to be criminologists, they are going to be compassionate and caring, as well as understanding all of the mechanisms they have about them. We expect they are going to take care of domestic violence problems, crime on the street, and drugs.

Mr. Speaker, this commemoration is intended to draw awareness to our whole society of the importance of law enforcement training. I hope it will become a tool to help to recruit and retain our very best law enforcement people.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 191

Whereas law enforcement training and sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of ca-

reer options available in law enforcement and disciplines related to law enforcement; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 5, 1992 through January 11, 1992, is designated as "National Law Enforcement Training Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOSPICE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 78) to designate the month of November 1991 and 1992 as "National Hospice Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I would like to commend the gentleman from Ohio [Mr. GRADISON], the prime sponsor of this resolution designating the months of November 1991 and November 1992 as National Hospice Month.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 78, a measure designating the month of November in 1991 and 1992 as "National Hospice Month," and I commend the prime sponsor.

I want to take this opportunity to pay special tribute to the hospice organizations currently working within our 22d Congressional District in New York. I congratulate the board of directors and the many volunteers who have worked so hard to ease the burden of terminal illness on the patients and their families. Their love, kindness, compassion, and selflessness have made a tremendous difference and have contributed immeasurably to the quality of life for those individuals dealing with such an unfortunate situation.

The month of November was chosen as National Hospice Month because November 1, 1991, marks the eighth anniversary that hospice has been a Medicare option. This option provides many elderly people, previously financially incapable of obtaining hospice care,

with the ability to do so. At a time when medical technology and therapeutic methodology have experienced unparalleled progression, the role of hospice care tempers traditional notions of patient care for those acutely and terminally ill. The medical profession is to be highly commended for its efforts to preserve and prolong human life.

Hospice was created to address the concerns of easing individuals into a relatively painless death in a familial and supportive environment. I have and will continue my support for this sensitive, interdisciplinary health care system which not only attends to the psychological needs of the patient, but of family members and friends as well.

The increase of hospices in our Nation reflects a mounting interest in addressing the medical needs of our elderly and terminally ill within an interdisciplinary framework which provides for personally tailored care, and death with dignity and self respect. Perhaps, most importantly, hospice care is compassionate in a world of increasing alienation between patient and health care providers, where specialization has become a double-edged sword of protracted longevity, yet unfamiliarity with one's providers.

Designation of November 1991 and 1992 as National Hospice Month deserves our support, and elicits deep gratitude for all those responsible for bringing understandings to the terminally ill and their families and friends. Accordingly, I urge my colleagues to participate in the events commemorating November as National Hospice Month.

□ 1320

Mrs. MORELLA. Mr. Speaker, I think it is important that we do call attention to what is being done with the hospice movement and to congratulate and show our gratitude to all of the team of health care providers that have been involved. Indeed, the hospice care is a health care partner and, as was mentioned, it has brought compassion, understanding, and dignity to people who are terminally ill and to their families.

I think all of us have seen in some way or other, through families or friends, the work of the whole hospice movement. Indeed, I can, as an example in my own community of Montgomery County, MD, indicate the wonderful work that has been done by the hospice movement.

I strongly support this resolution.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Ohio [Mr. SAWYER] the chairman of the subcommittee who has helped bring this resolution to us.

Mr. SAWYER. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] and take this opportunity only to associate myself with her re-

marks and those of the gentleman from New York [Mr. GILMAN] in expressing the gratitude of all of us to the gentleman from Ohio [Mr. GRADISON] for the extraordinary effort in bringing this matter to national attention in this appropriate way.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. RES. 78

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice is becoming a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more United States citizens to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1991 and 1992 is designated as "National Hospice Month". The President is authorized and requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe such months with appropriate forums, programs and activities designed to encourage national recognition of and support of the terminally ill and as a viable component of the health care system in the Nation.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 156) to designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I am pleased to be a cosponsor of this resolution. I think it is important that we become aware of mental illnesses, with the various new cures and research being done, and to be able to contribute ourselves to this awareness and understanding.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN] who has been a greater supporter of this resolution and others that are compassionate resolutions.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong support of Senate Joint Resolution 156, a measure to designate October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week."

As we know, since 1973, Federal law has prohibited discrimination on the basis of mental illness in federally funded programs. Those provisions, however, have not removed all the barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Unfortunately, many of these remaining barriers result from ignorance and misunderstanding. Mental Illness Awareness Week is intended to help to dispel the basis for much of the discrimination against the mentally disabled by education and by recognition.

Accordingly, Mr. Speaker, I urge my colleagues to join in support of this measure and to provide the mentally disabled with the greater help and the recognition that they so richly deserve.

Mrs. MORELLA. Mr. Speaker, continuing my reservation of objection, I thank the gentleman for his very moving words of support.

Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I think the gentlewoman for yielding. I seek to associate myself with the remarks of the gentleman from New York, particularly with regard to the importance of this recognition of the increasing treatability of mental illness.

It is a disability that has suffered from an unfair stigma over the ages but, through the increased investment in research and the provision of an adequate continuum of care that this measure seeks to call attention to, that stigma can be overcome and help to countless millions can be restored in the future.

Mr. WYDEN. Mr. Speaker, on behalf of 232 of my colleagues and myself, I come before you in support of House Joint Resolution 156 and its companion Senate Joint Resolution 156, to authorize the week of October 6

through 12, 1991, as "Mental Illness Awareness Week." Mental illness is a major national public health problem, affecting, at any time, 27 million adults and an estimated 7.5 to 14 million children.

A "Mental Illness Awareness Week" has been proclaimed since 1983. The American Psychiatric Association and numerous organizations throughout the country sponsor activities directed to their members, volunteers, the media, legislators, and the public.

But barriers to the recognition and treatment of mental illnesses continue, and we continue to pay the price. Inadequate treatment shows up in performance and absentee statistics in school and industry, in homelessness, in chronic physical problems, and in suicide, crime, and accident data. Mental illnesses take tens of thousands of lives and cost the Nation over \$270 billion annually. The agony of the mentally ill and the impact on their families cannot be measured.

Children, our most vulnerable citizens, are burdened with their parents' untreated substance abuse and alcohol use and abuse from conception. They suffer from the disadvantages of impaired parenting and often act as parents for younger siblings. Attention deficit, obsessive-compulsive and conduct disorders, and childhood depression interfere with learning, peer and family relationships, and enjoyment of life. Resources are being stretched by the increased incidence of child abuse, particularly child sexual abuse. The demand for services must be met to prevent lifelong consequences and disabilities in the pediatric and adolescent population.

There is much to be done. Improvements in therapy and medications give encouraging response rates in the prompt treatment of depressive, bipolar, schizophrenic, and panic disorders. Yet only one-third of people currently having a mental disorder are receiving treatment. The National Institutes of Health consensus statement, released September 27, indicates only one in four individuals receives appropriate treatment for panic attacks, and the disorder is often misdiagnosed, further decreasing the use of appropriate therapies.

Some of the barriers to treatment are inherent in the disorders themselves, but others, such as public misperceptions, over-stretched resources, and the limited benefits for mental illness, we can correct. We need to increase public education about the role of biochemical, inherited, and environmental factors in the development of mental illness. With one in four families having a member with a mental illness, we must eliminate these attitudinal and access obstacles. Together, our efforts will contribute to early diagnosis and comprehensive treatment.

We must provide adequate funding for research and act as advocates for mental health, recognizing the diverse settings where mental illnesses are treated. We need to champion preventive and early diagnostic services and recognize the benefits of early treatment, a prerequisite of which is the goal of this annual proclamation: the formation of a national partnership to dispel the silence surrounding mental illness.

I would like to thank my colleagues for their support of this important resolution, and join with the Senate in presenting to the President

a proclamation for his signature dedicating the first full week in October as "Mental Illness Awareness Week."

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 156

Whereas mental illness is a problem of grave concern and consequence in the United States, widely but unnecessarily feared and misunderstood;

Whereas 31,000,000 to 41,000,000 United States citizens annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, school attendance, and independent living;

Whereas more than 10,000,000 United States citizens are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas 33 percent of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 percent of adults in this country in any 6-month period;

Whereas mental illness in at least 12,000,000 of our children interferes with vital developmental and maturational processes;

Whereas mental disorder related deaths are estimated to be, at the very least 33,000 annually, with suicide accounting for at least 29,000 of such deaths;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas estimates indicate that 10 percent of AIDS patients will develop dementia or other psychiatric problems as the first sign of such disease, and that as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental disorders result in staggering costs to society, estimated to be in excess of 249,000,000,000 dollars in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the Alcohol, Drug Abuse, and Mental Health Administration represents only about 1 percent of the direct clinical costs of caring for persons with alcohol, drug, and mental disorders;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill persons and those persons themselves have begun to join self help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate an adequate continuum of care from hospital community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost ef-

fective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of October 6, 1991, through October 12, 1991, is designated as "Mental Illness Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

AMERICAN INDIAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 172) to authorize and request the President to proclaim the month of November 1991, and each month of November thereafter, as "American Indian Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do support this resolution. We just had one earlier commemorating 2,500 years of the origin of democracy in Greece, and this one would recognize "American Indian Heritage Month," those people who were here first, our original inhabitants of the lands that now constitute the United States of America.

May I just indicate that it has been a great pleasure to be here representing the minority with the chairman of the Subcommittee on Census and Population. I used to serve on that, and it is just a pleasure.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 172

To authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month".

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 re-

sources 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 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.

Passed the Senate September 26 (legislative day, September 19), 1991.

Attest:

Secretary.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on several joint resolutions just considered and passed.

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

There was no objection.

□ 1330

THE GREED FACTOR IN AMERICA'S ECONOMIC WOES

The SPEAKER pro tempore (Mr. STALLINGS). Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, last week there was a news article that most of us saw that described the problems in this country with economic growth. It suggested that the economic situation in the country is still difficult. We are still apparently in a recession, or near a recession, or near the end of the recession. No one is quite sure.

It reminded me, as I was reading that article, about a piece of information that had come across my desk some months earlier, that when I read it, seemed to indicate to me the absurdity of the economic plan of the 1980's. I want to describe it today. It was a report that said that the U.S. Government ended up owning junk bonds in the Taj Mahal in Atlantic City, NJ.

We all recall about a year or year and a half ago Donald Trump was building the Taj Mahal, the biggest, the wealthiest, the glitziest, the brightest casino in all the world. And the question was, who was going to be at the grand opening, how extravagant will the grand opening be, and who will accompany this megabillionaire who built this wonderful casino for America at the grand opening. It was kind of fun for the country to engage in conjecture, and for the gossip columnists to wonder.

About a year and a half later, Taj Mahal was opened and the world survived the grand opening. It is now broke. As I understand it, the Taj Mahal is part of the negotiations between Mr. Trump and his creditors in terms of who is going to own the assets, and who is going to manage it. It didn't turn out quite as well as people hoped.

What was interesting to me is that the junk bonds that were floated in order to build this grand casino in Atlantic City by Mr. Donald Trump ended up in the portfolio of Resolution Trust Corporation. In other words, the good old U.S. taxpayer now ends up having to guarantee the junk bonds used to build the Taj Mahal.

Now how could that happen? I want to describe part of that today, because I think it is an important lesson about what went wrong in the last decade.

Here is how it happened: We have a bunch of slick operators, financiers, investment companies, savings and loans, and they just want to borrow for everybody else. And they work back and forth with each other to move money around.

Here is how it worked with the junk bonds for the Taj Mahal, but it is not just the Taj Mahal. Did you know that the U.S. taxpayers, through the Resolution Trust Corporation, ended up owning junk bonds in Bali's Casino, Caesar's Casino, in Resorts International Casino, and the list goes on? Savings and loans were buying junk bonds. Although they should not have been; Government regulators were sit-

ting on their hands here in this town, half asleep, not caring much what went on by savings and loans. In fact, the number of auditors and examiners was cut back by the Reagan White House in their budgeting schemes. They did not like government, so they are going to cut back on government. So they cut back on the number of examiners and auditors who were supposed to be looking over the shoulders to find out that institutions, like savings and loans, were not running off on tangents someplace. Well, some S&L's were and no one was watching.

So they were buying junk bonds. One savings and loan in California loaded up with junk bonds. The majority of the assets held in the S&L was represented by junk bonds.

So, an S&L bought a junk bond in the Taj Mahal, and the S&L goes broke. Who takes it over? The American taxpayer, because we've guaranteed its deposits, despite the fact that those who ran the S&L were gambling with the deposits by buying junk bonds.

So there it is, the ultimate obscenity of a decade of shame in an economic system that rewarded the greediest, at least for a while. Now, the U.S. taxpayer owns junk bonds in the Taj Mahal.

My understanding is they have since sold them. I wonder at how much of a loss.

We went through a decade in which the watch word was:

Do as much as you can for yourself; get as rich as you can by almost any means, and that is the method by which we will measure success.

It was a decade of debt, not just Federal debt, and yes, Congress is responsible for a major part of the Federal failing. The failure of Congress it seems to me was to follow the President. We had conservative Presidents sending up here to Congress budgets calling for trillion dollar deficits, and Congress said yes. It was failed leadership from the White House that ought to have known better, and failed followship by a Congress that should never have swallowed the hook baited by the White House.

But it just was not debt here in this chamber or debt at the White House or Federal debt. It was debt in the private sector as well. It was load everything up with debt and make some money by doing it, and somehow it will benefit all of America.

So we went through a period in which leveraged buyouts, hostile takeovers, and junk bonds became the lexicon of Wall Street. Kids not yet rid of their acne, just out of graduate school were earning \$500,000 a year in big fees. They were floating big bonds for the purpose of allowing some economic do-gooder out there to load up a corporation with bonds, take it apart, load it up with debt, take it apart, sell it, and make some quick money. They could destroy

in a month what took 100 years to build by believing a corporation was undervalued on Wall Street. So you buy it, take it apart, and sell its pieces to make money for yourself. That was the game. It became an economic casino. We had people strutting around in this country who did not have enough money for lunch, but by the use of junk bonds, all of a sudden these people are going after megabillion dollar corporations in hostile takeover attempts.

In addition to hostile takeovers in the mid-1980's, the practice was to try and buy something, and let the corporation know you are chasing them. If they knew you were chasing them, then they'd pay greenmail to buy you out. Greenmail was a different way of saying blackmail, except greenmail is legal. It is "I will buy a chunk of this company, and I will make it look like I am going to go in with a hostile takeover, and at that point they will pay me off to take those shares so that I do not take them over." It is called greenmail. That is what we were faced with for decades, and the fact is it was a type of economic cannibalism in this country. It was buy up the companies, load them with debts and take them apart. American businesses weren't trying to figure out how you build a better product and sell it at a better price and compete more effectively with Japan and Germany. The question was how do we load up a company with debt, take it apart, and make as much money as we can for ourselves now.

Investment bankers, the Wall Street crowd, and the savings and loan crowd were all involved. They were all chasing and making megabucks, all flying jets, driving limousines, and talking about how wonderful things were. Greed was the code word.

When I came to Congress about 10 years ago I began to introduce some legislation to respond to megamergers. The first bill I introduced was in 1981 and was called the First Things First Credit Act. It suggested that if there is limited credit to go around in this country, then let us use it for something productive, not big megamergers between big corporations and hostile takeovers.

So, I introduced that again in 1983. In 1986, I introduced the Corporate Raider Tax Act which contained a provision that in 1987 I finally got enacted into law. It was a provision that was designed, and has in fact completely eliminated greenmail. There is no more greenmail in America. But the committee did not have jurisdiction to outlaw greenmail, but I serve on the Ways and Means Committee, and we have jurisdiction over the Tax Code. So I simply proposed that we tax it to death, which we have done. There is now, as a result of my amendment in 1987, a 50-percent excise tax above the 28 percent or 31 percent income tax on greenmail. Now, if you are taking greenmail or

being paid greenmail, the Federal Government is effectively confiscating the money you made through the tax system. So greenmail is gone. This form of blackmail that was sanctioned in the corporate boardrooms to pay off someone who was trying to take you over is now done. We taxed it to death. And I am glad that is one component of what happened in the 1980's that is no longer happening.

In 1987, I also proposed, and the Ways and Means Committee passed, and this entire House of Representatives enacted, a provision that would have disallowed the deduction for interest paid on debt for the purpose of hostile takeovers.

□ 1340

I thought it was a good thing. I still think it was a good thing to do. This House of Representatives passed that provision. It would have dramatically altered the proposition of hostile takeovers because if you cannot deduct the interest cost on debt, the billions of dollars of debt for these takeovers, it radically changes the economics of the takeover.

After the House passed that provision, in a reconciliation bill, the stock market crashed about 10 days—2 weeks later, the crash of 1987, and some analysts on Wall Street who had been obviously having too many martinis suggested that the crash was precipitated by the action of the House of Representatives in disallowing the interest deduction from income taxes for debt for hostile takeovers. No one sober, no one serious, or no one who thinks with any quality of thought at all represented that that was the case. But there were some Wall Street people who believed the actions of this House caused the crash. They did not understand, of course, that they were all acting about half drunk leading up to the crash.

We had 70-point-up days, 100-point-up days on Wall Street. Why? Because Wall Street was floating on a bubble in a sea of speculation, completely unsupported by economic principles and completely unsupported by any sort of firm economic foundation.

It should not have been a surprise to anyone that that was going to collapse at some point, and it did, having nothing to do with what we in the House of Representatives did.

But because the Senate got cold feet, that provision got knocked out in conference, and so the disallowance of interest deduction on debt for hostile takeovers did not get repealed despite the fact that we did what we should have done in the House of Representatives.

On June 15, 1989, I came to this microphone on this floor when we were debating the bailout of the savings and loans. I offered an amendment that the House of Representatives passed by a

margin of 303 to 114. My amendment said it shall be illegal for savings and loans to buy junk bonds, and all savings and loans that currently hold junk bonds must divest themselves of the junk bonds they now hold. Well, the savings and loans industry had an apoplectic seizure over that. But, after a lengthy fight and after working hard in the conference with the Senate, I am pleased to say that that is now law, and this junk-bond game that the savings and loans were playing is no longer a game for the S&L's.

The S&L's, and for that matter other institutions whose deposits are guaranteed by the taxpayer, ought not be investing in junk bonds. That kind of risk ought to be reserved for people who want to lose their own money, but not taxpayers' money.

In 1989, after we passed the junk-bond prohibition, the savings and loans were a little angry about that, but we finally put them on the right course.

I also offered in 1989 a provision to shut down a scam that was going on in junk bonds called bunny bonds, which are zero-coupon bonds or payment-in-kind bonds. Here is the way a bunny bond works: If I am going to take over a corporation, I issue a bond which is an instrument of debt. When the interest comes due, I say, "Well, I am not going to give you a check for the interest. What I will do is give you more bonds for the interest." So when my interest payment comes due, I just issue some more bonds, but I deduct on my tax return the amount of bonds I gave you just as if I had paid you the interest in cash. These bunny bonds played a vital part in the largest megamergers or hostile takeovers in this country. Bunny bonds or zero-coupon bonds or payment-in-kind bonds were used, because they allowed those who issued the bonds to engage in a hostile takeover or a leveraged buyout to deduct interest and save money on taxes when, in fact, they never paid any interest in the first place.

Well, they cannot do that anymore. On September 14, of 1989, the Committee on Ways and Means passed my amendment that severely restricted the use of bunny bonds for hostile takeovers. On the same day in 1989, the Committee on Ways and Means passed my proposal that prohibits corporations from obtaining a refund on taxes paid in prior years by carrying back losses from target companies.

This was another scam. You do a hostile takeover, go in and take over a company, and if they have losses, use their losses to carry back against the profits you had to generate immediate tax refunds from the Government. In effect, they were saying, "Let us let the Federal Government pay for our high-style takeover by converting that target corporation's losses to tax refunds for us." That is not available

anymore either because of the amendment I offered on September 14, 1989.

Mr. Speaker, those are five of the issues that I have been successful in pursuing that have now changed the law in this country with respect to the activities in the area of leveraged buyouts and hostile takeovers.

I want to describe just for a minute why I care so much about this issue. We face tough, shrewd international competition from foreign companies and foreign countries that make good products and the only way our American companies and American business men and women will win in the international marketplace is when we build the best tires, the best toasters, and the best television sets. And when a consumer somewhere else in the world goes to shop and takes a look at the label to find out where this is made, "Made in Japan," or "Made in the U.S.A.," and discovers it says "Made in the U.S.A.," and that consumer understands that "that is the finest I can buy."

When and if that happens, we win. But how can that happen when corporate America is embroiled in a factory of greed, is drowning in leveraged buyouts and debt from hostile takeovers? Who in the corporate boardroom is spending his or her time trying to build better products, planning for tomorrow, and determining how we invest in research and development, advertise, develop zero-defects programs, and do the kinds of things necessary to put our company on track to compete in the future?

One day I had a lobbyist come to see me because I had been such a nettlesome problem for those people. He was representing the hostile-takeover people. He came to my office in the Cannon Building and asked to see me. He sat down and described why the things I have been doing here in Congress is troublesome to him and to those he represents who want to take over America's corporations with debt.

I used the time he was in my office to explain to him why exactly I felt what he and the folks that he represents were doing was wrong for the country. I said to assume with me for a minute two companies. They operate across the street from each other. They are the same size and produce the same products. They have the same work force, and are managed by different people. The first company is managed by a glitzy Donald Trump-type. He is holding press conferences, trumpeting everything he does. It is a highflying company, and the assets of that company are managed for one purpose. The one purpose is to provide the maximum possible financial return for the next quarterly report. That is the goal.

Across the street there is an identical company managed by a person who has a much different perspective. His perspective is that he is in business

for the long term. He is not so concerned about the next quarterly report. He is concerned about being able to compete against tough competition 5 and 10 years from now. So, he is building that company at the base with quality research and development. He is not a show person. He is not saying much. He is just doing all the right things to build that company at the bottom so that 2 years, 5 years, 10 years from now this company will be on the cutting edge of technology in that industry.

I asked this person in my office: "Which of these two companies do you think will be the candidate for a hostile takeover?" There is not any serious question about that. The second company. The first company is being managed in a glitzy way to maximize profits in the next quarterly return and the stock market will evaluate that and give that stock a higher value than the quieter person across the street who is managing for the long term. On the other hand, the assets of that second company will likely be undervalued. That company will be a candidate for a hostile takeover, and somebody will come in, leverage that company to the hilt, take it apart, sell its assets, make some money, and the company is gone.

Well, somebody made some money, but the company is gone. They will take the money they made and do it to another company and another and another, and they will especially do it to all the companies that are planning for the long term.

They could not do that in Japan. The reason you could not do that in Japan is because Japan will not allow hostile takeovers. They know it is bad. It does not make any sense. It is a form of economic cannibalization. You cannot do it in Japan. It weakens the business structure to believe that our best minds ought to be engaged in these takeover games.

□ 1350

Our best minds ought to be engaged in an attempt to find out how we expand the economic pie in this country, not how do you slice a bigger piece for me. And yet a decade of neglect has put us in a position where we have a weaker economy in America because of this infection of greed, debt, hostile takeovers and leveraged buyouts. We need to end it.

The fact is I think a candidate running for President out in the country ought to be a candidate who says at least among the series of steps to put America back on track, that we are going to put an end to this kind of nonsense. It is weakening, not strengthening America.

This is an awfully good country, but it requires some regulation. You go all the way back to the 1930's and Will Rogers used to stand up and talk about

it. You know, he talked about Wall Street, the Exchanges, and he talked about people buying things that they would never get from people who never had it, making money on both sides, while all the rest of the folks paid for it.

The fact is we went through a decade in which the philosophy at the White House was, "We don't care. We won't watch. We're not looking, so do what you want."

We had the Treasury Secretary come over and sit in the Ways and Means Committee. I asked him about junk bonds. I asked him about the fuel that is continuing this engine of takeovers and this massive accumulation of debt.

He said:

Look, it's not a problem, Mr. DORGAN. It's not a problem. If there is a problem in this area, Wall Street will tell us about it and will also recommend some solutions.

I said:

Are you kidding me. Are you joking? Since when do you think Wall Street is going to come to us and say we've got a problem. We've got all this money floating around, all these limousines, all these silk monogram shirts, we're all making millions of dollars and we've got a problem?

Of course, they do not have a problem. Unfortunately, many of them are now doing two years at hard tennis in minimum security prisons because it turns out they did have a problem. The problem was greed and corruption, and nobody in this town seemed to care much about it.

Regulators who were supposed to regulate failed to regulate, and why? Because those who were elected to serve in the White House had a creed that government was the problem and we are going to assume the reins of government so we do not have to govern. And they put people in regulatory areas of responsibility with exactly that same philosophy. You can name regulatory agency after regulatory agency that is supposed to be looking after the public interest. That is what regulatory responsibility is all about. Yet in agency after agency they have failed because they said the sky is the limit. You do whatever you like.

In the last couple years with the airlines, has anybody noticed what is happening to America's airlines? One of two things is happening. They are either going broke or they are getting bigger, and in some cases both. When they get bigger, does that mean there is more competition or less? It means less.

And yet the Secretary of Transportation downtown says there is not a problem here. We may end up with fewer airlines, but we still think there will be robust competition.

A couple years ago, I met with him along with some of my colleagues and said:

For gosh sakes, don't allow the airlines to be put into this speculative play just like

other corporations. The airlines are too sensitive for that. They are the first to feel the effects of any economic downturn. They are the first and hardest hit during a recession. Do not allow airlines to be loaded with debt.

And yet, you know what happened. Regulators sitting on their hands allowed airlines to be loaded with debt and an airline loaded with debt cannot fly through a recession. It's just that simple. So the airlines are going broke. Some airlines you used to fly on do not have a ticket counter because they are not around anymore. Others that you used to fly on have been amalgamated into another airline. Two losers buy a third loser. That makes three losers. I guess they all consider it a good merger, but still three losers.

Two companies losing money decide, "Let's go buy a third company losing money. That way we can get bigger. That way apparently we can lose more money."

No wonder people say there is a drug problem in this country. Nobody is thinking very straight, for gosh sakes.

Hostile takeovers and leveraged buyouts and that sort of greed in the 1980's, including and extending to the airlines, is weakening this country and it has to stop. The sooner it stops, the better off this country is going to be.

In the long term, this country, to survive and succeed as a strong world economic power, must be able to compete. How can it compete? By making sure that its best scientists, best engineers, and its best young minds coming out of college, are going into the private sector producing the best products to sell in the best markets around the world. That is the way we compete.

When and if our attention waivers, as it did for almost an entire decade and gets off track and is attracted by this notion that there is a better way to make money. The better way to make money is not to pay attention to fundamentals, but instead to get involved in this financial wave to greed. Then this country suffers.

This country, in my judgment, is too good to continue on this track for much longer. I know that junk bond issues have collapsed. The savings and loan industry has collapsed and most of you know that some banks are collapsing. It is all a symptom of the same disease, the lack of careful attention to regulatory responsibility.

I know some say that all this collapse means it is over. We start anew. It is a fresh beginning. It is not true. We still have people out there engaging in the same kind of activity who believe that if somebody did it in the eighties, they can do it in the nineties, and that you do not have to go back to fundamentals. You do not have to learn to walk before you run. We have the same mentality and the same kind of people involved, and it is time it seems to me for policymakers here in Washington to stand up and be heard on

these issues. We need to decide that what happened in the 1980's is fundamentally wrong and that we need to put this country back on track.

The elements I have talked about here are just one step. There are several others, and they are obvious. One, we have to pay our bills. A country cannot continue not to pay its bills.

You know, Mr. Darman, and some folks here in Congress who work on budgets, tell us that the deficit is now \$348 billion. That is nonsense. The deficit is not \$348 billion. The operating budget deficit in this coming fiscal year is estimated to be \$420 billion. Why the difference? Because \$72 billion is the amount next year that will be collected in excess of expected expenditures in Social Security. We are doing that for a very simple reason. We need the money. Around the year 2010, 2015, or 2020, the largest group of retirees will retire in the history of this country. We need to save for that. It is one of the few responsible things that has been done in the 1980's.

But do you know what is happening? Now they use that money that we are saving and subtract it from the operating budget deficit to make the operating budget deficit look smaller.

So we have to pay our bills, and that is not easy. That requires legislative solutions that are very painful. It requires a level of leadership from the White House that we have not seen, but we have to do it.

Second, as I have expounded at great length, we must shut off this economic activity of hostile takeovers and leveraged buyouts and the accumulation of debt.

Third, we have got to decide that this country's future rests with having the best educational system in the world. We need to make sure we have the finest education system in the world.

When I came to Washington in 1981, I walked into the office of the oldest Member of Congress, Claude Pepper, a wonderful gentleman from Florida. He actually had come to Congress during Franklin Delano Roosevelt's term as President. I think the first term in fact. When I walked into his office in 1981, he was a fellow up in years at that point, and I was struck by two pictures that he had above his desk. He had an autographed picture of Orville and Wilbur Wright taking the first airplane flight. Orville had autographed the picture to Congressman Claude Pepper. It says, "To Congressman Claude Pepper, with deep admiration." Signed Orville Wright.

Beneath was a picture of Neal Armstrong standing on the Moon, autographed to Congressman Pepper.

I was struck by the difference between those two pictures. The first person to fly and the first person to step on the Moon, and what it meant. You think of the progress between these two pictures, both autographed by the

participants to Congressman Pepper. The burst, the spurt of knowledge between learning to fly and stepping on the Moon in dozens of areas was almost breathtaking. In a few short decades we accomplished in scientific and other areas of knowledge an unprecedented burst of progress.

□ 1400

How did that happen? In my judgment, investment in education. Investment in education is the key, it seems to me, and the foundation for future economic growth.

Mr. Speaker, there are four or five other steps that I think are critical to put this country back on track. I shall not expound further on them. But, Mr. Speaker, I did want today to outline for the House some of the things that we in the House of Representatives, those few of us who have been working on this issue, have done in the 1980's to try to fight what we felt was a wave of greed and corruption, a wave of unhealthy economic activity that weakened, not strengthened, this country.

I think the American people expect us, probably demand us, to be more vigilant of those who are supposed to be regulated, those who are supposed to be doing the regulating and of those who would take advantage of this country's economic system.

The private sector in this country, regulated by healthy competition, is critically important to the survival and the long-term economy of this country. It has been neglected for far too long.

American enterprise and American ingenuity, in my judgment, will and can make America and keep America No. 1 for decades to come. But only with careful nurturing and only with some concern and some attention by this President and this Congress to make sure that it happens that way.

NATIONAL AMERICAN INDIAN HERITAGE MONTH, SENATE JOINT RESOLUTION 172

The SPEAKER pro tempore (Mr. STALLINGS). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of Senate Joint Resolution 172, National American Indian Heritage Month.

This resolution has three purposes. First and foremost is to acknowledge the contributions that American Indians have made to this Nation. Second, by passing this resolution the Senate and House of Representatives will enable other Americans to learn more about and better understand their American Indian brothers. Third, we, as a Congress, will be providing young American Indians the positive benefits

of self-esteem, pride and self-awareness.

Senate Joint Resolution 172 will set aside the months of November 1991 and 1992 as a time that we, as a nation, may honor past and present American Indians. This resolution cannot make up for past actions, but it does honor the contributions that American Indians have given to our Nation and indeed the world, for the past 5 centuries.

Mr. Speaker, as we consider this resolution I want to give special recognition to Senator DANIEL INOUE, author of this resolution, for his continued commitment to this country's Indians and for ensuring passage of a resolution acknowledging the importance of American Indian heritage to world culture.

Chairman MILLER and Chairman SAWYER and their staffs have also been of tremendous assistance in getting this resolution and an earlier House version through the legislative process in a timely manner.

Mr. Speaker, last year it was a House resolution that asked the President to proclaim November as American Indian Heritage Month. In the spirit of mutual cooperation, it seems only fair that this year we adopt a Senate resolution, and I wholeheartedly support the Senate's efforts.

Mr. Speaker, next year will be 500 years since Christopher Columbus arrived in the Western Hemisphere. This resolution gives all interested groups more than a year to plan 1992's celebrations in recognition of this 500th anniversary. As this Nation prepares to celebrate this event, it is fitting that we ponder the significance that the Indians of this land have played over the past 500 years. Without the help and generosity Indians showed Columbus and his crews, they may not have survived their return trip to Europe. For 500 years they have tried to convince others with less foresight to cherish our Earth and nature. Their consistency on these fundamental values gives us all much to ponder.

Mr. Speaker, I cannot let this occasion pass without noting the irony in our Government's desire, even eagerness, to provide assistance to other countries with problems, while the indigenous people of our own country suffer the most from lack of good health and education and rate at the bottom of studies on who is benefiting from our society's programs.

Mr. Speaker, next year as we look back on the arrival of Columbus and all that has happened since then, I call upon the President and this body to remember the key role the Indians have played in our history, and I ask again, where would we be without the native Americans?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. MORELLA) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes each day, on October 7, 8, 9, 10, 11, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and 31.

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

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, today.

Mr. BONIOR, for 60 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, on October 3.

Mr. BONIOR, for 60 minutes, on October 3.

EXTENSIONS OF REMARKS

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

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KILDEE.

Mr. HALL of Ohio.

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On September 27, 1991

H.J. Res. 23. Joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week";

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

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.

ADJOURNMENT

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

The motion was agreed to: accordingly (at 2 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 1, 1991, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2142. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide funding for the resolution of failed thrifts and working capital for the Resolution Trust Corporation, to restructure the Oversight Board and the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2143. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Final Audit on the D.C. Commission of Baseball", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2144. A letter from the Chairman, National Commission on Acquired Immune Deficiency Syndrome, transmitting the 1991 comprehensive report entitled, "America Living with Aids"; to the Committee on Energy and Commerce.

2145. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on Foreign Affairs.

2146. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2147. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the actuarial report on bankruptcy judges and magistrates retirement annuity program for the years ending December 31, 1988 and 1989, pursuant to Public Law 100-659, section 8 (102 Stat. 3920); to the Committee on Government Operations.

2148. A letter from the Manager, Compensation and Benefits, CoBank Cooperatives, transmitting the annual report for the retirement trust fund for the year ending December 31, 1990; to the Committee on Government Operations.

2149. A letter from the Deputy Executive Secretary, Federal Deposit Insurance Corporation, transmitting notice of proposed changes to an existing system of records, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2150. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1990, pursuant to 30 U.S.C. 237; to the Committee on Interior and Insular Affairs.

2151. A letter from the Secretary of Transportation, transmitting a report on activities by the U.S. Coast Guard on complying with section 3(b)(1)(A) of the act to prevent pollution from ships, pursuant to 33 U.S.C. 1902 note; to the Committee on Merchant Marine and Fisheries.

2152. A letter from the Director, U.S. Information Agency, transmitting a report on action taken by the United States in response to an official request from the Government of Peru for emergency import restrictions pertaining to cultural property, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

2153. A letter from the Director, U.S. Information Agency, transmitting a report that

action has been taken by the United States in response to an official request from the Government of Guatemala for emergency import restrictions regarding cultural property, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

2154. A letter from the Acting Chairman, U.S. International Trade Commission, transmitting the sixth annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

2155. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 16th annual report on the activities of Office of Consumer Affairs, pursuant to 15 U.S.C. 57a(f)(6); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2156. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the transfer of property under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

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:

[Pursuant to the order of the House on September 27, 1991, the following report was filed on September 27, 1991]

Mr. FASCELL: Committee of Conference. Conference report on H.R. 2508 (Rep. 102-225). Ordered to be printed.

Mr. TRAXLER: Committee of Conference. Conference report on H.R. 2519 (Rep. 102-226). Ordered to be printed.

[Submitted September 30, 1991]

Mr. CLAY: Committees on Post Office and Civil Service. 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; with an amendment (Rep. 102-227). 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:

[Submitted September 27, 1991]

The Committee on Government Operations discharged from further consideration of H.R. 3039; H.R. 3039 referred to the Committee of the Whole House on the State of the Union.

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. GONZALEZ (for himself and Mr. WYLIE (both by request), and Mrs. ROUKEMA):

H.R. 3435. A bill to provide funding for the resolution of failed savings associations and

working capital for the Resolution Trust Corporation, to restructure the Oversight Board and the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DORGAN of North Dakota (for himself and Mr. JOHNSON of South Dakota):

H.R. 3436. A bill to amend the Agricultural Act of 1949 to target wheat and feed grain deficiency payments to family-sized farms, and for other purposes; to the Committee on Agriculture.

By Mr. HORTON:

H.R. 3437. A bill to require the Secretary of Education to submit to Congress a report on the use of Pell grants by prisoners; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

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

- H.R. 20: Mr. OLVER and Mr. SLATTERY.
- H.R. 710: Mr. SUNDQUIST, Mr. SHAYS, and Mrs. LLOYD.
- H.R. 722: Mr. JEFFERSON, Mr. SANDERS, and Mr. BARNARD.
- H.R. 723: Mr. JEFFERSON, Mr. SANDERS, Mr. BARNARD, Mr. PETERSON of Minnesota, Mr. HOCHBRUECKNER, and Mr. HERTEL.
- H.R. 954: Mr. GAYDOS.
- H.R. 955: Mr. GAYDOS.
- H.R. 956: Mr. GAYDOS.
- H.R. 958: Mr. GAYDOS.
- H.R. 1354: Mr. DIXON, Mr. CARPER, and Mr. JOHNSTON of Florida.
- H.R. 1456: Mr. FRANK of Massachusetts and Ms. SNOWE.

H.R. 1470: Mr. ATKINS, Mr. JOHNSON of South Dakota, Mr. BROOMFIELD, Mr. ANNUNZIO, Mr. WILLIAMS, Mr. JACOBS, Mr. BUSTAMANTE, Mr. TORRES, Mrs. BENTLEY, Mr. RICHARDSON, and Mr. SANDERS.

H.R. 1502: Mr. PORTER, Mr. LANTOS, Mr. MOLLOHAN, Mr. DOWNEY, Mr. CUNNINGHAM, Mr. SWIFT, Mr. SCHEUER, Mr. GILMAN, Mr. NOWAK, Mr. MINETA, and Mr. MANTON.

H.R. 1523: Mr. NICHOLS.

H.R. 1527: Mr. ROGERS, Mr. COX of California, and Mr. ANDREWS of New Jersey.

H.R. 1541: Mrs. ROUKEMA.

H.R. 1605: Mr. GAYDOS.

H.R. 1663: Mr. PALLONE.

H.R. 2071: Mr. BUSTAMANTE and Mr. COX of California.

H.R. 2215: Mr. GONZALEZ, Mr. HATCHER, and Mrs. MINK.

H.R. 2410: Mr. DICKINSON and Mr. EVANS.

H.R. 2485: Mr. SHAYS.

H.R. 2498: Mr. BEILENSEN.

H.R. 2513: Mr. CARPER and Mr. SARPALIUS.

H.R. 2515: Mr. HAYES of Louisiana.

H.R. 2580: Mr. BROWN, Mr. KILDEE, and Mr. RICHARDSON.

H.R. 2721: Ms. ROS-LEHTINEN.

H.R. 2755: Mr. EVANS, Mr. CAMPBELL of Colorado, Mr. BEILENSEN, Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, and Mr. STUDDS.

H.R. 2766: Mr. MCCRERY and Mr. MINETA.

H.R. 2779: Mr. LEVIN of Michigan and Mr. STUDDS.

H.R. 2781: Mr. LEVIN of Michigan and Mr. STUDDS.

H.R. 2824: Mr. BACCHUS, Mr. CAMPBELL of Colorado, Mr. LANCASTER, Mrs. BOXER, Mr. PAYNE of Virginia, and Mrs. PATTERSON.

H.R. 2840: Mr. DE LUGO, Mr. SANDERS, and Mr. JEFFERSON.

H.R. 3048: Mr. CUNNINGHAM.

H.R. 3176: Mr. SMITH of Florida, Mr. COYNE, and Mr. JONTZ.

H.R. 3282: Mr. SMITH of Florida, Mr. SAWYER, Mr. JAMES, Mr. QUILLEN, Mr. ALLARD, Mr. STUDDS, Mr. JEFFERSON, Mr. DWYER of New Jersey, Mr. PERKINS, Mr. KOLTER, Mr. MRAZEK, Mr. FRANK of Massachusetts, Mr. LAUGHLIN, Mr. INHOFE, Mr. BORSKI, Mr. MARTIN, Mr. ANDREWS of Maine, Mr. SUNDQUIST, Mr. MANTON, Mr. ORTIZ, Mr. SPENCE, and Mr. BATEMAN.

H.J. Res. 284: Mr. BROWN, Mr. TAYLOR of Mississippi, Mr. HOBSON, Mr. TORRES, Mr. MONTGOMERY, Mr. WYLIE, Mr. WEBER, Ms. KAPTUR, and Mr. SUNDQUIST.

H.J. Res. 326: Mr. HARRIS, Mr. OWENS of New York, Mr. HORTON, Mr. GUNDERSON, Mr. JACOBS, Mr. HASTERT, Mr. SANDERS, Mr. CHANDLER, Mr. MARTIN, Mr. GUARINI, Mr. BROOMFIELD, Mr. COBLE, Mr. COX of Illinois, Mr. COUGHLIN, Mr. STUMP, Mr. GLICKMAN, Mr. RIGGS, Mr. MCDERMOTT, Mr. SCHAEFER, Mr. SABO, Mr. JEFFERSON, Mr. FASCELL, Mr. MCCOLLUM, Mr. DORNAN of California, Mr. CAMP, Mr. JENKINS, Mr. TOWNS, Mr. HAMMER-SCHMIDT, and Mr. PAYNE of Virginia.

H. Res. 152: Mr. McMILLAN of North Carolina and Mr. DOOLITTLE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

123. The SPEAKER presented a petition of the town of Southwick, Southwick, MA, relative to free expression; which was referred to the Committee on the Judiciary.

SENATE—Monday, September 30, 1991*(Legislative day of Thursday, September 19, 1991)*

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

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

Let us pray:

Eternal God of truth and justice, restore to us spiritual reality that we may heed the warning of Paul the apostle: *Put on the whole armour of God, that ye may be able to stand against the wiles of the devil. For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against spiritual wickedness in high places.* Ephesians 6:11-12.

Guide us, gracious Lord, lest we abandon entirely the spiritual legacy left us by our forebears, lest we revise our history and behave as though they did not think or say or write what has been recorded of those painful and creative days more than 200 years ago. In our materialism we act as though the Declaration of Independence did not speak of a Creator God who endowed us with inalienable rights, as though freedom emerged out of an evolutionary process or was granted by Congress or the Supreme Court.

Patient God, we have been deceived by the master of deception, whose strategy is his incognito, his insistence on his nonexistence. Nobody is afraid of nothing. In our spiritual poverty, we invent our enemies while the deceiver delivers his vital blows again and again. No wonder we are losing the war. No wonder, no matter how hard we try, our society, our culture is degenerating.

Awaken us, gracious God, for Your glory and our restoration. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC., September 30, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a

Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for a period not to exceed 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, following the period for morning business, which expires at 1 p.m., under a previous unanimous-consent agreement, the Senate will proceed to the consideration of Calendar item No. 121, S. 533, the EPA Cabinet-level bill, with certain amendments in order to that bill.

Those amendments will be offered and debated today, and I anticipate that they will be accepted by voice vote. If not, if either or both of the amendments should require a rollcall vote, those votes will occur tomorrow beginning at 2:15 p.m. There will be no rollcall votes today.

THE RETIREMENT OF ROY L. MCGHEE

Mr. MITCHELL. Mr. President, I would like now to pay a special tribute to Roy McGhee who, after 18 years as the Superintendent of the Senate Periodical Press Gallery, is retiring today. Last week, his colleagues and friends, which included the distinguished Republican leader, Senator DOLE, and myself, joined in a reception in the Capitol to congratulate him on a job well done.

Roy McGhee was born in Jefferson City, MO, and worked for his home-

town newspaper and the Associated Press before joining United Press International's Kansas City bureau, where he covered the regional State legislatures, including the activities of the distinguished Republican leader, Senator DOLE, when he served in the Kansas State Legislature.

In 1959, Roy moved to Washington, DC, where he covered every major political event—campaigns, conventions, and elections—in the 1960's and 1970's for UPI. Roy also covered firsthand the invasion of the Dominican Republic.

In January 1973, Roy was elected as the Superintendent of the Senate Periodical Press Gallery, only the second person to hold that office. Since then, he has been involved in organizing press coverage for the members of the periodical gallery, including coverage of hundreds of Senate hearings from Watergate to the recent nominations of Robert Gates and Clarence Thomas.

In the mid-1970's, as Superintendent of the Gallery, Roy had the dubious distinction of being named as a defendant in a lawsuit regarding the process by which reporters on Capitol Hill receive press credentials. The lawsuit went all the way to the Supreme Court, where the views of the Gallery were sustained.

Roy is well known as an avid and accomplished tennis player. As a dedicated walker, he is quite possibly the only person to have walked every square inch of the Capitol Grounds and surrounding office buildings.

Roy has been a familiar face in the Capitol for many years. I have especially enjoyed visiting with him these past few years in the morning meetings which I have with the press, which are informally known as dugouts.

I know that I speak for all Members of the Senate when I say good luck and best wishes to Roy McGhee. He has served well. He will be missed by all.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Thank you, Mr. President.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. WELLSTONE. Mr. President, the decision as to whether or not to confirm Clarence Thomas to be the 106th Supreme Court Justice in the United States of America is as important a de-

cision as I will make in the U.S. Senate.

Mr. President, let me talk about this with a sense of history, perhaps as a former political science teacher or professor. At the Constitutional Convention, it was very clear that there would be two branches of Government, the executive and the legislative branches of Government.

The debate that took place had to do with how the judicial branch of Government would be created. The decision that was made was that the executive branch and the legislative branch were to be coequal partners in making this decision. And the reason that everybody understood that this was such an important decision has to do with the very distinctive and critical power that the Supreme Court has, which is the power of judicial review. That really is the power of validation; that is the power to declare constitutional or unconstitutional the laws of the land.

It was also understood, Mr. President, at that Constitutional Convention—and I think all of us in the country need to understand this—that the Supreme Court remains the one institution that can really protect all of us against any usurpation of power that might take place by the legislative branch, or might take place by the executive branch; that the Supreme Court of the United States of America is, in fact, the one branch of the Government which is the guardian of first amendment rights, which by the way are the rules that we agree to live by in a democracy; and that the Supreme Court of the United States of America is the only institution where every citizen, every citizen, regardless of income, has absolutely equal constitutional standing.

It is also important, Mr. President, to understand that a Supreme Court Justice is not elected; that a Supreme Court Justice can serve for decades; and that the consequences of the decisions rendered by a Supreme Court Justice have momentous consequences for the lives of people.

It was with this sense of history and this sense of understanding of the Constitution, Mr. President, that I have asked myself the question: What does the advise and consent function mean? What is necessary for all of us as Senators to be able to carry out that responsibility?

I said to people back in Minnesota that I had made no decision. I said that I wanted to wait until after the Judiciary Committee had a full hearing, and I wanted, Mr. President, that process to be a searching process.

Questions needed to be asked and questions needed to be answered. And it was important to understand Clarence Thomas' philosophy, the kind of framework that he works within, the kind of values that would undergird decisions that he would render.

Important questions needed to be asked about his position about the scope of privacy, about separation of church and State, about first amendment issues, about what constitutes cruel and unjust punishment. All these questions needed to be asked. It needed to be a searching process. And these questions needed to be answered.

I was attracted to Clarence Thomas in one respect before these Judiciary Committee hearings took place. I read just about everything that he wrote. I tried to follow his speeches. Clarence Thomas gave an interview in 1989 in which he said, "It is important that we stick by our principles. That really is important to me, that we don't yield on our principles."

I was attracted to that kind of philosophy. But something happened during the judiciary hearing process. What happened was that Clarence Thomas came in and he said, "The articles that I have written and the speeches that I have given, these were just creatures of the moment; ignore that." He said, "I am stripped like a runner, I am an empty vessel, I have no particular policy preferences."

Mr. President, I am now put in a position as a U.S. Senator where I cannot confirm someone who says they have no views. I cannot give my advice and consent to someone who says that he is an empty vessel. I cannot carry out my constitutional responsibility to do well for people in my State and do well as a U.S. Senator and do well for the people in this country unless I have an understanding of what the nominee stands for.

This has really been a difficult decision for me to make. I have really struggled with this. I have agonized over this question. I wanted us to have a full hearing process. I wanted it to be a searching process. I wanted to find out what would be the philosophy that would undergird the decision of Clarence Thomas.

The questions have not been answered. Mr. President, I would say to you that as a U.S. Senator I am going to be consistent in my standard. I am going to say to any administration, whether that administration is Democrat or whether that administration is Republican, it is simply unacceptable to send a nominee here to the U.S. Senate, coached or whatever, with the basic idea that a nominee just simply does not tell us where that nominee stands on the critical constitutional questions of our time. I will not support such a nominee. I do not think, as U.S. Senators, we can carry out our constitutional responsibility unless we know the views of such a nominee.

So I wish today on the floor of the U.S. Senate to say to the people of my State, Minnesota, and to say to the people of the country, I have tried to search and search about this question. I believe this is a thoughtful decision I

have made. I know it is a terribly important decision. And the conclusion I have reached is I cannot give my advice and consent to someone who refuses to explain his basic philosophy on the critical constitutional issues of our time. I will not discharge my responsibility as a U.S. Senator by voting yes. Therefore I will vote no.

Mr. President, I yield.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CAPITAL GAINS

Mr. BREAUX. Mr. President, if it is a fact that Nero fiddled while Rome burned, then it is no less certain that Congress has also fiddled while America has declined.

We talked about recession, but we offer no real solutions. We talk about unemployment, but we only offer the Band-aid of unemployment compensation, rather than cure the illness of no jobs. We talk about lack of competitiveness, but only offer cheerleader rhetoric about "let's be more competitive."

It is time, Mr. President, to put America first and face some facts. The facts are we have record unemployment, we are fighting a recession, our productivity is lagging, more and more businesses are relocating to other countries, and pessimism has replaced optimism as the official outlook of American business at a time when a world at peace should be anxiously planning for a brighter future.

A political leader once said:

The chief problem confronting our economy * * * is its unrealized potential slow growth, under investment, unused capacity and persistent unemployment. The result is lagging wage, salary and profit income, smaller take home pay, insufficient productivity gains, inadequate federal revenues and persistent budget deficits.

Mr. President, while these words are accurate today, they were not spoken today or even this year. These words were spoken by President John F. Kennedy, on January 24, 1963, as he delivered his message to the Congress calling for a reduction in the capital gains tax rate.

It is time for us to look to history and once again take the action necessary to get this country moving again. It is time to end the bickering, the finger pointing, the partisan squabbling and for once let us join together in a bipartisan effort. A capital gains tax reduction can and must be a joint effort. When this issue was debated in

1978, 1981, 1986 and 1987, it enjoyed bipartisan support from the tax writing committees. It is time once again to renew that bipartisanship for the good of America.

I plan to offer a capital gains plan that will call for a reduction in the capital gains tax from the current rate of 28 percent which is the highest rate of any industrialized nation in the world, down to 20 percent for properties held for at least 3 years. Germany, Japan and South Korea among other economic competitors either exempt totally long-term capital gains, or tax them only slightly.

It is clear that our economy needs a real boost; it actually needs to be jump started. New companies are waiting to be started, but lack the investment capital necessary. New technological breakthroughs await the funding needed to create new jobs here in this country. While good intentions guided Congress, the record will now show that the Tax Reform Act of 1986 discouraged entrepreneurial investments which are so critical to a nation's growth.

As a Democrat, I am particularly sensitive to the argument of fairness in our Tax Code. It is clear in my opinion that middle-income taxpayers have not gotten a fair deal from their Government over the past decade.

But it is also clear to me that contrary to what some say, the fact is the American middle class not, the very wealthy is hit hardest by the capital gains tax increase of 1986. Capital gain taxes are not just paid by the rich; according to the IRS nearly three-fourths of all tax returns with capital gains had other income of less than \$50,000 and less than 2 percent had other income of \$200,000 or more. In fact, nearly one-half of all capital gains in dollar terms are received by people with wage and salary income of less than \$50,000.

It is this Senator's opinion that the major stumbling block to adoption of a capital gains tax reduction is the question of whether such a proposal gains revenue for the Federal Treasury or losses money—resulting in a larger Federal deficit—with the resulting further drain on our national economy.

I have listened to and I have read estimates from the best economic minds in America on what a capital gains tax reduction would do to our economy. I must say, Mr. President, when we add up their advice, it does not add up at all.

The Joint Tax Committee estimates that such a cut would lose \$11.4 billion between 1990 and 1995; while the Treasury Department estimates the same tax cut would actually raise \$12.5 billion over the same period. With estimates like this, is it any wonder that confusion runs rampant?

The real problem now is that our hands have been tied behind our backs with regard to Congress taking any action on capital gains. If we lose reve-

nue, we are required to find an offset to replace them, if it gains revenue, then we can reduce the deficit, but if no one knows, then we must sit and do nothing again like Nero watching Rome burn.

I have a proposal, Mr. President, that will allow us to quit doing nothing and move forward with a real effort to reduce capital gain taxes and to take care of the unanswered question of what will be the ultimate long-term effect on revenues.

My proposal is simple: Reduce the capital gains tax from the current 28-percent rate down to 20 percent for assets held 3 years or longer, to 22 percent for 2 years and 25-percent rate for 1 year. This measure would stimulate economic growth, job creation, improve our productivity and international competitiveness and make desperately needed capital available for new technology to be developed.

I believe, as do many noted economists, that this measure would actually generate new revenues through more taxes being paid by new workers and new businesses to be created by this cut.

I agree with the thrust of the Office of Treasury that we would generate as much as \$12.5 billion between 1990-95.

However, if I am wrong, and if the Treasury Department is wrong, and we actually do lose revenues, then my proposal would offset that loss by imposing a new fourth top tax rate of 36 percent on taxpayers with taxable income of \$500,000 or more. Mr. President, this increase would only effect between 150 and 200,000 taxpayers out of approximately 115 million taxpayers in this country. That is only two-tenths of 1 percent of the total taxpayers that would even be effected if my proposal lost the \$11.4 billion estimated by the Joint Tax Committee.

We cannot continue to allow the unanswered question of whether a capital gains tax cut would lose or gain revenues stop us from proceeding. Under my plan, we can proceed forward again. Now, if it does not do what many noted economists and historians tells us it will, then we already have in place a mechanism that pays for it. In addition, only the very wealthiest among us would have to pay and I am certain they are ready to take that small risk.

Some may argue we cannot enact future tax cuts without knowing whether they will actually happen or not. I say to them Congress has already done just that. Do we not remember the windfall profits tax where Congress authorized in legislation a tax increase on the oil companies each year depending on what the market price of oil was during a given year—a future event which no one could predict?

The precedence and the logic are there for this type of approach; it is now time for us to move forward. My approach gives us all the advantages:

Raising savings, reducing the costs of capital, making us more competitive and encouraging entrepreneurship while it also eliminates the risks.

Those who have argued it is too risky, we may lose money can have their fears laid aside; if the worst happens and revenues decrease, they will be made up by an automatic increase in individual income taxes but only for two-tenths of 1 percent of the wealthiest among us. Certainly such a plan with the tremendous potential benefits is worth this small risk.

Mr. President, I will be giving more details on my proposal in the very near future. I will in greater detail analyze how the revenue impact will be calculated and how Treasury will keep track of whether this proposal loses or gains revenues.

Mr. President, I think the answers to all the questions are clear; it is now time for Congress to be bold with a plan that can as President Kennedy said:

Stimulate a free flow of investment funds and facilitate economic growth, as well as provide more even handed treatment of taxpayers across the board.

Mr. President, I ask unanimous consent that there be printed in the RECORD a one-sheet explanation of how the proposal would in fact work.

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

CAPITAL GAINS TAX REDUCTION

Capital gains tax reduction would foster economic growth through increased investment incentives by reducing the cost of capital.

There are two barriers to enacting a capital gains tax reduction: First, it is perceived as a tax break for the rich; second, there is a real dispute as to whether reducing the capital gains tax rate is a revenue raiser (as Treasury estimates) or a revenue loser (as Joint Tax estimates).

The bill, which will be introduced shortly, provides a simple and realistic solution to both of these seemingly insurmountable barriers.

Elements:

First, the effective capital gains tax rate would be reduced from the current top rate of 28 percent. The lowest effective rate on capital gains would be 20 percent, the pre-1986 level.

Second, after the bill is enacted, if the tax rate reduction loses revenue as Joint Tax estimates, this will automatically trigger the imposition of a new and fourth top rate of 36 percent on joint filers with a taxable income of \$500,000 or more. If the proposal raises revenue, no new tax increase would go into effect.

Relatively small universe of taxpayers affected by a tax increase (if needed), all Americans benefit from the capital gains tax reduction: Annually, there are an estimated 115 million tax returns filed. Of these, an estimated 100,000 to 200,000 total tax returns are filed by earners of taxable income of \$500,000 or more—roughly one to two tenths of one percent of all tax returns filed. In addition, almost 50 percent of capital gains go to taxpayers with wage and salary income of \$50,000 or less.

The "trigger" is not a new concept: The structure would provide that upon a certain event occurring (revenue loss), this would trigger the tax increase. There is precedent for tax triggers in the code (some examples, not complete list):

The Windfall Profits Tax (enacted in 1980 and repealed in 1989). The tax was imposed on the difference between the market price of oil, and a statutory 1979 base price that was adjusted for inflation.

Leaking Underground Storage Tanks Fund, Oil Spill Fund, Superfund—taxes no longer collected once the balance of each fund reaches a certain level.

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

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

The 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.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 533, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 533) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate proceeded to consider the bill (S. 533) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Department of the Environment Act of 1991".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Establishment of the Department of the Environment.

Sec. 104. Assistant Secretaries.

Sec. 105. Deputy Assistant Secretaries.

Sec. 106. Office of the General Counsel.

Sec. 107. Office of the Inspector General.

Sec. 108. Bureau of Environmental Statistics.

Sec. 109. Grant and contract authority for certain activities.

Sec. 110. Study of data needs.

Sec. 111. Miscellaneous employment restrictions.

Sec. 112. Administrative provisions.

Sec. 113. Inherently governmental functions.

Sec. 114. References.

Sec. 115. Savings provisions.

Sec. 116. Conforming amendments.

Sec. 117. Additional conforming amendments.

TITLE II—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS

Sec. 201. International energy conference.

Sec. 202. International greenhouse gas monitoring program.

TITLE III—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

Sec. 301. Establishment; membership.

Sec. 302. Commission responsibilities.

Sec. 303. Report to the President and Congress.

Sec. 304. Commission staff.

Sec. 305. Advisory groups.

Sec. 306. Funding; authorization of appropriations.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of the Environment Act."

SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves negotiations with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of the Environment should be established.

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT.

(a) **REDESIGNATION.**—The Environmental Protection Agency is hereby redesignated as the Department of the Environment (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E."

(b) **SECRETARY OF THE ENVIRONMENT.**—(1) There shall be at the head of the Department a Secretary of the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive delegations of such functions within the Department as determined to be necessary or appropriate.

(c) **DEPUTY SECRETARY.**—There shall be in the Department a Deputy Secretary of the Environ-

ment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary.

(d) **OFFICE OF THE SECRETARY.**—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) **REGIONAL OFFICES.**—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) **INTERNATIONAL RESPONSIBILITIES OF THE SECRETARY.**—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of the Environment and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) **AUTHORITY OF THE SECRETARY WITHIN THE DEPARTMENT.**—Nothing in the provisions of this Act—

(1) authorizes the Secretary of the Environment to require any action by any officer of any executive department or agency other than officers of the Department of the Environment, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of the Environment to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of the Environment any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) **APPLICATION TO THE DEPARTMENT OF THE ENVIRONMENT.**—The provisions of this Act apply only to activities of the Department of the Environment, except where expressly provided otherwise.

SEC. 104. ASSISTANT SECRETARIES.

(a) **ESTABLISHMENT OF POSITIONS.**—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **RESPONSIBILITIES OF ASSISTANT SECRETARIES.**—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement and compliance monitoring;

(B) research and development;

(C) air and radiation;

(D) water;

(E) pesticides and toxic substances;

(F) solid waste;

(G) hazardous waste;

(H) hazardous waste cleanup;
 (I) emergency response;
 (J) international affairs;
 (K) policy, planning, and evaluation;
 (L) pollution prevention;
 (M) congressional, intergovernmental, and public affairs; and
 (N) administration and resources management, including financial and budget management, information resources management, procurement and assistance management, and personnel and labor relations.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without substantial prior written notification of such modification to the appropriate committees of the Senate and the House of Representatives.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF FUNCTIONS.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of the Environment, Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, and the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, without renomination or reconfirmation.

(e) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 106. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and
 (2) shall perform such functions as the Secretary shall prescribe.

(c) MINIMUM NUMBER OF DEPUTY ASSISTANT SECRETARY POSITIONS IN THE CAREER SENIOR EXECUTIVE SERVICE.—At least one-half of the number of positions established under subsection (a) and filled under subsection (b) shall be in the career Senior Executive Service.

(d) FUNCTIONS.—(1) Subject to paragraph (2), functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

(2) The following functions may be performed by a Deputy Assistant Secretary only if such Deputy Assistant Secretary is in a career Senior Executive Service position:

(A) Personnel management and labor relations functions.

(B) Equal opportunity functions.

SEC. 106. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department, the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of the Environment.

SEC. 108. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) ESTABLISHMENT.—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and

(ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environment research officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, or to establish observation or monitoring programs.

(3) Confidentiality of information compiled by the Bureau of Environmental Statistics shall be governed by the same confidentiality provisions in the statutes which authorized the collection

of such information, regardless of whether the statute is administered by the Secretary, and including but not limited to the provisions of section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 7414(c)), and section 1905 of title 18, United States Code.

(4) Any information published under the provisions of paragraph (1)(A) may not be published or released to the public in any form that permits the information provided by any person to be identified with such person. For purposes of this paragraph, the term "person" shall include individuals, corporations, or other entities, but shall not include governmental entities. This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department.

(b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) ENVIRONMENTAL STATISTICS ANNUAL REPORT.—On January 1, 1992, and each January 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(e) ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statis-

tics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(f) BUREAU AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,800,000 in fiscal year 1992, \$5,400,000 in fiscal year 1993, and such sums as necessary in each fiscal year thereafter to carry out the provisions of this section.

SEC. 109. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.

The Secretary shall make grants to and enter into contracts with State and local governments to assist them in meeting the costs of collecting specific data and other short-term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

SEC. 110. STUDY OF DATA NEEDS.

(a) STUDY OF DATA NEEDS.—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environment, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability of data bases to integrate with one another;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability of management information systems to integrate with another;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 111. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not exceed 12 percent of the total number of senior executives employed in Senior Executive Service positions in the Department at the end of the preceding fiscal year.

(b) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of

any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(c) REPORTS ON IMPLEMENTATION.—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 112. ADMINISTRATIVE PROVISIONS.

(a) ACCEPTANCE OF MONEY AND PROPERTY.—

(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

(b) SEAL OF THE DEPARTMENT.—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of the Environment, until such time as the Secretary may cause a seal of office to be made for the Department of the Environment of such design as the Secretary shall approve.

(2) CRIMINAL PENALTY FOR UNAUTHORIZED USE OF SEAL.—(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 716. Department of the Environment Seal

"(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of the Environment, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the Secretary of the Environment and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of the Environment, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than \$250 or imprisoned not more than 6 months, or both.

"(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of

the United States upon complaint by any authorized representative of the Secretary of the Department of the Environment."

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

"716. Department of the Environment Seal."

(c) ACQUISITION OF COPYRIGHTS AND PATENTS.—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) ADVISORY COMMITTEE STANDARDS OF CONDUCT AND COMPENSATION.—The Secretary may promulgate regulations, no less stringent than any other applicable provision of law, regarding standards of conduct for members of advisory committees (and consultants to advisory committees), including requirements regarding conflicts of interest or disclosure of past and present financial and employment interests. The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 113. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) GOVERNMENT OFFICERS AND EMPLOYEES.—

(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, "inherently governmental" means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. These inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value of judgment in making decisions for the Government. These functions shall include, but not be limited to, work of a policy, decisionmaking, or managerial nature which is the direct responsibility of Department officials.

(b) CONFLICTS OF INTEREST.—(1) The Secretary shall by regulation require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, for the conduct of research, development, evaluation activities, or for advisory and assistance services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(c) REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF CONFLICTS.—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other

relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if he—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) **PUBLIC NOTICE REGARDING CONFLICTS OF INTEREST.**—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) **DISCLAIMER.**—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) **RULES.**—No later than 30 days after the effective date of this Act, the Secretary shall publish rules for the implementation of this section.

(g) **CENTRAL FILE.**—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(h) **DEFINITIONS.**—For purposes of this section, the term "advisory and assistance services" includes—

(1) management and professional support services;

(2) the conduct of studies, analyses, and evaluations; and

(3) engineering and technical services, excluding routine technical services.

SEC. 114. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of the Environment;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of the Environment;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of the Environment; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of the Environment.

SEC. 115. SAVINGS PROVISIONS.

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set

aside, or revoked in accordance with law by the President, the Secretary of the Environment, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this Act had not been enacted.

(f) **PROPERTY AND RESOURCES.**—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) **SAVINGS.**—The Department of the Environment and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

SEC. 116. CONFORMING AMENDMENTS.

(a) **PRESIDENTIAL SUCCESSION.**—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of the Environment".

(b) **DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.**—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of the Environment".

(c) **COMPENSATION, LEVEL I.**—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of the Environment".

(d) **COMPENSATION, LEVEL II.**—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of the Environment".

(e) **COMPENSATION, LEVEL IV.**—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of the Environment"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection

Agency and by adding at the end thereof the following: "Assistant Secretaries, Department of the Environment (10). "General Counsel, Department of the Environment.".

(f) **COMPENSATION, LEVEL V.**—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Bureau of Environmental Statistics, Department of the Environment.

"Executive Director of the Commission on Improving Environmental Protection.".

(g) **INSPECTOR GENERAL ACT.**—The Inspector General Act of 1978 is amended—

(1) in section 2(1)—

(A) by inserting "the Department of the Environment," after "Veterans Affairs,"; and

(B) by striking out "The Environmental Protection Agency,";

(2) in section 11(1) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,"; and

(3) in section 11(2) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,".

SEC. 117. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of the Environment shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the effective date of this Act.

TITLE II—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS

SEC. 201. INTERNATIONAL ENERGY CONFERENCE.

The Secretary of State, in consultation with the Secretary of Energy and the Secretary of the Environment, and with the advice of the Committee on Earth and Environmental Sciences, is authorized and strongly urged to convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to encourage the exchange of information concerning energy efficiency and renewable energy resources that are environmentally acceptable and ecologically sustainable.

SEC. 202. INTERNATIONAL GREENHOUSE GAS MONITORING PROGRAM.

The President, with the advice of the Committee on Earth and Environmental Sciences, shall encourage the establishment of an office of the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) to monitor annual estimated generation and removal of carbon dioxide and other trace gases on a country-by-country basis.

TITLE III—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 301. ESTABLISHMENT; MEMBERSHIP.

(a) **ESTABLISHMENT.**—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) seven members to be appointed by the President;

(2) three members to be appointed by the Speaker of the House; and

(3) three members to be appointed by the Senate Majority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President in consultation with the Congress.

SEC. 302. COMMISSION RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of the Environment in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department; and

(4) enhance the consistency of policies throughout the Department.

(b) RECOMMENDATIONS.—The Commission shall provide specific steps and proposals for implementing the Commission's recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

SEC. 303. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 304. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 305. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of the Environment and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 306. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$3,000,000 in fiscal year 1992 and \$5,000,000 in fiscal year 1993 to carry out the provisions of this title.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect 6 months after the date of the enactment of this Act.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that I be able to read for 5 minutes a statement as if in morning business.

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

Mr. ROTH. I thank the President.

BABY BOOMERS AND SAVINGS

Mr. ROTH. Mr. President, as America focuses on the policies and practices our Nation needs to meet the challenges of the emerging global economic community, increasing our national rate of savings is high on the list. We all know that saving equals jobs. Saving equals research and development. It equals quality education and security for homes and families.

I read this week in Time magazine that except for the micro-processor, America has not introduced one new product into the world market in the past few years. What part of this dearth of new products is tied to the shrinking pool of capital, no one can say for certain. What we do know, however, is that there is a correlation, and without increased saving for capital formation we can expect more of the same. We also know that in the coming years, world leadership will be based not on a nation's military might, but on its economic prowess.

Continued U.S. leadership in the world will depend upon increased saving, increased investment, increased manufacturing, employment, and education—not to mention a renewed opportunity for self-reliance for our families and communities. And it is my opinion that we cannot sit back and hope that changing demographic forces or some intangible condition will rescue us from a future for which we have not adequately prepared. Tuesday's front page of the New York Times makes it clear that demographics will not rescue us from our savings slump as some would have us believe.

The article, "Baby Boomers Fail as Born-Again Savers," authoritatively disproves the theory that aging baby boomers will reverse the downward trend in America's saving status. We are last in savings among our industrial competitors. Japan, Germany, Canada—they're all ahead of us, with our dangerously low personal saving rate of about 4 percent. And according

to the article, we can expect more of the same.

We can expect more of the same, Mr. President, unless we begin now to adopt policies that encourage Americans to save. The United States can secure its role as a future world leader. I agree with French writer and head of the European Bank for Reconstruction and Development, Jacques Attali, when he says, that "When confronted by a challenge, Americans have demonstrated that they can react and compete. The strong U.S. space industry is the result of the shock of Sputnik. Maybe what Americans need is to feel threatened."

We understand the threat, Mr. President. Now we need the right kinds of policies. And I believe that the Bentsen-Roth IRA proposal is the first shot we can fire toward improving America's competitive future. Clearly, I am not alone. More than two-thirds of my colleagues are cosponsors of the bill, and already more than half of the House has signed on. It is my hope that Bentsen-Roth starts the revolution of positive policies that create opportunities and incentives to save, to invest, and to grow—not only as families and communities, but as a nation.

Mr. President, I ask unanimous consent the article from the New York Times be printed in the RECORD in its entirety.

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

[From the New York Times, Sept. 24, 1991]

BABY BOOMERS FAIL AS BORN-AGAIN SAVERS

(By Sylvia Nasar)

For years, optimists have been counting on the middle-aging of the baby-boom generation to lift the nation's sagging savings rate. As boomers abandoned late nights at discos for early dinners at home with the kids, they were supposed to start saving for retirement or college the way that June and Ward Cleaver did.

If only "Leave It to Beaver" were true today. Personal saving habits peaked in the early 1970's, when the average citizen stashed away more than 9 percent of his or her take-home pay, and declined through the late 80's when personal saving reached a nadir of less than 3 percent.

MATURING IS NOT ENOUGH

A few years ago it seemed that thrift was getting trendy again, but lately saving has slumped anew. Worse, economists have concluded that there is little reason to believe that younger Americans merely by maturing, will turn sufficiently thrifty to lift the nation's savings rate much.

One reason is that as the babyboom generation moves into middle age and saves more than it has, it is still saving less than earlier generations. What's more, older Americans spend more than they earn in retirement, and the ranks of seniors are growing rapidly—so much so that baby boomers would have to save a substantial part of their income to offset the spending pattern of retirees and raise the nation's modest savings rate.

Such a shift is unlikely, economists say, for several reasons, including the fact that

average incomes for households headed by baby boomers are modest.

HUGE DEFICITS LIKELY

That finding is bad news for investment and, hence, for the economy's long-term ability to generate higher productivity growth and living standards. A smaller amount saved by the nation's households, businesses and governments put a ceiling on new investment—even if some of it can be financed by foreigners. There is already a broad consensus that the nation is investing too little.

The decline of personal thrift is particularly worrisome because Washington is likely to keep racking up huge deficits, and corporate saving, which may well strengthen in the 90's, is not likely to offset the decline in household saving.

But the maturation of the baby boomers will not rescue the nation from its spend-thrift ways, many economists believe. "The baby boom has nothing to do with the long-term decline in saving, so I see no reason for expecting saving to rebound now," says Barry Bosworth, an economist at the Brookings Institution who was the co-author of a recent savings study.

Edward F. McKelvey, an economist at Goldman, Sachs & Company, dismisses as a "cruel hoax" the notion that shifting demographics will cause a savings surge.

In July, the most commonly cited measure of saving, the personal savings rate—after-tax personal income minus consumer expenditures—was 3.7 percent. That was down from 5.2 percent last May. Economists expect saving to edge up with real income in the recovery, but fewer and fewer expect it to reach its 6.5 percent post-World War II average, much less the double digits that some Wall Street economists have predicted. Forecasters at DRI/McGraw Hill project that the savings rate will hover around 4 percent in the 90's.

A SEDUCTIVE THEORY

It is easy to see why the prospect of a spontaneous revival of thrift has seemed so seductive. For Wall Street, more saving is the tide that could keep the stock and bond markets afloat. For people who fret about declining United States competitiveness, more savings would encourage investment. And for the baby boomers themselves, lacking faith in Social Security, more saving would improve the prospect of a more secure retirement.

More than anything, though, the demographic landscape seemed set for increased saving. Households headed by people 40 to 50 years old historically squirrel away a bigger slice of their income—as much as 16 percent of it, which is more than any other age group does. Now that the leading edge of the baby boom, the generation born between 1946 and 1961, is moving into that age bracket, it would seem to follow that the overall rate would rise.

Actually, it does not follow, several economists say. The boomers are saving more than they did when they were younger—for college education, first homes and retirement—but not as much as their parents did nor enough to affect the overall rate much.

"The pace of migration of baby boomers into the high-saving age bracket is much too glacial to deliver the promised increase in saving on its own," Mr. McKelvey of Goldman, Sachs said.

JOB FOR MIDDLE-AGED

According to a projection by the Bureau of the Census, the proportion of all households headed by people 45 to 54 years old should swell by less than five percentage points, to about 20 percent, by the year 2000.

To raise the savings rate even one percentage point, say to 5 percent from 4, the middle-aged would have to set aside an unlikely 20 percent of after-tax income, Mr. McKelvey said. To reach 10 percent, he added, this group would have to save practically its entire income.

A second problem is that while baby boomers are moving into the high-saving years, the population of Americans 75 and over will also be growing. Like very young Americans, the very old generally spend far more than their current income. "That produces a substantial offset to the small contribution of the aging of the babyboom generation," Mr. McKelvey said.

Mr. McKelvey also shoots holes in a variant of the aging baby-boomer theme, that of the repentant yuppie. These born-again savers supposedly shopped until they dropped in the 80's and are all shopped out. Besides, they are supposedly tired of materialism and plan to spend the 90's rediscovering traditional values.

But the overwhelming majority of households in the 35-to-44-year old bracket do not have high incomes to begin with, Mr. McKelvey said. Their average income, \$40,000 before taxes in 1989, was "hardly enough to pay for BMW's and trips to the Bahamas on top of basic household expenses."

Besides, contrary to what one might expect if everybody had been splurging on luxuries instead of saving, the fraction of income Americans spent on cars, electronic gizmos and travel did not budge in the 80's. What did take a bigger bite out of budgets, though, was medical care, whose share jumped 4.5 percentage points. That is enough, Mr. McKelvey said, to account for the decline in the savings rate.

There is new historical evidence that casts more doubt on the idea that baby boomers are to blame for the savings slump—an idea advanced by the President's chief economic adviser, Michael J. Boskin, in an influential paper a few years ago. Much of that evidence is given in a recent study by three Brookings Institution economists, Mr. Bosworth, Gary Burtless and John Sabelhaus. The study examines data from household surveys in the United States, Japan and Canada.

SLIPPED IN ALL GROUPS

As it turns out, savings rates slipped in all age groups—and in Japan as well as in the United States and Canada—from the early 60's through the mid-80's. Contrary to what most economists have thought, the rates fell furthest among older households. Finally, demographic shifts between high savers and low savers explained virtually none of the slide in saving in the last decade.

One clue to why older households cut back on saving proportionately more than younger households: Saving by homeowners fell much more than that by renters. Prices of houses, which the middle-aged are much more likely to own, were appreciating rapidly in the late 70's and early 80's.

If neither a preponderance of youth nor yuppie excesses caused the decline in saving during the 70's, and 80's, middle age and new-found sobriety are not likely to raise it. Mr. McKelvey detects a number of trends that could discourage saving even more, among them the rising birth rate among women in their 30's and the leveling out of the percentage of women in the work force.

SPENDING ON DIAPERS

"The very generation that is supposed to stop buying too many BMW's may find itself spending money on diapers and day care instead of T-bills," he said.

The true culprit in the savings slump, Mr. Bosworth suggested, may be psychological. People operate with rules of thumb that are formed by critical experiences, like the Great Depression; he said. As the Depression, has receded in memory, he added, the rule of frugality has gradually broken down.

Lawrence H. Summers, chief economist at the World Bank, said he believed that people might have less to worry about than they used to. Twenty years ago the rate of poverty among the elderly was twice that of younger Americans. Today it is lower. "My guess," he added, "is that many more people form a view about retirement by looking at whether their parents seem rich or poor than by looking at the report of the Social Security actuaries."

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

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

DEPARTMENT OF THE ENVIRONMENT ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, what is the order of business?

The PRESIDING OFFICER. Under the previous order, the Senate has proceeded to the consideration of S. 533.

Mr. GLENN. Mr. President, I am very pleased today to rise to bring S. 533, the Department of the Environment Act, to the floor for passage by the Senate. The purpose of S. 533 is to establish the Environmental Protection Agency—EPA, as it is better known—as a Cabinet-level Department of the Environment, thus strengthening the Agency's management effectiveness and ability to execute national and international environmental policy.

The bill also establishes within the Department a Bureau of Environmental Statistics. S. 533 also creates a commission on improving environmental protection, which will examine and make recommendations to better integrate Federal environmental laws, regulations, and other authorities.

The legislation puts the Congress on record as supporting certain initiatives in the international environmental arena, including: authorizing the Secretary of State to convene in the United States an international meeting on energy efficiency and renewable energy resources, and encouraging the establishment of an international carbon dioxide monitoring program under the auspices of the United Nations Environment Program [UNEP] and the World Meteorological Organization.

Mr. President, I will offer a committee amendment which incorporates a number of changes that are the result of several separate negotiations with

Members of this body. The committee amendment clarifies the confidentiality provision respecting data compiled by the Bureau of Environmental Statistics. It changes some of the personnel hiring restrictions in the current bill and makes the Secretary's grant authority to State and local governments discretionary instead of mandatory, and clarifies that States and local governments cannot be required to collect data on the bureau's behalf. These changes are the result of negotiations with Senators ROTH, WALLOP, KOHL, and LEAHY.

Concern about the environment and the impact of human activities on it has existed for decades. Although considerable activity at the State level made environmental issues increasingly visible through the 1950's and 1960's, a movement toward an integrated Federal policy did not begin to occur until the late 1960's and early 1970's with the advent of an active environmental movement, perhaps best reflected in the holding of Earth Day, 1970. That year, President Nixon, acting under reorganization authority provided by the Congress, proposed the creation of an environmental agency within the Federal Government. Considerable debate ensued over the scope and the direction of our domestic and increasingly international environmental policy.

What sort of role should a Federal agency play in making and enforcing environmental standards? What kind of regulatory agency should it be? Should it be a Cabinet-level agency, or an independent agency?

The outcome of that debate at that time was the establishment of the Environmental Protection Agency as a primarily enforcement-driven organization with responsibility for overseeing the regulation of a handful of water and air pollutants and the registration of pesticides.

Along with the EPA, the Council on Environmental Quality, [CEQ], was created to play a key policy role in the environmental arena.

Today, the scope of EPA's activities has greatly expanded. In the past, it oversaw four major environmental statutes. Now its activity includes over 15 major statutes, and many minor ones. To match its increasing responsibilities, EPA has been given greater appropriations and personnel. Since its creation, the agency's total budget has increased some tenfold, from \$384 million in 1970 to about \$5 billion in 1989. Its staff has nearly tripled, from 5,700 in 1970 to over 15,000 today.

Last June, the General Accounting Office estimated that the economic effect of EPA programs—that is, all of the costs associated with pollution control and regulation, including cleanup, compliance, research and development—was more than \$700 billion

since 1970 and \$86 billion annually. That is about 2 percent of our GNP.

Despite the general growth of the agency, over the course of the past decade, funding for EPA programs has steadily eroded. In real dollars, there has been a 12-percent decrease in EPA's budget since 1981, not even considering EPA's significant and relatively new responsibilities in such things as Superfund and RCRA [Resource Conservation and Recovery Act].

The number of employees in research and development, an area critical for establishing credible foundations for environmental policy, has fallen from about 2,300 to about 1,800, with a parallel increase in reliance upon contractors and consultants. As an aside, I would say that that shows some of our shortsightedness since, when we have to go outside for contractors and consultants, we usually do so at even more expense than if work is conducted inside.

Most recently, attention has been focused on environmental problems at the global level. Stratospheric ozone depletion, global warming, acid rain, and a number of other environmental concerns have occupied a steadily increasing amount of time and resources at EPA.

At the same time, new revelations at home about environmental degradation at Federal facilities and the ongoing debate over clean air have given new impetus to calls for increased attention to environmental problems.

Those calls have resulted in a growing realization that elevation of EPA to Cabinet-level status is not only warranted but is badly needed.

At this point, I want to provide some brief background on the history of this bill. In June of 1989, I requested and was granted a meeting with President Bush—that is over 2 years ago—to discuss my proposal to make the EPA a Cabinet Department, and the President at that meeting agreed to consider an appropriate proposal.

Over the next 6 months, negotiations involving myself and the ranking minority member of the Senate Governmental Affairs Committee, Senator ROTH, and the administration ensued. Finally, on January 23, 1990, S. 2006 was introduced, with the full support of President Bush and the backing of five cosponsors. That bill was marked up and ordered to be reported by the Governmental Affairs Committee on February 28, 1990. It failed to reach the Senate floor for a vote and died at the end of the 101st Congress.

S. 533, the bill I reintroduced in this Congress, now has 31 cosponsors. This new legislation reflects negotiations held in 1990 among four separate committees with interests in this subject. The bill was referred to the Governmental Affairs Committee and was marked up and favorably reported on May 23, 1991.

Mr. President, I am fully aware of and take seriously concerns expressed by students of government about the growth and consequent unwieldiness of the Presidential Cabinet. I believe, however, that these concerns are overridden by the benefits that will accrue from establishing a Department of the Environment. At our hearings in 1990, witnesses agreed on several key reasons why the new department is both desirable and important:

First, there is the question of Presidential access and attention. The history of Presidential attitudes toward environmental problems suggests that, independent of the stance of any particular President, there needs to be an institutional permanence at the highest level in the making and executing of environmental policy. Environmental policy matters frequently cut across the concerns and jurisdictions of Cabinet-level departments and vice versa. A seat at the Cabinet table for the Secretary of the Environment assures a level playing field for inter-agency discussions.

The question of Presidential access is also extremely important. Mr. William K. Reilly, current Administrator of EPA, argues that President Bush himself has taken a more interested environmental role and that, as a result, the EPA Administrator has had greater access than in the recent past. However, even Administrator Reilly admitted that, notwithstanding President Bush's support, some sense of permanence should be established. As he testified before the Governmental Affairs Committee:

The chair of an invitee is removable, and a guest—particularly one charged with the range of controversial issues before EPA—can risk overstaying his or her welcome.

A second important reason for elevation is the benefits which accrue respecting policy integration and coordination. Many environmental protection programs require significant interaction with other Federal departments and agencies. Clean air and clean water programs involve, among others, EPA, the Department of Transportation, the Department of Agriculture, the Department of the Interior, Department of Defense, and many research agencies. The Committee on Governmental Affairs' activities in overseeing and investigating the cleanup of the Department of Energy's weapons production complex have revealed the considerable interface in regulation and policy between EPA and the DOE. International effects of environmental policy may involve the Departments of State, Commerce, perhaps even the U.S. Trade Representative, and DOD, as well as EPA. From the standpoint of efficiency and economy, these interactions suggest the virtue and wisdom of putting EPA on the same footing as other Cabinet-level Federal agencies.

There is considerable consensus on the importance of EPA's participation

in debates and discussions with other agencies on the formulation, funding, and execution of environmental policy. As Administrator Reilly concluded at our hearings:

Joining the Cabinet is a concrete step in integrating environmental issues across Departmental lines. It is essential that an agency whose priority is the environment, be in a position, as an equal, to cooperate with the Cabinet Departments that oversee the nation's economic, military, and general well-being.

Dexter Peach, GAO's witness on February 8, 1990, added another, more compelling note about the importance of such integration:

*** as demonstrated by numerous GAO reviews, other federal agencies do not always provide the support and cooperation necessary to further environmental policy goals. Instead, roadblocks are often created by jurisdictional conflicts, organizational structures, and cultures that are not conducive to cooperation with EPA or that place a low priority on environmental protection.

Mr. President, perhaps the most compelling reason for EPA's elevation to the Cabinet has to do with the increasingly global nature of environmental pollution problems and the consequent need for international negotiations on policies for mitigation. Action in these areas requires the presence and participation of U.S. Government personnel who are on par with their foreign counterparts. As Russell Train, former EPA Administrator, stated in congressional testimony, "I can personally attest to the fact that, in dealing with representatives of foreign States, rank and status are important."

Numerous witnesses at our hearings last year described the need to provide new stature for our environmental efforts abroad. The United States is a world leader in a number of environmental areas, yet it continues to present itself to the world with subministerial level officials for high-level negotiations and delicate political discussions.

Mr. Reilly, whom President Bush has said would be his choice as the first Secretary of the Environment, noted at our February 6, 1990, hearing:

The perception that the United States Environmental Protection Agency is not headed by a cabinet officer I think strikes many other governments as odd and anomalous and difficult to understand, particularly now as we have these interactions on such fundamental, important issues.

Other witnesses also remarked upon the growing scope of America's involvement in international environmental questions. Ambassador Peter Jon de Vos, Principal Deputy Assistant Secretary at the Bureau of Oceans and International Environmental and Scientific Affairs in the State Department at our February 6 hearing cited some specific examples of that involvement:

The process leading both to the Vienna Convention and Montreal Protocol on ozone depletion was but one example of an environmental initiative attributable to U.S. leader-

ship. More recently, we strongly supported the establishment of the Intergovernmental Panel on Climate Change (IPCC) to serve as the primary forum for considering all aspects of this vital issue.

Thomas Stoel, Jr., of the Natural Resources Defense Council echoed this view:

Lack of Cabinet status for EPA is even more harmful with respect to international problems. Many foreign countries have Cabinet-level environmental ministries. *** These countries created cabinet-level agencies to demonstrate that they attach great importance to environmental protection. For the United States not to have such an agency is bound to send the opposite message, no matter what we say to the contrary.

Industry representatives also noted the desirability of enhancing our international image in the environmental area. Dr. Bruce Karrh of DuPont concluded:

In international relationships and negotiations, where position and protocol may be especially important, having cabinet department status should prove very useful, especially because the Secretary will be dealing with his peers from other countries on an equal footing.

Industry witnesses also suggested that Cabinet status will confer on EPA a stronger ability to integrate environmental objectives with economic ones. The concern is for a check to ensure that domestic environmental laws and regulations do not unnecessarily hamper U.S. industrial competitiveness abroad. Mr. Ron Van Mynen, of the Chemical Manufacturers Association testified that he believes a new Department of the Environment should also have the ability to assess the effects of regulation and legislation on the international competitiveness of U.S. industry. And it should . . . seek to integrate environmental and economic decisionmaking.

In summary, Mr. President, compelling evidence exists for the elevation of EPA to Cabinet-level status. When the Committee on Governmental Affairs acted on a proposal to elevate the Veterans Administration to a Cabinet-level department 2 years ago it asked the National Academy of Public Administration to develop criteria to measure the value and ultimate wisdom of creating new Cabinet-level departments. According to NAPA, the EPA elevation proposal embodied in S. 533 meets at least 9 out of 14 of these criteria. Thus, from a purely good government and management standpoint, this elevation is justified.

Recent events in the Persian Gulf and elsewhere around the world make the case for a new Department even more persuasive. In the Persian Gulf we saw the call for EPA teams to come and help in some of the environmental degradation that was going on over there. Mr. President, I believe the time has come for the Senate to speak with one voice on this very important issue. We have waited too long to confirm

what most people know is true—the environment is a precious and unique legacy which we must do everything in our power to protect. Elevating EPA to Cabinet-level status will send precisely the right signal to the American people and the world that we take that charge most seriously and that we plan to be a world leader in this area of environmental concern.

(Mr. FORD assumed the chair.)

Mr. ROTH. Mr. President, I have been pleased to work with both the chairman and the administration since 1989 in an effort to elevate EPA to full Cabinet status. I am optimistic that our efforts today will achieve just that.

Mr. President, I would like to point out that 21 countries already have executive status or Cabinet status for their environmental ministers. They include both large and small countries: Australia, Austria, Belgium, Canada, Denmark, Germany, France, India, Ireland, Israel, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Sweden, Taiwan, the United Kingdom, as well as the U.S.S.R., at least at last report.

I think it is critically important that we join these other countries in giving this status to our environmental ministry.

Mr. President, I am always reminded that environmental protection is crucially important. I cannot agree more with that assessment. I also believe that it should be of crucial importance to all nations of the world. As a leader in environmental protection efforts, we have over the past decade given the environment a place among the world's top political and economic concerns. That is why I have always been such a strong supporter of efforts to establish a Cabinet level department designed to manage national environmental goals and coordinate international ones. We must bring issues of global environmental protection to the level of critical importance to where they belong.

We now begin the last decade of a century studded with industrial growth. Though we have realized great advances, we have left in the wake a crippled environment worldwide. We must begin the healing and we must do so with great seriousness. Similarly we must ensure that international environmental standards be established. This is important both from the standpoint of clean air and clean water. It is also important from a competitive standpoint. If we adopt strict standard but others do not we will all be worse off. The GAO estimated that the economic effect of EPA programs was about 2 percent of our GNP. This gives our competitors a tremendous economic advantage to the extent that they do not impose all of the costs associated with pollution control and regulation that we impose. Because of its importance to all Americans, I expect the new Secretary be diligent in

his efforts to establish firm international environmental standards. We cannot and must not tolerate countries that seek to gain a competitive edge by conducting environmentally dirty business.

These efforts will be even more important because we are on the threshold of a new era. As rapid industrialization of the Eastern bloc and Third World nations progresses, we are challenged to help these countries avoid costly environmental errors.

While always being concerned about unrestricted growth of the Federal Government, I have been a fully supportive partner of President Bush and Senator GLENN in the belief that we need a Department of the Environment. I am equally confident that this bill does not symbolize rampant Government growth, but embodies concepts that are both timely and necessary. Throughout the long hours of negotiations it has taken to bring this bill to the floor the Government Affairs Committee has benefited from the valuable input from many environmental groups, industry, the EPA, and the GAO. This effort has allowed the committee to come to a consensus and move the bill forward. A Department of the Environment puts environmental concerns at the President's Cabinet table and ensures that these concerns are considered in conjunction with all major administration policy decisions. The new Secretary of the Environment will be at the ministerial level, on par with ministers of the environment of other countries. His voice, in concert with that of the Secretaries of State, Defense, Treasury, Commerce, and other will make sure that no country attains an economic advantage.

I know that each of us has a true appreciation for the delicate nature of the environment. I believe that this bill represents a golden opportunity for Congress to ensure the preservation of the environment as a national priority into the future. The Department of the Environment that we help create today will continue efforts that make the environmental concerns of our individual States part of a national policy to achieve a cleaner world and better world for all of us.

So, Mr. President, I am happy to join with my colleagues in proposing the adoption of this legislation.

Mr. GLENN. I thank the distinguished Senator from Delaware. We have worked very closely together on this, and I very much appreciate his efforts. I know personally of his great concern with environmental matters. That is the reason we have kept this before this committee for so long.

Mr. CHAFEE. Mr. President, I rise today to express my support for S. 533, a bill to elevate the Environmental Protection Agency to a Cabinet level, Department of the Environment. I would like to commend my colleagues,

the distinguished senior Senator from Ohio, and the senior Senator from Delaware, for taking the initiative to report this bill out of the Governmental Affairs Committee.

Congress created the Environmental Protection Agency a little over 20 years ago to consolidate Federal oversight of environmental issues. EPA has been forced to address some of the most complex and controversial issues of our time.

Under EPA's leadership we have seen the blood lead levels in children drop significantly due to the phaseout of leaded gasoline; we have returned most of our unsightly and polluted rivers to the point where they are now fishable and swimmable; and hazardous waste, which was once dumped into open pits where it threatened ground water, is now strictly regulated and disposed of in an environmentally sound manner. But many difficult problems remain.

Twenty years ago we did not fully recognize that the actions of one nation could upset the delicate balance of life around the world. But the fact is, the world is composed of interdependent countries which need to act collectively to confront global problems such as the greenhouse effect, ozone depletion, degradation of our marine environment, and acid rain. Increasingly, industrialized nations have begun to share our view. Many of these nations have moved the protection of the environment to the top of their agendas and have given their environmental officials ministerial ranking. A subcabinet EPA does not reflect the priority that should be given to the environment by our Nation, and undermines the Environmental Protection Agency's position in global talks. As environmental protection takes on an increasingly global nature, we need a Secretary of the Environment with the stature to deal effectively with foreign Environmental Ministers.

The Environmental Protection Agency requires Cabinet level status in domestic policy debate as well. Effective interaction between Federal executive departments requires officials of equal stature. To fully join national environmental policy debate, on issues such as fuel efficiency standards within our national energy policy or Government subsidies for pesticides within the Department of Agriculture, the EPA demands Cabinet status.

Presently, the EPA is responsible for the enforcement of 19 major environmental laws, employs approximately 15,000 people, and has a budget of about \$6 billion. The EPA has a larger work force than the Department of Education and a budget larger than that of the State Department. Size alone cannot justify Cabinet status, but when coupled with the importance of its mission, EPA is deserving of Cabinet status. We must show our resolve and commitment to a clean environment,

by placing a greater priority on environmental affairs. Foreign governments, the industrial sector and the American people should know that the United States places the highest degree of emphasis on improving the quality of our environment. Department status for the EPA will highlight our commitment.

Last year, President Bush stated that:

Twenty years ago President Nixon established the EPA, the Environmental Protection Agency, by executive order. That is now one of the largest and most important regulatory agencies in the government * * *. Many countries have environmental ministers with Cabinet status, and I'm convinced that Cabinet status will help influence the world's environmental policies.

Mr. President, I urge adoption of S. 533. With the passage of this bill, the Congress will underscore the critical role the Environmental Protection Agency plays in guiding our domestic policy debate and in preserving our fragile global ecosystem.

AMENDMENT NO. 1243

(Purpose: To provide that information compiled by the Bureau of Environmental Statistics shall not be disclosed publicly in a certain manner, and for other purposes)

Mr. GLENN. At this point, Mr. President, I send the committee amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 1243.

Mr. GLENN. 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 48, strike out lines 12 through 16.
On page 48, line 17, strike out all through "assigned" on line 18 and insert in lieu thereof "(d) FUNCTIONS.—Functions assigned".

On page 48, line 21, strike out all through line 1 on page 49.

On page 51, line 1, insert after the comma "State or local government".

On page 51, strike out lines 3 through 22, and insert in lieu thereof the following:

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section

114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

On page 54, line 15, strike out "shall" and insert in lieu thereof "may".

On page 56, strike out lines 12 through 19. On page 56, line 20, strike out "(b)" and insert in lieu thereof "(a)".

On page 57, line 3, strike out "(c)" and insert in lieu thereof "(b)".

Mr. GLENN. As I mentioned earlier this amendment involves the following matters:

Removing a limitation in the bill on minimum number of Deputy Assistant Secretary positions in the career Senior Executive Service.

Removing certain designations of Deputy Secretaries.

Adding "State or local government" to those entities prohibited from collecting data on the Bureau's behalf. They cannot be forced to do that, in other words.

Clarifying confidentiality provision respecting nondisclosure publicly of information collected by the Bureau.

Changing the Secretary's authority to make grants to States and localities for data collection from mandatory "shall" to discretionary "may."

Removing restrictions on the percentage of noncareer SES positions allowed in the new Department.

Mr. President at the appropriate time I will ask that the amendment be agreed to. I do not know whether my distinguished colleague from Delaware has any remarks to make before I do that or not.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. ROTH. Mr. President, I am happy to rise in support of the amendment just offered by the distinguished chairman, Senator GLENN. It removes, as he said, certain restrictions on noncareer personnel at both the deputy assistant and senior executive service level. Specifically, these are sections 105(c), 105(d)(2), and 111(a). To include these restrictions denies the Secretary management flexibility and unduly limits executive branch prerogatives through congressional micromanagement.

I hope, in agreeing to this amendment, Mr. President, that we can proceed to keep this bill clean except for the chairman's amendment and that it will not be weighed down with extraneous matter.

I thank the chairman for his persistence in efforts to have this legislation enacted into law.

Mr. GLENN. I thank my distinguished colleague and ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate?

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

The amendment (No. 1243) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I also ask unanimous consent that Senator BINGAMAN be added as a cosponsor of S. 533.

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

AMENDMENT NO. 1244

(Purpose: To ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such taking where possible)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mr. SYMMS, proposes an amendment numbered 1244.

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

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

The amendment is as follows:

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

SEC. . PRIVATE PROPERTY RIGHTS ACT.

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act".

(b) DEFINITIONS.—For purposes of this section:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means any activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

(c) PROTECTION OF PRIVATE PROPERTY.—(1) No regulation promulgated after the date of the enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630 or similar procedures to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such taking where possible.

(2) Upon receipt of guidelines proposed by an agency for compliance with the procedures referenced in paragraph (1), the Attorney General shall, in a reasonably expeditious manner, either approve such guidelines, or notify the head of such agency of any revisions or modification necessary to obtain approval.

(d) JUDICIAL REVIEW.—(1) Judicial review of actions or asserted failures to act pursuant to this section shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures. Such review shall be in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency

action shall have standing to challenge that action as contrary to this section. In no event shall such review include any issue for which the United States Court has jurisdiction.

(2) Nothing in this subsection shall affect any otherwise available judicial review of agency action.

Mr. ROTH. Mr. President, the Symms amendment would create a regulatory review scheme to protect private property rights.

On June 12, the Senate failed, by a vote of 44 to 55, to table this amendment when it was offered by Senator SYMMS to the Surface Transportation Efficiency Act of 1991. Although I supported the Senator from Idaho in the past, I do have to say I would prefer we did not accept this amendment since we have no need for this amendment on a bill that elevates EPA to Cabinet status. It will hinder us in the conference and I feel this should not be loaded down with extraneous matters.

However, because the Senate has previously spoken on this issue, I will be willing to accept the amendment at this time. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? The Senator from Ohio.

Mr. GLENN. Mr. President, the Senator from Delaware, my distinguished colleague, has stated the situation well. This was up on the highway bill before. The Senate did express its will.

We have checked the amendment this morning. The language to that previous inclusion in the highway bill and the amendment submitted here is identical, word for word. There is no change in it. So I see no reason, really, to put the Senate through the throes of another debate on that particular issue. It was not a one- or two-vote margin when it went through before.

While my view on it is the same as that of my distinguished colleague, I accept it on this side of the aisle and urge its adoption.

Mr. SYMMS. Mr. President, our great Nation was based on a very simple principle—that individuals have certain rights, such as the right to free speech, the right to worship as you choose, and the right to peaceful assembly. Our Founding Fathers established the Government specifically to protect and preserve these rights; rights which were so obvious and necessary that Thomas Jefferson called them "self-evident."

These rights were so important to the Framers of the Constitution that they were detailed in the Bill of Rights as a constant reminder to posterity. Included among this listing of rights is the fifth amendment, which states that no person shall "be deprived of life, liberty, or property, without due process of the law; nor shall private property be taken for the public use, without just compensation."

Unfortunately, in our country the value of the right to own property is

sometimes forgotten. Increased Government regulation has slowly, and in some cases not so slowly, taken precedence over individual rights. The fifth amendment to the Constitution has become, to some, not an intricate part of our lives but a concept which has outlived its usefulness. It was with this in mind that I introduce my amendment, the Private Property Rights Act.

The Private Property Rights Act ensures compliance with Executive Order 12630, signed by President Reagan in 1988. This order was issued after the Supreme Court handed down a series of landmark decisions regarding private property. These cases found that a taking can result from Government regulation even when it was not intended—such as when the Government was actually trying to achieve some other public goal—the protection of a wetland for example. As current Environmental Protection Agency Administrator William Reilly has described it:

The purpose of the Executive order is to ensure that government decisionmakers evaluate carefully the effect of their actions on constitutionally protected property rights and thereby avoid unnecessary takings.

My legislation states, simply, that the Attorney General will have the authority to determine if Federal agencies have established guidelines to assess the potential for the taking of private property in the course of Federal regulatory activity. If proposed guidelines are found to be insufficient, the Attorney General will notify the agency of what revisions would be necessary to gain approval. Revised guidelines may then be resubmitted to the Attorney General's office for further review.

I felt this bill was necessary when I began to hear the horror stories of people who are denied the use of their own property by the Federal Government. There are several cases which I think are excellent examples of just what can happen when the expansion of government regulations go unchecked.

In Juneau, AK, a privately owned family shelter for the homeless wanted to expand. In order to add the five extra units they desired, the shelter was required by city ordinance to expand its parking facilities. When the owners of the shelter applied for a permit to pave a portion of the adjacent lot, the U.S. Fish and Wildlife Service objected. They claimed the lot was a wetland which served important ecological functions.

What the Fish and Wildlife Service failed to notice, however, was that the lot was in the middle of downtown Juneau and was surrounded by commercial buildings on three sides. The shelter owners waited nearly 9 months before approval was finally granted. This delay resulted in almost half of Juneau's homeless families spending another winter in the cold.

In my own State of Idaho we have also had to face intrusions on private land. A farmer just outside Moscow, ID, was asked by the county road supervisor to help remove some dirt that snow plowing operations had left piled by the roadside. Knowing that this dirt caused a safety hazard to drivers, the good farmer kindly agreed to allow the dirt to be scooped up and tossed over the fence into his field.

Little did he know that the Federal Government considered his field a wetland, and that by agreeing to allow dirt to be tossed on it, he was violating a Federal law, the Clean Water Act. When retelling of his predicament, the farmer expressed the same frustration many people have felt when confronted with similar regulations. He said, "I thought I owned my own land."

Unfortunately these cases are not isolated. In California, Maryland, Wyoming, and Missouri, indeed all across the United States, government agencies, while not always physically seizing property, have prevented people from being able to use their own land, thereby eliminating its value.

As you can see, something has to be done to protect the rights of individuals. Each year the Federal Government issues thousands of new pages relating to the use of private property. Maintaining the status quo will lead only to additional takings and cause people to live in the constant fear that their property could be taken from them at any moment.

As I see it, this body can either roll back the aggressiveness of our laws and regulations with regard to the environment, public health and public safety or it can allow these statutes to proceed aggressively but rely on safeguards that ensure that taking of private property is fairly compensated.

Since the willingness of the Congress to modify its many and diverse regulations on land use appears small—I doubt efforts along those lines would be successful. So I am left to hope that we can enact a simple safeguard which will be sufficient to protect the private property that makes American agriculture the envy of the world.

Over the years we have seen the results of private property ownership. The United States has grown from a fledgling nation to a world power. Our industrial and agricultural expansion has been almost beyond measure. This would simply not have been possible without private property.

Recent years have also allowed us to witness the absolute decline of those countries which reject the right to private ownership of property. Nothing speaks louder for the necessity of recognizing and protecting private property rights than the histories of those nations which have tried to do away with it. This fact is not lost on these newly emerging market economies. People across Eastern Europe and the

Soviet Union have loudly proclaimed their desire, above all else, to have the right to own property.

These same nations are living proof that the environment does not prosper under Government control. We have all seen the pictures of the dirty, dying industrial cities of Eastern Europe and the Soviet Republics. The gray landscape and smog-filled air serve as constant reminders of Government sponsored neglect. Administrator Reilly recently wrote:

The lifting of the Iron Curtain has revealed to the world that authoritarian, centrally planned societies pose much greater threats to the environment than capitalist democracies. Many environmental principles were undefendable in the absence of private property: Both the factory and the nearby farmland contaminated by its pollution were the property of the state.

The Private Property Rights Act forces the Government to respect private property, and requires that regulations be assessed for their potential to deny private property rights. The goal of such assessments would be to redirect the regulation so as to accomplish its goal while imposing on private property to the smallest degree possible. And if such an imposition is unavoidable, then the constitutionally required "just compensation" must be considered by the Agency.

This act will not lead to environmental catastrophe or pose a danger to the public health. It will permit private property owners to use their land and feel secure that that use will not be unjustly taken from them. The Government of the United States of America was formed to protect the essential rights to which all people are entitled. The Private Property Rights Act will serve to ensure that the Federal Government does just that.

Mr. CHAFEE, Mr. President, I oppose the amendment offered by Senator SYMMS—as I have in the past—and urge my colleagues to reject the amendment as unnecessary and unwise.

First, the amendment is unnecessary as private property rights are already fully protected under the U.S. Constitution. The fifth amendment states that the Government shall not take private property without providing just compensation. The question for the courts has been: what is considered a taking? While the Government must, in carrying out its duties, impose rules and regulations which affect individual rights—including property rights—the courts have generally held that when Government action denies a property owner all or virtually all viable use of his property, the owner must receive just compensation.

This amendment adds nothing to the protections for private property rights already contained in the Constitution. What it does is to codify an existing Executive order that is of questionable merit. Why is the Congress acting to adopt an Executive order as legisla-

tion; why is this necessary? Supposedly some agencies—including the EPA—have not yet come into full compliance with this Executive order. Yet, I understand that the EPA submitted its final proposal to the Justice Department for their review on June 20. The Justice Department has not yet—3 months later—completed their review of EPA's proposal. This is not because there are any substantive problems with the proposal—Justice has just not acted. Under Senator SYMMS amendment, the EPA would not be able to implement any new regulations until the Attorney General had certified that it was in compliance with the takings Executive order. This could delay the issuance of important regulations whether or not the regulations had takings implications.

Second, approving this amendment is unwise. This amendment would empower the Attorney General to block any regulation to implement any statute simply by withholding or withdrawing certification that the agency attempting to issue the regulation is in compliance with Executive Order 12630 or similar procedures. Furthermore, under the terms of this amendment, even after the Attorney General had certified that an agency had complied with the Executive order, he could at any time replace the requirements of the existing order with "similar procedures" at his discretion. Why does Congress want to issue a blank check to the Attorney General on whether to allow the issuance of congressionally mandated regulations?

Despite the broad scope of this amendment, no House or Senate Committee has considered this legislation or its potential impact on regulations to protect health, the environment, civil rights, to name just a few important topics. Again, I have to ask what is the rush to codify this Executive order? Where is the need to pass this amendment? And given the fact that the EPA submitted its final proposal to comply with the Executive order over 3 months ago and Justice has yet to respond, does it make any sense to give the Attorney General unfettered discretion to interfere with the regulatory process?

Executive Order 12630 is problematic in its own right in that it does not accurately reflect takings law as articulated by the Supreme Court. According to a report prepared by the Congressional Research Service, the Executive order greatly overstates the likelihood that agency actions would be found to constitute a taking under the Constitution. The Congressional Research Service report states that there appears to be no basis in Federal taking jurisprudence for the added demands imposed by the Executive order. This is particularly the case with Federal regulations aimed at protecting public health and safety, as these types of regulations

are considered the least likely to be found by the courts to effect "a taking of private property."

So the question becomes—will this amendment help protect private property—a goal which I certainly support—or will it add yet another unnecessary and problematic layer to the regulatory review process and cede important legislative powers to the Executive? I think a careful reading of this amendment suggests the latter and I urge my colleagues to oppose it.

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

The amendment (No. 1244) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. This is to the substitute.

Mr. GLENN. 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. COATS. 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. COATS. Mr. President, a little more than a year ago I came to the floor and offered my amendment on the interstate transportation of solid waste. The Senate very strongly supported that effort on a bipartisan basis by more than a 2-to-1 vote.

We recognized at the time that a more comprehensive solution, which would not be subject to being stripped in conference or lost in the business over in the House, would be the preferable route to follow. Since that time I have been working very closely with the Senator from Montana and Senator CHAFEE and other Members of the Environment Committee, to fashion a solution to this very significant problem.

Out-of-State trash continues to flow into States like Indiana and many others. Our landfill space continues to diminish. I think there is a general recognition on the part of my colleagues that something needs to be done. The best vehicle for that is the Resource Conservation Recovery Act reauthorization.

I had hoped, as many had, that the RCRA would be before us in this session of Congress. It appears that this is no longer the case. However, work proceeds with RCRA. Because our landfills are filling up and the clock is ticking, I am obviously anxious to move that legislation forward. I have had a number of discussions with the Senator from Montana, the chairman of the

subcommittee, and he and I have reached agreement relative to how we should best proceed with this.

I thank him for his cooperation and for working with us. Our staffs have been working very closely, along with the staffs of many other interested Senators. We are going to enter into a very short colloquy here, relative to this agreement and how we think we should best proceed.

It is my understanding we will both work to bring RCRA to this Senate floor in as expeditious a manner as possible; that we will work to ensure that RCRA legislation contains an appropriate solution to this problem of interstate transportation of solid waste. We have worked on an agreement and I think we are relatively close to an agreement on how best to proceed.

Obviously we are interested in having this take place in this Congress. I have indicated to the Senator from Montana that it is my opinion that on or before the end of April we ought to sit down and assess where we are; what are the prospects for RCRA passing in this Congress. I am confident we can fashion what we think is an appropriate solution to the problem in a relatively short amount of time.

Whether or not we can fit that in to the entire RCRA structure and move, that is in question, but I think both of us and many in the Senate are pledged to do just that.

So we hope to do that. If we foresee that near the end of April we are not going to be able to accomplish that, then obviously I will be looking for another vehicle, and the Senator from Montana has indicated he wants to work with me on that. Our goal is to fashion a remedy, a permanent solution to a very difficult, complex but important problem that needs to be solved in this Congress.

So I thank the Senator from Montana for his cooperation. I know he is on the floor at this time, and I will yield to him to respond.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Indiana for raising this subject.

We all know the horrendous amount of solid waste this country produces each year. America leads the list. On a per capita basis, Americans produce more waste than any other people on the face of the Earth. Someone calculated that if all the solid waste produced in America were placed in Washington, DC, it would reach the height of the Washington Monument two times. That is a point that has a certain gratuitous appeal. I am certain there are a lot of people who would place in DC all the solid waste that is produced in this country. But more indicative is the amount of waste this country produces.

We in the Congress this year and the Environment and Public Works Committee in particular, and also in the House, are working to reauthorize the Resource Conservation Recovery Act. It is critical because we in our country produce a lot of solid waste. We have historically only been managing that waste. The management problems have become increasingly difficult as there is less and less space to locate landfills, to locate incinerators. We in our country must move away from just the management of solid waste; we must move much more into recycling waste that we do produce, and also minimizing the production of waste so we do not produce quite so much waste.

Interstate transport of solid waste is one component of a very complex matrix in this legislation.

Mr. President, many of us in the committee have been spending a good part of our time working with the Senator from Indiana and other Senators who have concerns about the interstate transportation of solid waste. I believe strongly, No. 1, we will get legislation brought up, passed out of the committee and authorized this year, by the full Senate, and No. 2, interstate transportation of waste will be a part of that.

If, on the other hand, for some reason the Resource Conservation Recovery Act is not passed out of committee and not acted on by the full Senate, then I indicated earlier to the Senator from Indiana that I work with him to try to find some other way he can bring up, or some other Senator can bring up, a measure dealing with the interstate transport of waste.

The Senator suggested by about the end of April. That is, I think, a very appropriate date. So that at the end of April, it is my understanding, with the Senator from Indiana and other Senators that we will assess where we are; that is, will the RCRA bill likely be brought up and passed by the Senate, likely to be enacted or not, and if it is likely, then we will proceed and the Senator will proceed and work with RCRA. If, on the other hand, it becomes reasonably apparent RCRA will not be brought up, I have given my assurance to the Senator I personally will not impose on his efforts to bring up the interstate transport measure outside of RCRA. This is a matter of judgment. It is a matter of trust and good faith. We, at the end of April, will try to determine what is the situation, what is the posture and exercise our best judgment at that time.

Mr. COATS. Mr. President, if I can respond in closing, I again thank the Senator from Montana for his work and for his efforts and cooperation. I think we have reached what most would consider not only a reasonable understanding but also a reasonable way and the most likely way of enacting into law legislation which would

deal with this very serious problem of the generation of waste and particularly the interstate transportation of this waste.

I agree with the Senator that this is a problem that will not be solved by dealing only with the interstate transportation issue. Each of our States generate a great deal of waste. This needs to be part of a more comprehensive solution dealing with source reduction, recycling, conservation, and proper disposal. All of this is necessary if we are going to reach a true solution to the problem.

By the same token, we will not be able to successfully mandate to the States certain requirements that they must meet in terms of developing their own plans to deal with waste if we cannot solve this interstate transportation problem. No matter how ambitious or well intentioned a particular State plan might be to deal with recycling, source reduction, or disposal of waste, those plans will be totally overwhelmed if the States have no ability to regulate the flow of out-of-State trash into their States and into their landfill disposal facilities.

So it is important that we make this a key part of the RCRA reauthorization. I look forward to working with the Senator from Montana and others in fashioning a reasonable solution to this problem.

I think we have outlined now a timetable on which we can see the end of the tunnel and see that this will be signed into law in this Congress. If we cannot come to a reasonable conclusion at the end of April that this will effectively become law, or have every chance to become law, then I appreciate the Senator's efforts to work with me to find an appropriate vehicle to make it so. With that, Mr. President, I yield the floor.

Mr. REID. Mr. President, I was in my office listening to the colloquy between the Senator from Montana and the junior Senator from Indiana. I felt it appropriate to make a statement. The statement that I had planned to make was in the context of the Senator from Indiana offering an amendment. His amendment, in effect, would have set standards and limits on allowing the transportation of garbage between States. I believe that the junior Senator from Indiana was talking about an important principle, that is, working to solve the problem that faces almost every State in the Union.

By serving with the Senator from Montana on the committee having jurisdiction over this issue, I understand the reason that the arrangement was worked out between the two Senators. The committee having jurisdiction over this issue should be the one to set appropriate standards.

Having said that, the fact is in this Nation today there are States which are, against their will, being forced to

accept the garbage of other States. For example, according to the Nevada Division of Environmental Protection, the U.S. Ecology landfill near Beatty, NV, disposed of approximately 63,000 tons of hazardous waste in 1986. By 1990, the total volume had risen to 138,000 tons per year, with 76,000 tons coming from California alone. There is a reason for this soaring growth in waste coming from California to Nevada. California has adopted, and I think properly so, new mandatory and very expensive treatment standards for waste stored in California. But they have not applied the same standards for waste that is sent out of the State. Waste that is being disposed of in the State of California is subject to very strong standards. But basically no standards for waste that is shipped out of the State.

This policy will clearly promote the export of hazardous waste to other States. Most of California borders on the State of Nevada. It is obvious that they are trying to ship most of California's waste to the State of Nevada. Last year alone 76,000 tons of hazardous waste came from California to Nevada.

This policy is not right. This is the reason the Western Governors' Association has voted to endorse Federal legislation that would give States the constitutional authority to ban hazardous waste imports. Policies such as those adopted by California make it cheaper to send hazardous wastes to other States than to reduce and recycle these wastes. Actions like these by the waste-producing States will only make the problems the junior Senator from Indiana is trying to deal with today more serious in the years to come.

My comments, though, Mr. President, would not be complete today if I neglected an issue of great importance to the people of the State of Nevada. Over the past 5 years I have come to this floor many, many times to discuss the unfairness of Nevada being forced to accept another form of this Nation's garbage. That is nuclear garbage, the garbage that we call nuclear waste.

If the problem of being forced to accept solid or hazardous waste from other States is as serious as many States and many Senators representing those States have described in the past—and I believe their description is appropriate—then how much more serious is the problem that Nevada faces by being forced to accept nuclear waste from other States?

That is the proposition that is now before this country; whether the State of Nevada should be forced to accept nuclear waste generated in other States. We do not manufacture nuclear waste. Why then should we be forced to accept nuclear waste?

Nuclear waste is far more poisonous, far more hazardous, far more dangerous than any other form of solid waste. Mr. President, nuclear waste is the most poisonous substance known

to man. Nevertheless, this body and the other body have, I would think with almost contempt, said Nevada has no say whether or not nuclear waste is placed in the State of Nevada.

So I say to the Members of this body again, if, in fact, solid waste is considered to be a serious problem, as I think it is and my colleague from Indiana has described it to be, then certainly we should take a look at the nuclear waste issue again.

As I mentioned earlier, we do have a serious problem here. The States of this Nation have been divided in two categories. Some States are becoming primarily waste producers, and I think we know who those States are. Other States are being singled out to become waste acceptors. This is wrong. It is unfair. This is a national problem. There is only one right national policy on any kind of waste, hazardous, solid or nuclear. If you produce it, then you should find a way to eliminate it.

The delegation and citizenry of the State of Nevada are opposed to becoming this Nation's nuclear waste dump. Some have said this is called the NIMBY syndrome—"not in my backyard." The reality is that instead of NIMBY we should be talking about PIMNBY, the "put it in my neighbor's backyard" syndrome. That is where the real harm is taking place, not the NIMBY syndrome.

In fact, what has really prevailed here is, put it in my neighbor's backyard. Since we cannot handle our solid waste, we haul it someplace else. Let somebody else take care of it. Put it in my neighbor's backyard. Make it their problem. And it has become their problem.

So, Mr. President, I hope that the States that are opposed to becoming the recipients of the Nation's garbage now understand the concern of the people of the State of Nevada. We are not talking about garbage—that is plastics, bottles, cans, or paper. We are talking about a substance where a small speck will kill a human being.

A small amount of the substance in a machine was taken home by a garbage collector in Brazil recently. His child got hold of this and death and disease, swept that area.

Why has the State of Nevada, been singled out as the Nation's nuclear waste dump? We do not produce any of the waste, but we are told we must accept it.

A majority of the Members of the Senate refused to approve language that would ensure that the health and safety of the public would be considered first. That amendment, if you can believe it, was defeated in this body. This is hard to comprehend, it was hard to comprehend at the time and it is just as hard to comprehend now.

An amendment offered by this Senator from Nevada suggested that if, in fact, you are going to site a nuclear

waste repository, then we should have as the number one consideration the health and safety of the public. This amendment was defeated.

In light of what we are learning now—and we have learned more since that amendment was offered—we need to take another hard look at that proposal. All Americans should be assured that it is the policy of this country on all issues, but certainly this issue, that the health and safety of the public is the No. 1 criteria in locating a nuclear waste repository any place.

So I hope that the underlying premise of the Coats amendment, which was going to be offered, is appreciated by my colleagues. I hope that when that amendment is offered, that it will pass, and I hope that when this problem we are having is brought before the Environment and Public Works Committee, that it will be given the consideration necessary. There is no one in the country that knows more about solid waste than Senator BAUCUS. He has a tremendous responsibility in his capacity as the chairman of the appropriate subcommittee in the Environment and Public Works Committee, to make sure that the solid wastes of this country is disposed of properly, that the guidelines function to allow States to dispose of their waste when and if it is appropriate, and how to dispose of it.

I would also ask other members of this body to be concerned about a problem that may not be as important to them because they have not been faced with the problem. It is important that we develop a national policy on what we are going to do with nuclear waste.

One of the problems, Mr. President, is the transportation of solid waste. Well, think how much more dangerous and how much more important the transportation of nuclear waste is. The only way to get it to Nevada is through our highways and railways. Some 70,000 tons of this substance is now ready to be taken someplace. There must be sufficient guidelines and safety features developed before nuclear waste can be transported. Therefore, I hope that this body would understand, as the testimony has clearly indicated in the Environment and Public Works Subcommittee on Nuclear Regulation, that there is no need to haul this nuclear garbage; that in fact for the next 100 years it can be stored safely on site through dry cask storage.

I hope that the nuclear industry, the people that have spent billions of dollars trying to locate this repository in Nevada, would step back and realize the best thing to do would be to leave it where it is. It can be done safely.

Mr. DURENBERGER. Mr. President, I am pleased to speak today in favor of legislation to make the Environmental Protection Agency a Cabinet Department. I want to commend the distinguished chairman of the Governmental

Affairs Committee, Senator GLENN, and the ranking Republican member, Senator ROTH, for their tireless efforts on behalf of this bill.

Mr. President, over the past 3 years I have urged the Senate to take this step.

I first introduced a bill to elevate EPA to Cabinet status on June 28, 1988. I was joined on that bill by several Republican colleagues including Senator JOHN CHAFEE, the ranking Republican member of the Environment and Public Works Committee which has the principal oversight role on EPA programs here in the Senate.

Also on that bill was Senator RICHARD LUGAR, the ranking Republican member of the Agriculture Committee which has jurisdiction over the pesticide programs administered by EPA. Other Republican Senators, including Senator ROTH, Senator ROBERT STAFFORD, and Senator John Heinz, joined on that bill. All of the cosponsors were Republican Senators.

Our purpose was to send a message to George Bush about the environment. We were in the midst of a Presidential campaign in June 1988. But at that date serious debate on the environmental issues had not begun. We thought George Bush should be talking about environmental issues and we believed that a proposal to elevate EPA to Cabinet rank would be a good way to get the discussion going. In addition several of the cosponsors were running for reelection to the Senate and it was a way to signal that environmental issues were important to us.

After preparing the bill, we approached the Bush campaign to see if we could get Mr. Bush's endorsement of our proposal. Word came back that he would not endorse it. He indicated that he had an open mind on whether or not EPA would be a part of the Cabinet. But the first thing he wanted to do was to reduce the size of the Cabinet by removing some officials who sat at the table. Only after the size of the Cabinet was trimmed, would he want to take up the question of new members. And President Bush did trim the size of the Cabinet during his first weeks in office.

Even though we could not secure Mr. Bush's endorsement of the bill, we introduced it and pressed the case for elevation of EPA to departmental rank. Ironically, the Democratic candidate for President in 1988, Mr. Dukakis, endorsed the bill in midsummer. Environmental issues did play an important role in that Presidential campaign and significant commitments on specific issues were made by both of the candidates.

When the 101st Congress convened in January 1989, I introduced the EPA Cabinet bill a second time. By then the effort had become bipartisan. Congressman Jim Florio, now the Governor of New Jersey, introduced the bill on the House side and on the Senate side the

distinguished Senator from New Jersey [Mr. LAUTENBERG] became the principal cosponsor. S. 276 had 25 Senate cosponsors when it was introduced in January 1989.

But we still hadn't persuaded President Bush, and it is, after all, his Cabinet. His support was critical. Bill Reilly, who was selected by President Bush to head EPA, was a strong advocate of Cabinet status and let the President know his views before he was appointed. We discussed the issue with Mr. Reilly at the time of his confirmation. And we were again told that President Bush had not foreclosed the option, but didn't think that it was time to endorse it either.

It fell to the chairman of the Senate Governmental Affairs Committee, Senator GLENN, to take the issue to the President. I believe that Senator GLENN became a convert to this cause in the summer of 1989. He took up the issue with the President personally and negotiated the details of an elevation proposal with various officials from the administration.

In January 1990, President Bush gave the nod to a Department of the Environment and Senator GLENN introduced his bill, S. 2006, implementing his discussions with the administration. That legislation was the direct predecessor of the bill which is now before the Senate. A companion bill was introduced on the House side by Representative JOHN CONYERS, chairman of the House Government Operations Committee.

Upon securing the endorsement of the President, I had expected the legislative path for this bill would be clear and enactment would follow shortly. Elevating an existing agency to departmental status is a simple proposition. There was strong bipartisan support for the bill. The chairmen of the committees with jurisdiction took up the issue and introduced their own bills. So, it seemed that Cabinet status might be enacted quickly.

But as sometimes happens, the legislation was loaded down with amendments in the House and the Senate that were controversial and on which there was strong disagreement. It has taken many months to remove those obstacles to enactment. And I for one want to express my appreciation to Senator GLENN and to Senator ROTH for the effort they have invested to bring the bill to this point.

Although the legislative hurdles have been difficult, the underlying proposal is simple. It takes what is now an executive branch agency created by President Nixon in 1970 and makes it a Cabinet department headed by a Secretary of the Environment.

The central issue here is the relationship between the President of the United States and the head of our Federal agency for environmental protection. In the last administration that was not

a close relationship. The President was not directly involved in making environmental policy. And the Administrator of EPA did not have direct and frequent access to the President. EPA was not part of the Cabinet decisions which set the broad policies for our Nation.

President Bush and Bill Reilly have changed that history. Their work to produce the Clean Air Act Amendments of 1990 is an example of why the President should be involved in these questions. By all accounts, it was the President's decision to support clean air legislation that broke a 10-year deadlock here in the Congress on the issue of acid rain and allowed a comprehensive reauthorization of the Clean Air Act to become law.

One might conclude from this example that Presidents' can choose to involve themselves on environmental issues without EPA in the Cabinet. That is true. President Bush is to be commended for the commitment which he has demonstrated on these questions. But we can go beyond this example and this President, by establishing that commitment as an institutional arrangement which assures access and involvement by every President in the future.

A second concern is the relationship between the environmental agency and the other Cabinet departments. Unfortunately, some of our worst polluters are agencies and departments of the U.S. Government. We have big problems with hazardous wastes sites at Defense and Energy facilities. It may cost DOE as much as \$30 billion to come into compliance with environmental laws at its currently operating facilities and many times that amount to cleanup the residue of previous activities.

EPA needs to be on an equal footing with those departments as the cleanup efforts at Federal facilities are designed and carried out.

There is a third dimension of the relationship issue which can be cited in support of this legislation. Environmental protection is a growing aspect of our international relations. We will increasingly see agreements like that recently signed to protect the ozone layer which reflect an international commitment to solve global environmental problems. Many of our most difficult environmental problems—air pollution, global warming, and marine protection—can only be dealt with an international context.

We are encouraged by the strong role that the United States took in developing the ozone protocol. Although we have fallen behind the aggressive posture of some other nations on the larger question of global warming, Cabinet rank for EPA may be just the kind of signal which is needed to bring the whole of the executive branch into serious consideration of policies that can

avert the calamity that current trends foreshadow. And surely our voice in the international arena will be stronger if it is the voice of Cabinet Secretary with direct access to the President.

On this point it is interesting to note that environmental protection is a Cabinet function in almost every developed and many developing nations. Ministries of the Environment are to be found in Australia, Austria, Belgium, Canada, Denmark, Finland, West Germany, India, Ireland, Japan, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, the Philippines, Poland, Sweden, Switzerland, the United Kingdom and the U.S.S.R. Among the OECD nations we stand with Italy as one of the few who have not made environmental protection a ministerial function.

A review of the cabinets of the American States would demonstrate the same point. In governments in many places and under many different circumstances, environmental protection is accorded the highest rank in the councils which make and implement policy.

Elevation of EPA to Cabinet rank has broad public support. It is endorsed by all of the major environmental organizations. All of the previous EPA Administrators are in favor of Cabinet status and urge us to adopt this bill.

Mr. President, let me again thank the chairman and ranking member of the Governmental Affairs Committee for their diligent efforts on behalf of this legislation. I hope that the House will not act swiftly on the companion bill and that we may soon see the Secretary of the Environment at the Cabinet table.

Mr. LIEBERMAN. Mr. President, I rise in strong support of S. 533, the Department of Environment Act and I am honored to have been one of the original cosponsors of the legislation. I commend my colleague, Senator GLENN, for his leadership and perseverance on this bill.

EPA is charged with one of the most complex and challenging missions in our Government. This bill reflects the growth of our knowledge of the environment and environmental management in the 20 years since EPA was created. While it is not a glamorous bill, it provides the essential institutional framework we need.

The United States is increasingly involved in environmental matters around the globe. In the last several years, we have come to realize that EPA's mission, in reality, extends to the preservation of life on this planet. The quality of our environment in this country is directly related to the policies of countries across the globe. Whether the issue is global warming, stratospheric ozone depletion, acid rain or the proliferation of toxic materials and hazardous waste, the United States must take a leading role in world envi-

ronmental affairs. We will not fully realize that role until our environmental agency is a full-fledged member of the President's Cabinet.

Next June in Rio de Janeiro, the United Nations will convene a world Conference on Environment and Development. By elevating EPA to Cabinet level, this Nation will send a message to the world community on the importance of environmental protection. As Dr. Bruce Karrah of DuPont testified before the Government Affairs Committee: "In international relationships and negotiations, where position and protocol may be especially important, having Cabinet department status should prove very useful, especially because the Secretary will be dealing with his peers from other countries on an equal basis." The United States will not realize its leadership role in world environmental affairs until our environmental agency is a full fledged member of the President's Cabinet.

If this is true in global environmental policy, it is even more true in the domestic environmental policy. EPA is charged with protecting our health and preserving the quality of our natural environment.

From my own experience on the Environment and Public Works Committee, I know that EPA is constantly in battles with other parts of the administration about what level of protection is appropriate. Others in the administration concentrate on the economic consequences of environmental policies but EPA is the advocate for our health and the protection of our lakes and streams.

Many of the solutions to our environmental problems lie beyond the traditional scope of EPA programs. The quality of our air is directly related to energy and transportation policy. The quality of our drinking water is related to land-use decisions. The Federal Government may well be the largest generator of hazardous waste in the Nation. Our environmental future is bound up in the programs and policies of the agencies represented at the Cabinet table. It is time for a Secretary of the Environment to be a full partner at that table. This legislation will ensure that every significant environmental decision made by the executive branch will be debated among equals.

In this administration, the effects of this legislation could be very dramatic. It seeks to ensure that next time the President sends energy or transportation legislation to Congress, the Secretary of the Environment will be advising the President about any adverse effects to the environment caused by his legislation. Currently, the voice of EPA is virtually absent from this debate. On the other hand, the Secretary of Energy—as a member of the Cabinet—was extremely active in forming the President's position on clean air.

As EPA's mission has evolved, the Agency itself has matured. While I don't always agree with EPA's actions, there is no question that the Agency has proven its ability to contribute at the highest level of Government.

The creation of a Bureau of Environmental Statistics to compile data and evaluate the effect of pollutants is essential. In spending our limited resources, we must know which pollutants pose the greatest risk to human health and the environment. This knowledge will tell us which environmental problems to address first.

This legislation demonstrates our commitment to strong environmental programs in the future. The creation of a Department of Environment sends an unequivocal message to all Americans and to the world that the United States places environmental protection among its most important concerns.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein.

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

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

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

The bill clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as if in morning business.

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

THE NOMINATION OF CLARENCE THOMAS

Ms. MIKULSKI. Mr. President, I want to use this time as the Senate begins its weekly deliberations to give my views on the pending nomination of Judge Thomas to the Supreme Court.

Once again we are faced with the solemn task of evaluating a Supreme Court nominee. Each time I face this

task I have as three times before in my Senate career viewed this as a matter of great and indeed tremendous responsibility. But we are faced in this body with a serious decision of enormous consequence.

I know of no other decision that is so totally irrevocable and irretrievable and so far-reaching. Once confirmed, a nominee bears no further burden of accountability. He or she will hold that position for a lifetime. That is why for me there must be no doubt whatsoever about a nominee's ability to serve or about his or her absolute unflinching and obvious commitment to the most basic tenets of the Constitution. I refer to the fundamental guarantees of individual rights and equality for all Americans.

In this country we, the people, are dependent upon the Constitution and its interpretation to protect our most basic rights. In that context, the Supreme Court is the final arbiter on decisions that are grave and complicated. Yet we must remember that the Court is a collection of individuals. They are people with their own ideas and their own beliefs as well as initial framework. That is why we in the Senate must look at each one of them with uncompromising scrutiny, and to each nominee I apply the same criteria.

First, is the nominee competent? Second, does the nominee possess the highest personal and professional integrity? Third, will the nominee protect and preserve the core constitutional values and guarantees that are central to our system of government, specifically freedom of speech and religion, equal protection of the law, and the right to privacy?

I hold all nominees to the same criteria without exception and without bias. They are the standards against which I measured Justice Kennedy, Justice Bork, and Justice Souter. You might recall that I voted against Bork and I voted against Justice Souter.

Before I apply them to Judge Thomas, I would like to comment on my previous knowledge of Judge Thomas. As I have moved around the State of Maryland many of my constituents, particularly of African-American background, said "Give the guy a chance. He has done a lot with his life." And I said, you know, I have given Judge Thomas a chance. I voted to put him on the court of appeals, a Federal court of appeals judges, and I do admire what he has done with his life. He is exceptional in two ways. He knew what to do with opportunities that God gave him, and he knew what to do with adversities, and used them to make himself stronger.

Who of us can walk away from the previous week's hearings and all the media coverage without an instant knowledge of the town of Pin Point, GA, and the courageous efforts of Judge Thomas' mother. All of us know

what an exceptional man he is in terms of overcoming the odds that enable people to move up in our society. His personal story is an inspiring one.

However, Mr. President, individual perseverance is not my sole criteria. We are talking about voting for a Supreme Court nominee. Therefore, I looked again at Judge Thomas as I looked at all all Supreme Court nominees, specifically in terms of demanding constitutional criteria.

First, is he competent? I believe that he is professionally competent. I would not have voted for his nomination to the court of appeals if I did not believe that.

Second, does he possess the highest personal and professional integrity? Certainly Judge Thomas' life story is evidence enough of integrity. This is a man who is where he is today because of his own hard work, the support of a strong and loving family, and an opportunity of structure that was provided for him which he was able to make use of.

Third, will he protect and preserve the core constitutional values and guarantees that are central to our system of government; specifically, I reiterate, freedom of speech and religion, equal protection of the law, and the right of privacy?

I really do not know where he is on these issues, and therein lies the problem. On the two issues of equal protection of the law, and the right of privacy, I have seen little evidence of his commitment—not in his testimony, and certainly not in his work history. During the hours of hearings I was so disappointed to note how evasive Judge Thomas was.

He was either silent or he was evasive on many issues, and when questioned, would say that was a throwaway line.

I am voting for a lifetime appointment to the Supreme Court. I cannot judge whether, when we read somebody's lines, what is a throwaway line and what is not. I am very disturbed about that.

I also took a look at Judge Thomas' work history. As head of the EEOC, Judge Thomas held a position of power and authority. That is the Equal Employment Opportunity Commission. In that position, he could have used the power of his office to help those who were locked out and left behind. But he rarely did that. He showed little concern for older Americans, and even less for the laws designed to protect them.

I was deeply disturbed to find out that he deliberately failed to process 13,000 age discrimination complaints within the time allocated by the law, 13,000 cases of older Americans that he let languish.

The result was that he wreaked serious damage on the opportunities of these older Americans to sue for back pay—the time ran out—or to sue for

the opportunity to work. The time ran out on Americans because Judge Thomas was not sweating the details, or did not have the commitment to do it. He had the power to pursue age discrimination cases, and he turned his back on them.

He failed to enforce the law and his Department's own policy on pension rights for workers over 65. That failure cost older workers more than \$450 billion in lost pension benefits annually. That hurt people who had worked as hard to get where they were as Judge Thomas worked to get where he is.

Most recently, it has come to light that Judge Thomas drafted an opinion against affirmative action. A woman secured a radio broadcast license from the FCC under their minority preference policy. Her right to the license was challenged in court and she won the case. The case reached the court of appeals, where Judge Thomas now sits. Judge Thomas drafted the opinion that would deal with this issue, and would overturn her right to use the license on the basis that the preference program was illegal. His opinion has not yet been released.

Regardless about how one thinks about affirmative action, and there is plenty of room for debate and difference, he is, in the weeks of his confirmation hearing, withholding an opinion that would give us insight into his opinionmaking and judicial logic and judicial criteria.

Some say he did not want the Senate to see it. In the hearings, Judge Thomas said he had no problems with preference programs. It is hard to tell what his real feelings are on this matter.

Why did he withhold the opinion? Is it his own decision, and did he not want the Senate to hear it, so therefore, we will read about it years later while he is on the Supreme Court? Or was it the decision of his handlers? Mr. President, handlers, to be a Supreme Court nominee? Handlers are what you do for boxers; it is not what you do for Supreme Court nominees.

I do not know, and I really would hope that someone who has shown such strength of character to get where he was would not need people handling him to become the Supreme Court nominee. This is a man who demonstrated a lack of commitment for the very laws which he would be called upon to uphold, and a lack of compassion for the very people who will need his protection the most.

Finally, throughout hours of testimony, Judge Thomas refused repeatedly to discuss whether, and how, the Constitution protects women in this country. To find his beliefs, we had to turn to the body of his writings. There we find antagonism toward a woman's fundamental right to privacy; specifically, her right to choose an abortion in the circumstances of her life, her health, or as a victim of a crime, which would take her to that decision.

At one time, Judge Thomas was an active member of a White House working group on the family. Part of their job was to issue a final report, and they did. It was explicitly critical of the Supreme Court's decisions affirming the right to privacy. Specifically, it was very critical of *Roe versus Wade*.

Judge Thomas signed the report, but when asked what was his thinking when he signed the report, he said he never read it. He put his name on a White House report and never bothered to read it. Will he put his name on Supreme Court opinions and never bother to read those?

Finally, despite repeated questioning, Judge Thomas claimed he never discussed *Roe versus Wade*; not as a law student, not as a young lawyer. He was in law school when *Roe versus Wade* was decided.

Mr. President, you are a lawyer. You know that when cases are decided in the Court, particularly of such wide-ranging impact, law students set their strategies, and as if they are Supreme Court Justices, they tell you what they would think and do, and tell you what cases they looked at as precedent. He said he never discussed it.

I cannot believe that an appeals court judge never once discussed the issue of abortion. He spoke extensively on *Griswold*, that old Connecticut case that prohibited birth control information from being disseminated, which was struck down. If one has an opinion on *Griswold* and not *Roe versus Wade*, I find that hard to believe.

Most of all, I find his evasion unacceptable. I do not know where he is or where he stands on these issues, on the most basic issues of equal protection of the law and the fundamental right to privacy.

Therefore, regrettably, I am casting my vote against Judge Thomas. When my name is called in the U.S. Senate for his nomination, I will vote "no."

I think that the American people are entitled to know what their Supreme Court Justices believe about fundamental human rights. It is not acceptable for a nominee to hedge, or deny, or cloud the issues. What he believes is what he is, and that will shape the Court for the next 40 years, if he is confirmed.

I know how hard it is to get somewhere in this society. I stand here as the only Democratic woman in the U.S. Senate. I share Judge Thomas' struggle. But I do not share his reluctance to commit himself to defend equal protection of the law and the right to privacy.

Every day in this body, we work hard to expand rights and opportunities, not to restrict them. Every day, we are on the line to reveal our deepest beliefs about equality, privacy, and freedom.

I believe that we deserve the same from our Supreme Court nominees. I believe we have the right to know

where they stand, and the right to know that they will take this Nation forward, and not hold it back. I believe that we have the right to know, and we have the responsibility to vote no on those who prohibit us from knowing where they stand.

So, Mr. President, that summarizes my thinking on the topic, and I will look forward to hearing the additional debate of my colleagues in the Senate. I yield the floor.

IN HONOR OF KATIE FROHNMAYER

Mr. HATFIELD. Mr. President, it is with great sadness that I rise today to honor the life of a young friend from Oregon, Oregon's Attorney General Dave Frohnmayer's 12-year-old daughter died last Thursday of complications to a rare blood disease called Fanconi anemia. Katie Frohnmayer had courageously battled this disease for years.

Katie was born November 18, 1978, the third of five children of Dave and Lynn Frohnmayer. In 1983, Katie's older sister, Kirsten, was diagnosed with this dreaded disease.

Fanconi anemia is a rare and usually fatal disease which affects 2,000 Americans. The disease seems to strike each patient differently, but symptoms can include birth defects, damage to the heart and brain, retardation of growth, and other disfiguring effects. With most victims, the disease eventually attacks their bone marrow and destroys their ability to produce blood. The only known cure for the disease is a bone marrow transplant, and donors are very difficult to find. It was the search for a marrow donor for Kirsten which led to a second shock to the Frohnmayer family. In early 1984, the family learned that Katie also had the disease.

The Frohnmayer family searched vigorously for a donor for both girls, but the search was made even more difficult by the rare tissue type the girls had inherited. Hundreds of distant relatives were tested from as far away as Nova Scotia, but there were no tissue matches.

Researchers do not know what causes the disease, but they do know it is passed on much like cystic fibrosis. It is carried on a recessive gene and can lie dormant for generations. The disease is handed down when two latent carriers both pass the tainted gene to their child.

Mr. President, I cannot praise enough the dauntless effort of the Frohnmayers in their search for bone marrow donors for their children and their interest in helping other families in need of marrow donors. During the last decade, the couple has helped found the National Marrow Donor Program—a registry of potential bone marrow donors, founded a support group for families, and raised \$500,000 for research.

This Nation has made great progress over the last several years in enlisting volunteer bone marrow donors. Bone marrow transplants, particularly from unrelated donors, are a relatively new medical therapy for patients with fatal blood diseases which offer hope to hundreds of afflicted individuals and their families each year. The National Marrow Donor Program registry, currently headed by my good friend and colleague Admiral Zumwalt, has grown from just over 30,000 volunteers in January 1989 to over 300,000 in 1991. As a result, more than 300 bone marrow transplantations came from registry donors in the past year, an increase of more than 50 percent over the previous year. Since the Congress transferred the administration of the bone marrow registry from the Department of Defense to the National Heart Lung and Blood Institute in 1989, Federal support has risen from approximately \$3,000,000 to nearly \$12,000,000 over a 3-year period.

Mr. President, this progress would not have been possible without the leadership and advocacy of individuals and families, like the Frohnmayers. Through their partnership with blood bank organizations, success has been achieved in expanding the number of donors dramatically, increasing individuals receiving bone marrow transplants and broadening research support. The Frohnmayer's were active participants in this effort. Their tireless commitment to this battle is a strong tribute to their dedication both to their daughters Katie and Kirsten and to the thousands of others afflicted with fatal blood diseases. Our only regret is that Katie could not be saved.

As an advocate for medical research in all diseases from the most orphan to the most politically popular, I could not let today pass without expressing my supreme gratitude to the Frohnmayer family and especially to Katie. We must celebrate Katie's life as God's precious gift to us. Her courage is a source of inspiration and strength to all who suffer from illness or disease and to those who love them.

TRIBUTE TO JOHN O. KIZER

Mr. HOLLINGS. Mr. President, I rise today to pay my respects to Mr. John O. Kizer, a distinguished West Virginian, who has volunteered untold hours of his professional and personal time to be the dominate presence for the enforcement of legal ethics in West Virginia. The West Virginia University College of Law has recognized his contribution to public service by awarding him with the college's Special Achievement Award.

For over 20 years, he has been the conscience of the West Virginia bar. Not only has he donated countless hours of his time to creating and enforcing the high standards to which at-

orneys are held, he has also led by example. If all lawyers gave back as much to their communities as John Kizer, there would be no lawyer jokes.

Mr. Kizer has practiced corporate law for 55 years in Charleston, WVA. He is former chairman of the State bar Legal Ethics Committee and continues as a leading member. He is a tribute not only to his profession but also to the community of Charleston. He is a former president of the Charleston Kiwanis and of the Charleston Children's Museum. Currently, he served as a director emeritus of the Charleston National Bank and is an elder at his church, First Presbyterian. Perhaps his most notable accomplishment is that he is the grandfather of an outstanding member of my staff, Caroline Ball Stinebower.

West Virginia University College of Law bestows the Special Achievement Award to an alumnus who has made an outstanding contribution of contemporary significance to public service, the legal profession or the development of law or legal institutions. John Kizer is the epitome of these qualifications. He has devoted a lifetime to the unenviable task of holding his colleagues to the highest standards of their profession. As a lawyer myself, I know how difficult it can be to point out shortcomings to a group that has always thought of themselves as the best. John Kizer has done it with intelligence and grace for these many years.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,389th day that Terry Anderson has been held captive in Lebanon.

ENVIRONMENTAL EDUCATION IN FROST VALLEY

Mr. MOYNIHAN. Mr. President, I recently learned from my friend Louis Resnick of Ellenville, NY, that a most impressive solid waste recycling program has been introduced at the century-old Frost Valley YMCA campsite in New York State's Ulster County. This new Resource Management Center is in keeping with the Frost Valley YMCA's tradition of meaningful communal service. Over 28,000 New Yorkers a year benefit from the YMCA's innovative programs under the skilled leadership of D. Halbe Brown. Mr. President, I ask unanimous consent that a description of this worthy project be printed in the RECORD.

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

[The Resource Management Center,
Claryville, NY]

A SOLID WASTE MANAGEMENT PROGRAM OF
THE FROST VALLEY YMCA

Protecting our environment from the relentless accumulation of solid waste—estimated at 6.5 lbs per person per day, or enough to fill the Superdome from floor to ceiling 730 times each year!—is a global concern. But the problem will only be solved as individuals and communities accept the challenge of local waste management.

Raising awareness, demonstrating solutions, and promoting community involvement are fundamental program principles at Frost Valley, a YMCA camping, conference, and environmental education center located deep in the heart of New York's Catskill Preserve. Here, where pristine rivers and streams supply one of the nation's largest metropolitan water systems, Frost Valley is working hard to improve our understanding of complex environmental processes and put that understanding to work for the nation as a whole.

Linked through its summer camp, Wawayanda, to the very origins of the YMCA camping movement, Frost Valley brings more than a century of experience to the task of helping people grow in Spirit, Mind, and Body. Today, this unique, 4500-acre wilderness YMCA serves more than 28,000 people each year, including 12,000 students and teachers—many from inner-city schools—who visit the facility to learn about environmental issues and practice the science and communication skills they will need to guide environmental decision-making in the 21st century.

A recognized leader in the worldwide environmental education movement, Frost Valley is currently involved in several major partnerships that are bringing environmental solutions within reach of the next generation. Since 1983, Frost Valley has worked closely with the United States Geological Survey in the development and staffing of National Acid Deposition Program monitoring sites throughout the Biscuit Creek Watershed. Frost Valley is also a member of the YMCA of the USA Task Force on the Environment now coordinating our national YMCA platform for the upcoming United Nations' Earth Summit (June '92).

Frost Valley has also teamed with several major universities and private foundations to develop New York State's first large-scale, static aerated pile composting and greenhouse complex. By updating a time-tested technology, this state-of-the-art Resource Management Center is modelling techniques that may soon revolutionize municipal solid waste management throughout the country.

Based in two fully-enclosed buildings, Frost Valley's static aerated pile composting system converts as much as 15 tons of kitchen garbage at a time into rich, humus-like soil conditioners. The process begins at mealtimes in the central dining facility where food residues are carefully separated from paper and other recyclables, then transported in unlined plastic cans to the RMC. There the fruit rinds, leftover pancakes, and vegetable peelings are mechanically shredded and mixed with wood chips, a by-product of forest management projects on the property, then moved by conveyor to one of several open bins.

The resulting piles are aerated internally with blower units that keep the material at optimum temperatures for aerobic decomposition. In about 12 weeks, the piles are filtered, the larger components returning for

another trip through the compost cycle while the finer "pre-compost" is cured separately for another 4-6 weeks.

In the greenhouse, finished compost product is used to grow organic vegetables. A built-in classroom also helps draw the cycle to a close through hands-on educational experiences that turn scientific principles into understanding and commitment. Frost Valley recently published a solid waste teaching curriculum with support from the Geraldine R. Dodge Foundation and the Educational Foundation of America. Fully illustrated, *Revise, Recycle, & Recover: Realizing Our Resources* provides important resources for continuing the educational process in classrooms back home.

Estimates suggest that dedicated programs of composting and recycling can reduce the solid waste stream by as much as 75% while producing high-grade, marketable by-products, such as chemical-free fertilizer. University-level research under development at Frost Valley may someday provide even more data to guide policy-makers in their search for viable, self-sustaining solutions to the solid waste problem.

Global citizenship is demonstrated by people who accept responsibility for their own actions, for the wellbeing of others, and for the planet as a whole, all key points in an earlier Frost Valley publication, *Building Wellness Lifestyles*, regarded by many as a landmark text when it appeared in 1980. Frost Valley is pulling these principles into practice through innovative programs that reach out to people of all ages and abilities, races and religions, backgrounds and income. As one of the largest environmental education centers in the county; as the first YMCA camp to provide on-site dialysis treatment for young renal patients; as a major provider of values-based programming for youth, families and senior adults; and as a partner with institutions and individuals committed to responsible environmental management, Frost Valley is a leader in an expanding network of global citizens who are giving great ideas a chance to grow.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

THE RETIREMENT OF ROY
MCGHEE, SUPERINTENDENT OF
THE SENATE PERIODICAL PRESS
GALLERY

Mr. DOLE. Mr. President, I would like to associate myself with the remarks made by my colleague, the distinguished majority leader, to pay tribute to an outstanding employee of the Senate, Roy McGhee, for 18 years, Roy McGhee has burned the midnight oil as the Superintendent of the Senate Periodical Press Gallery. That is more than a political lifetime for many—over

those 18 years, Roy has seen 218 Senators come and go.

I do not know how many of my colleagues have been to Roy's shop, but he would be the first to tell you it is cozy, especially compared to the sizable gallery enjoyed by the daily press. And while periodicals, by definition, are often published only once a week or once a month, Roy's gallery is open every day. So make no mistake, there is nothing periodic about running the Periodical Press Gallery.

For more than three decades, Roy has been a fixture on the Senate scene, first in a distinguished career as a reporter for UPI, and since 1973 as the Superintendent of the gallery serving 1,600 credentialed reporters writing for publications ranging from industry newsletters to the major weekly news magazines.

Before coming to Washington, Roy worked on his hometown paper in Jefferson City, MO, before moving on to UPI's Kansas City bureau.

And on the way to becoming UPI's bureau chief in Denver, he covered State legislatures in Missouri and Kansas—and it was in Topeka, as a young State representative, that I first crossed paths with Roy McGhee. I am pleased our friendship has continued for so long here in the Senate.

Mr. President, today Roy McGhee retires from his service to the Senate. We will miss the cheerful demeanor of this good man from Missouri, and I know all my colleagues join me in wishing Roy all the best.

THE PRESIDENT'S PROPOSAL

Mr. DOLE. Mr. President, on another matter, I would just like to comment very briefly on the speech by President Bush to the American people on Friday evening. It was a bold and sweeping initiative that I hope will lead the United States and the Soviet Union, and for that matter any other country producing nuclear weapons, into a new era.

There has been a great deal of discussion about the new world order—what it will look like, what it means. For the Democrats, the new world order has meant a new excuse for slashing defense dollars and/or shifting them to domestic programs.

Well, the President—through his proposals—has put real meaning—not empty political gestures—into the phrase "new world order."

I commend the President for his leadership. He is launching a new course—a course that will move us beyond the cold war.

The President's comprehensive arms control and defense initiatives have the potential to lead us to a future of greater security and greater stability at substantially lower levels of nuclear weapons, and with defenses against ballistic missiles.

First, I would note the President's decision to accelerate the pace of ICBM

reductions under the START treaty. I think this is an excellent idea.

But, more importantly, the President announced that the United States is prepared to go beyond START. He proposed that we negotiate with the Soviet Union the elimination of all ICBM's with multiple warheads—the most destabilizing nuclear weapons—and move to a regime of only single-warhead missiles.

Another initiative that has the potential of significantly contributing to our security is the President's proposal to negotiate with the Soviets an agreement that would clear the way for mutual deployment of ballistic missile defenses against limited strikes. Both the United States and the Soviet Union are threatened by the proliferation of ballistic missile and nuclear weapons technology. And both our nations have a mutual interest in being able to defend against an accidental or unauthorized launch of a nuclear weapon.

The President also announced several unilateral steps—measures that I believe underline his commitment to leading the United States and the world into an era of peace and security. The President has authorized the withdrawal and destruction of all nuclear artillery shells and nuclear warheads for short-range systems. In addition, the United States will be withdrawing all tactical nuclear weapons from our surface Navy and attack submarines. Moreover, the United States will be taking certain ICBM's—that are scheduled to be reduced under the START Treaty—of alert status.

Mr. President, many of these initiatives will need to be negotiated with the Soviet Union. But, I am confident that with the new leadership in the Soviet Union, the prospects for such negotiations are very good. And I trust that the new Soviet leadership will be able to meet this challenge.

But, another challenge remains and that challenge lies before the Congress. The Congress needs to get on board the President's program. Some of my colleagues have argued that the President is not responding to the developments in the Soviet Union. They have used this argument as a cover for gutting the defense budget.

Mr. President, this proposal is proof that these critics were absolutely wrong. We are already going to cut our defense budget \$170 billion over the next 5 years and the President has recognized the new realities in the Soviet Union. He has identified the new threats to our security. He has assessed the situation. And, he has come forward with a historic initiative which will have momentous, and I believe, beneficial consequences for the security of the country and a lot of other countries into the next century.

No doubt many of my colleagues on the other side will run to the floor and say that the President should go fur-

ther—that he should cancel the B-2 and SDI and other programs critical to our national defense. The dangers of this approach are discussed in an editorial in today's Wall Street Journal entitled, "Who Needs Arms Control?" While I do not agree with all of the points made in the piece, I agree with its analysis that the B-2 and SDI are ideally suited to meet the threats of the future. The President has made that judgment, as well.

I ask unanimous consent that this editorial be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. DOLE. The bottom line is this, despite the dramatic developments in the Soviet Union, America still needs a strong defense to protect our national interests. The recent war in the Gulf demonstrated that we still need the best troops and the best technology to defend these interests. As the President said:

We must implement a coherent plan for a significantly smaller but fully capable military, one that enhances stability but is still sufficient to convince any potential adversary that the cost of aggression would exceed any possible gain.

Mr. President, I challenge my colleagues to support the President. Now is the time to abandon defense-bashing rhetoric and defense-gutting tactics and to follow the President's thoughtful lead to a more secure future.

EXHIBIT 1

WHO NEEDS ARMS CONTROL?

It is fitting that President Bush's first initiative after the fall of Soviet communism is a reduction of the nuclear arsenal. The lesson, which should not be lost on a watching world, is not that arms control worked but that containment worked. A hostile power kept in check eventually forswore its expansionist ambitions, and the West could take a step forward to a world built on Western principles of liberal democracy.

Indeed, Mr. Bush's unilateral decision to wind down the American inventory of tactical nuclear weapons makes stunningly clear that arms-control agreements are an irrelevant distraction. The United States hasn't needed arms-control agreements with Britain, France or Germany. It most likely will not need them with the new nations of Eastern Europe or the Soviet republics. And no agreement is likely to control pirate nations such as Saddam Hussein's Iraq, which even now flouts its agreements with the U.N. The key, forgotten in the last hours of the Gulf War, is political change.

The war with Iraq provided another lesson keenly relevant to Mr. Bush's announcement. In a world in which it is possible to defeat a hostile power by delivering computer-guided, conventional munitions to precise targets, nuclear weapons lose their importance. The nukes would have indiscriminately obliterated whole populations; smart weapons minimize civilian damage. This was clear in theory years ago, when the U.S. "smart" weapons systems were under development. Yet arms-control enthusiasts opposed the precision weapons that now make their goals feasible.

Their fear was that precise weapons could be used without blowing up the world. They had tied themselves to "mutual assured destruction," hoping to avoid war by ensuring that if it came millions of civilians would die. Indeed, it stretches the point only slightly to suggest that the political purpose of the tactical weapons Mr. Bush is now removing was to ensure that any European War would turn into a Soviet-American nuclear exchange.

Yet the Democratic party's most liberal wing and its supporters in the Washington arms-control community are asserting that Mr. Bush is merely embracing positions they advocated years ago. In fact, the positions made no sense then, before containment had succeeded. They are feasible now because of the political changes in the Soviet Union brought about by policies arms control advocates opposed, the Reagan defense build-up in particular.

This point will be especially pertinent to the new debate over defense policy. In dropping tactical nuclear weapons, President Bush stressed the necessity to go ahead with the strategic defense initiative and the B-2 Stealth bomber. These systems are ideally tailored to the kind of military threat we are likely to face after the Cold War, exemplified by Saddam's drive for nuclear terror. SDI provides the ability to both defend our populations against the most likely modes of future attack, while the B-2 provides a survivable offensive capability that stays home and operates under human control (you can call back a plane).

Yet it's clear that both SDI and the B-2 will be swept up in the wave of mindless defense cutting now being bruited about by the Democratic left. If the public believes that Mr. Bush is doing the right thing in cutting back the nuclear arsenal, it's going to have to provide support for his plans to defend the future. A world without tactical nukes, but defended by SDI and the B-2 is worth a great deal of political capital. Without SDI, U.S. response to a new threat sometime in the next generation would almost necessarily be overdue and hasty, at enormous danger, cost and waste.

We are not out of the woods yet. For example, the nuclear initiative itself adds a new and complicated dimension to the fault lines in the internal politics of the Soviet Union. Mr. Gorbachev competes for authority with Mr. Yeltsin and the leaders of the republics, notably Ukraine and Khazakistan, compete with both of them. The republics worry that Russian control of nuclear weapons now on their soil will be used as political leverage against them. If the republics come to see Mr. Bush's initiative as another U.S. attempt to tilt control back to the center and Mr. Gorbachev, they will resist, further destabilizing the country's domestic politics.

Without question, 1991 is emerging as a seminal year in history. Much of the world has passed from totalitarianism to democracy, and now embarks on the path away from the total war of offensive nuclear weapons and toward defensive systems. The future can be brighter still, so long as we remember why we have succeeded thus far.

RECESS

Mr. DOLE. Mr. President, at the request of the distinguished majority leader I move the Senate stand in recess until the hour of 4:15 p.m.

The motion was agreed to, and at 3:06 p.m. the Senate recessed until 4:16:45

p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 5 p.m.

The Senate stands in recess.

There being no objection, at 4:16:55 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. PELL].

The PRESIDING OFFICER. In my capacity as a Senator from Rhode Island, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination reported today by the Committee on Armed Services: Gen. Colin L. Powell, to be Chairman of the Joint Chiefs of Staff.

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. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

The following-named officer, under the provisions of title 10, United States Code, section 152, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general while serving in that position:

To be Chairman of the Joint Chiefs of Staff

To be general

Gen. Colin L. Powell, 113-28-4024, U.S. Army.

Mr. NUNN. Mr. President, the Committee on Armed Services has favorably reported the nomination of Gen. Colin L. Powell, U.S. Army, for a second 2-year term as the Chairman of the Joint Chiefs of Staff.

The committee received testimony from General Powell on Friday, September 27, and once again this afternoon. This afternoon's hearing involved both a closed and an open ses-

sion. One of the items the committee reviewed in the closed session was the book "The Commanders." The committee also questioned General Powell about the implications of the President's arms control speech last Friday.

In recommending approval of General Powell's nomination, which I will shortly move that the Senate approve, I want the Senate to know that General Powell answered all the questions that Senator WARNER and I and other committee members asked of him. I also want to note that Senator WARNER and I and several members of our committee have recommended to Secretary Cheney and to General Powell that an investigation be conducted into leaks of classified information that might have been divulged in "The Commanders."

I also want to note that General Powell has answered a number of other important defense policy questions that were posed by committee members.

General Powell's first term as Chairman of the Joint Chiefs has seen our Armed Forces involved in conflicts in Panama—Operation Just Cause, and the Persian Gulf—Operations Desert Shield and Desert Storm. Our Armed Forces have also been involved in humanitarian and rescue operations in Liberia and Somalia, in Operation Provide Comfort to assist the Kurds, and in humanitarian operations to assist the victims of flooding in Bangladesh. General Powell has been instrumental in the planning and execution of all of these operations. His professionalism and leadership were essential ingredients of these military successes.

General Powell has also been instrumental in designing a new military strategy to adjust to the changed world at a time of declining defense resources. He has brought tremendous talent, insight, and experience to the challenges of the last 2 years. I am confident that he will be up to the unexpected challenges of the next 2 years as well.

General Powell's tour as Chairman of the Joint Chiefs expires as of midnight tonight and I want to thank the Senate leadership for keeping the Senate in session so that we can act on this nomination this evening.

Mr. WARNER. Mr. President, I rise to support the reconfirmation of Gen. Colin Powell to continue to serve the President and the Nation as the Chairman of the Joint Chiefs of Staff for another 2-year term.

General Powell is an extraordinary soldier and commander who has risen to the position of Chairman of the Joint Chiefs of Staff where he has served for the past 2 years as the principal military adviser to the President, the Secretary of Defense, and the National Security Council.

General Powell was born in New York City on April 5, 1937, and was raised in the south Bronx section of

New York City. He graduated from the City College of New York in 1958, and was commissioned a second lieutenant in the Regular Army through the Reserve Officers' Training Corps Program.

He has had an illustrious military career. An infantry officer with two combat tours of duty in Vietnam, he commanded units from company level all the way to the U.S. Forces Command.

General Powell is truly the kind of example we have long sought for the youth of our country to emulate. He is a decorated combat soldier with five combat medals, including the Purple Heart. In addition, because of his calm but decisive manner, he has greatly increased the confidence of the American people in our Armed Forces.

General Powell has said of himself, "I just try to do my job and that's all I ever tried to do, from the day I was commissioned until the day I became Chairman of the Joint Chiefs of Staff."

General Powell has been tested under fire in his capacity as Chairman of the Joint Chiefs—perhaps more so than any other Chairman in recent history. The conduct of our military operations in both Panama and the Persian Gulf attest to General Powell's leadership, military skills, and devotion to duty.

I have enormous respect for General Powell and great confidence in his abilities. I can think of no other military leader I would prefer to have serving as Chairman of the Joint Chiefs at this critical juncture in our Nation's history.

Before closing, the RECORD should reflect that the committee, in both open and closed session, received General Powell's responses to a number of questions relating to the book entitled "The Commanders." A number of committee members, on both sides of the aisle, expressed concerns over representations contained in that book.

I urge my colleagues to support the confirmation of General Powell to be Chairman of the Joint Chiefs of Staff for another 2-year term.

Mr. DOLE. Mr. President, I rise in support of the President's renomination of Gen. Colin Powell to continue to serve as Chairman of the Joint Chiefs of Staff. In his tenure as the highest ranking military adviser to the President, and as the Chairman of the august body of our military service chiefs, General Powell has distinguished himself as one of the premier military thinkers and strategists of modern times.

General Powell's military record speaks for itself. His achievements are legion. America is stronger and more secure today because of his vision, leadership, and professionalism.

Indeed, these are uncertain times. In my view, there is no man better qualified than General Powell to serve as Chairman of the Joint Chiefs—now, or in the future. America already owes

this soldier and patriot a great debt. Yet, we require his continued service and leadership to guide our military and ensure our security in the uncertain and dangerous times that lie ahead.

I urge my colleagues to join me in supporting this nomination. Gen. Colin Powell is exactly the right man at the right time.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

REPORT ON THE DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM-81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one deferral of budget authority for FY 1991, totaling \$86,959,992, and seven deferrals of budget authority for FY 1992, totaling \$1,817,019,817.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, State, and Transportation. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, September 30, 1991.

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1426. An act to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes;

H.R. 2900. An act to improve supervision and regulation with respect to the financial safety and soundness of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes; and

H.R. 2935. An act to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the "Patrick J. Patton United States Post Office Building."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1426. An act to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 2900. An act to improve supervision and regulation with respect to the financial safety and soundness of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, September 30, 1991, he had signed the following enrolled bill:

S. 296. An act 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.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 30, 1991, he had presented to the President of the United States the following enrolled bill:

S. 296. An act 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1963. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report that the program acquisition unit cost of a major defense acquisition program has increased by more than 15 percent and subsequently breaches the 25 percent reporting threshold; to the Committee on Armed Services.

EC-1964. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the multiyear contract for the Family of Medium Tactical Vehicles program; to the Committee on Armed Services.

EC-1965. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to authorize the Secretary of Defense to institute a voluntary separation incentive for members of the armed

forces to ensure an orderly, effective, and fair reduction in the size of the armed forces, and for other purposes; to the Committee on Armed Services.

EC-1966. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report covering certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-211. A resolution adopted by the Municipal Council of Jersey City, New Jersey favoring retention in New Jersey of the 50th Armored Division of the Army National Guard; to the Committee on Armed Services.

POM-212. A resolution adopted by the Independent Fundamental Churches of America commending United States leaders for courageous actions during the Persian Gulf War; to the Committee on Armed Services.

POM-213. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Commerce, Science, and Transportation.

'1991 ASSEMBLY JOINT RESOLUTION 49

"Whereas, the American ship-building industry has a long record of success in the U.S. maritime service; and

"Whereas, foreign flagships now carry most of the international trade from the United States to other jurisdictions for want of American ships flying the U.S. flag; and

"Whereas, the U.S. ship-building industry has become victimized by the low or substandard wage and safety policies of foreign corporations involved in ship building; and

"Whereas, U.S. ship-building firms have had to minimize or shut down operations because they cannot get contracts to build vessels from the U.S. government or foreign export-import maritime corporations; and

"Whereas, the U.S. military commands to date have had to rely on foreign flagships to meet their needs around the world; and

"Whereas, the past shortcomings of non-U.S. flagships are well documented by the U.S. defense department and by each of the military commands; now, therefore, be it

Resolved by the assembly, the senate concurring, That the Wisconsin legislature objects to the federal government's failure to use American ship-building firms to the fullest to supply modern vessels and urges congress to provide legislative relief to change current practices in the U.S. ship-building industry and thus protect that vital U.S. industry; and, be it further

Resolved, That the chief clerk of the assembly shall transmit copies of this joint resolution to the president of the U.S. senate, to the speaker of the U.S. house of representatives and to each member of the congressional delegation from this state."

POM-214. A resolution adopted by the House of Representatives of the State of Texas; to the Committee on Commerce, Science, and Transportation:

"H.R. No. 4

"Whereas, the Congress of the United States is considering legislation to set a national goal that by the year 2015 the United States establish an advanced communications system available to all homes, businesses, educational institutions, health care organizations, and other users; and

"Whereas, the United States economy is becoming increasingly dependent on the provision of services that require efficient distribution and dissemination of information; and

"Whereas, the more rapid deployment of an advanced communications infrastructure to every business, educational and health care institution, and home in America will fundamentally improve the United States' international competitiveness in the information age; and

"Whereas, the implementation of an advanced network will stimulate the development of American technology for domestic use and for export abroad, and will help ensure that the United States is not forced to import advanced communications systems and export the jobs to develop and manufacture the related technology; and

"Whereas, such an infrastructure will improve the ability of American businesses to compete in the global marketplace, allow employees to work at home, thereby reducing congestion in urban areas, and will bring educational opportunities to children and adults in all areas of the country through two-way interactive video education and training; and

"Whereas, this infrastructure will help contain health care costs through home-based health care delivery systems, improve access to affordable health care delivery systems, improve access to affordable health care through the transmission of medical imaging and diagnostics, and better enable the elderly to live at home through daily monitoring; and

"Whereas, this infrastructure will allow consumers to improve the quality of their lives through interactive services that permit remote ordering of city and county services and video shopping at home; and

"Whereas, the legislation encourages competition in both the telephone and cable television industries, with appropriate and strong safeguards to prohibit cross-subsidization and to assure equal and fairly priced access to a broadband communications network; now, therefore, be it,

Resolved, That the House of Representatives of the 72nd Texas Legislature, 2nd Called Session, hereby memorialize the Congress of the United States to pass the "Communications Competitiveness and Infrastructure Modernization Act of 1991" (H.R. 2546/S. 1200) to move America forward into the Information Age of the 21st Century; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress, with the request that this resolution be officially entered in the *Congressional Record* as a memorial to the Congress of the United States of America."

POM-215. A joint resolution adopted by the Legislature of the State of Oregon; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL 17

"Whereas the Legislative Assembly of the State of Oregon finds that the forest resources of the state are important to the economic, social, cultural and human needs of the nation and to Oregonians; and

"Whereas the forest products industry accounts for a significant percentage of the economic production of Oregon; and

"Whereas the Federal Government holds 52 percent of Oregon's productive, renewable forestland; and

"Whereas the Federal Government has recognized over the last 100 years the importance of productively managing forest resources to provide stability to natural resource dependent communities; and

"Whereas productive multiple-use management of federal lands is vital to natural resource dependent communities and includes forest management, all recreational activities, agricultural applications, and the stewardship of public resources; and

"Whereas the federal Endangered Species Act and other environmental laws are resulting in economic instability and hardship for natural resource dependent communities; and

"Whereas restriction of available timber supply will increase the price of wood and paper products; and

"Whereas the natural resource dependent communities of Oregon need explicit legislation recognizing their right to a stable and predictable natural resource base: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

"(1) We urge the Congress of the United States to resolve federal forest management issues in the Northwest by enacting legislation that provides for continued management of federal forests for timber productivity while meeting the objectives of insuring the ecological health and viability of federal lands.

"(2) We urge the members of the Oregon Congressional Delegation to continue their unified effort to provide for a viable legislative solution to federal forest management issues through a set of agreed upon goals, bearing in mind that:

"(a) The relationship between management of national forests and the stability of those communities that have supported the economic objectives of management policies of the Federal Government is critical to all Oregonians and must be addressed as a goal in any serious effort to legislatively resolve forest management issues.

"(b) The objective of the Community Stability Act of 1991 to provide economic certainty to natural resource dependent communities in the Northwest is a fair and equitable expectation of families whose futures rest on stable and predictable federal management policies over time.

"(3) We urge the Congress and the Northwest Congressional delegations to facilitate efforts to bring together representatives of natural resource dependent industries, labor, environmental organizations and state government to negotiate a quick and certain resolution to forest management issues at the national level.

"(4) We urge the Congress and the Northwest Congressional delegations to develop a comprehensive policy for management of federal forestlands in the Northwest, for timber workers displaced by rapidly changing federal forest management policies and for stability of rural timber-dependent communities throughout the Northwest. Such a policy should include a recognition of the following elements:

"(a) The need of Northwest states for a predictable and stable supply of timber from federal forestlands managed under a sustained yield policy;

"(b) The need for a spotted owl recovery plan that provides for the recovery of the species and relies upon federal public lands so that Oregon's private forestlands are not

adversely affected by unclear provisions of the federal Endangered Species Act;

"(c) The need for a federal policy that recognizes a federal responsibility for natural resource dependent workers displaced from their jobs by changes in federal land management policies that have resulted in reduction of income-producing opportunities;

"(d) The need for a federal policy that provides stability for natural resource dependent communities and counties that are facing dramatic social dislocation as they attempt to manage the severe economic consequences of an unprecedented shift in federal lands policy;

"(e) The responsibility of the Federal Government to make investments in federal forest management that will insure the productivity of federal forestlands as a future supply of timber while providing immediate family wage job opportunities for displaced timber workers;

"(f) The responsibility of the Federal Government to provide assistance to private forestland owners through existing state timber management assistance programs to compensate for timber supply reductions on federal lands by increasing the productivity of private forestlands;

"(g) The responsibility of the Federal Government to monitor implementation of federal forest management plans to insure that all objectives of new federal forest management policy are being achieved;

"(h) The responsibility of the Congress to promote the processing of timber domestically; and

"(i) The responsibility of the Congress to form a partnership with the State of Oregon and private industry to provide capital investments for both primary and secondary wood products manufacturing to strengthen Oregon's timber economy.

"(5) We urge the Congress of the United States to take the opportunity to establish a national precedent for balancing the management of our environment and the needs of people by establishing a comprehensive policy that addresses all aspects of the problems associated with sweeping changes in forest management in the Northwest.

"(6) We urge the Interior and Insular Affairs Subcommittee on National Parks and Public Lands of the United States Congress to hold hearings personally on HR 1590, the Ancient Forest Reserves Act, in the Northwest region of the United States.

"(7) A copy of this memorial shall be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, the Secretary of Agriculture and to each member of the Oregon Congressional Delegation."

POM-216. A resolution adopted by the Texas and Southwestern Cattle Raisers Association favoring amendment and revision of the Endangered Species Act of 1973 and the Federal Water Pollution Control Act of 1972; to the Committee on Environment and Public Works.

POM-217. A resolution adopted by the New Jersey State Federation of Women's Clubs, Junior Membership relative to truck size and weight limits; to the Committee on Environment and Public Works.

POM-218. A resolution adopted by the Ocean County, New Jersey Board of Chosen Freeholders urging the Fish and Wildlife Service to add certain undeveloped tracts along the Ocean County Barnegat Bay Shore as an expansion of the Edwin B. Forsythe

National Wildlife Refuge; to the Committee on Environment and Public Works.

POM-219. A resolution adopted by the Louisiana School Employees' Retirement System relative to amendments to the Internal Revenue Code relative to tax treatment of retirement benefits; to the Committee on Finance.

POM-220. A resolution adopted by the Assembly of the State of New Jersey; to the Committee on Finance.

"RESOLUTION

"Whereas, the Congress of the United States, as part of the Omnibus Budget Reconciliation Act of 1990, imposed on the first retail sale of a boat to be used for recreation a luxury excise tax equal to 10 percent of the sale price to the extent, that the sale price exceeds \$100,000; and

"Whereas, this luxury tax is proving counterproductive in that it has discouraged the purchase of higher priced boats and, therefore, is failing to generate the revenues that were anticipated when the tax provision was enacted; and

"Whereas, the State of New Jersey, with 460 miles of water boundaries, has had a thriving recreational boating industry which is a significant component of New Jersey's attraction to tourists both from within and without the State; and

"Whereas, a survey of the State's boating industry, comprising companies that manufacture, sell and service boats, indicates that the imposition of the luxury tax has cost these New Jersey businesses \$235,000,000 in reduced income and eliminated 3,415 jobs in the State's boating industry; and

"Whereas, these economic losses are compounded by the ripple effect on other businesses including equipment manufacturers, lenders, insurance companies, and have exacerbated the State's difficult fiscal situation by eroding sales tax corporation tax and gross income tax revenues; and

"Whereas, it is altogether fitting and proper for the General Assembly to join the voices of opposition to the luxury excise tax on boats raised by organizations such as the Coalition To Save Jobs in Boating: Now, therefore,

Be it Resolved by the General Assembly of the State of New Jersey:

"1. The General Assembly of the State of New Jersey, on behalf of the citizens of this State and for the purposes cited in the preamble hereto, respectively memorializes the Congress of the United States to approve the enactment of H.R. 951, the "Boating Industry Jobs Preservation Act of 1991," or legislation of substantially identical effect, repealing the present luxury excise tax on boats that is contrary to the best interests of an important section of the economy of this State.

"2. Duly authenticated copies of this concurrent resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate and the Speaker of the United States House of Representatives, to the chairman and members of the appropriate congressional standing committees, and to each member of Congress elected from this State."

POM-221. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance:

"SENATE RESOLUTION No. 191

"Whereas, the unemployment insurance program was established under both federal and state law to provide for income maintenance during periods of involuntary unemployment; and

"Whereas, employers throughout the United States have been required to pay federal unemployment taxes, earmarked solely for purposes of financing both federal and state agencies that administer the national employment security system; and

"Whereas, sufficient administrative funds have not been released when needed to support the increasing costs of processing higher unemployment claims, but instead, multibillion dollar annual surpluses in the unemployment insurance administrative account serve to offset the overall federal deficit; and

"Whereas, administrative financing of the Unemployment Insurance program must be timely and adequate to fund UI administrative services and anticipated workload increases; and

"Whereas, administrative funding shortfalls have disrupted the ability of many local branch offices to process claims in a timely fashion; and

"Whereas, these shortfalls have resulted in a decline of services to claimants and employers alike; and

"Whereas, mid-year supplemental appropriations have been frequently required to maintain staffing levels and to keep local branch offices operational; and

"Whereas, these supplemental appropriations provide much-needed relief, but they often come too late in the process to avoid many needless delays, long lines, and staff shortages; and

"Whereas, the Budget Enforcement Act of 1991 will only exacerbate the problem, since UI costs are driven directly by changes in unemployment, but the Act has no mechanism to adjust the domestic discretionary spending cap to reflect increasing UI workload during an economic downturn; and

"Whereas, the creation of a contingency reserve fund in the fiscal year 1992 appropriation, which would be tapped only in the event of an unanticipated downturn in the economy resulting in an increased number of workers collecting unemployment benefits beyond those anticipated in the President's budget submission, should not be funded at the expense of other domestic discretionary programs; and

"Whereas, reserves accumulate in the Employment Security Administrative Accounts, which are projected by the Department of Labor to have a remaining balance of nearly \$3 billion after outlays at the end of fiscal year 1992; and

"Whereas, as these reserves accumulate, many local branch offices still needlessly suffer under heavy workloads, continuing to threaten the payment of benefits to claimants and the delivery of services to employers; and

"Whereas, this proposed national contingency UI reserve fund was based on the establishment in 1989 of a Michigan UI Budget Stabilization fund, which helped Michigan employers and laid-off workers withstand the Federal UI administrative funding problems in 1990; and

"Whereas, the concept of this fund was the result of a bipartisan effort of government officials and business and labor interests; and

"Whereas, the entire Michigan Congressional delegation, both of Michigan's U.S. Senators, and the Governor of the State of Michigan have expressed their support for a contingency reserve fund, through separate letters to the President, federal officials, and leaders of the U.S. House and Senate Appropriations Committees which together played such an important role in securing approval

by the U.S. House of Representatives of a contingency reserve fund for unemployment insurance administration; and

"Whereas, the avenue and forum by which the concept was developed was through the Michigan Ad Hoc Group on Unemployment Insurance Administration convened two years ago by The Economic Alliance for Michigan to develop a consensus approach to serious problems in the operation of the Michigan UI system that work to the detriment of both employers and laid-off workers; and

"Whereas, the Michigan Ad Hoc Group on Unemployment Insurance Administration is composed of key government officials from both parties: the Chair and Minority Vice Chair of the House Labor Committee, the Chair and Minority Vice Chair of the Senate Labor Committee, the Assistant Senate Majority Leader, and the Director of the Michigan Employment Security Commission, representing the State Administration; and

"Whereas, the Michigan Ad Hoc Group on Unemployment Insurance Administration is also composed of a wide range of business and labor groups concerned about the need for improving the operations of the unemployment insurance system, such as the Associated General Contractors-Detroit, Automotive Molding Company, Chrysler Corporation, Employers Unemployment Compensation Council, General Motors Corporation, K-Mart Corporation, Michigan Association of Home Builders, Michigan Building Trades Council, Michigan Manufacturers Association, Michigan Merchants Council, Michigan Retailers Association, Michigan State AFL-CIO, Michigan State Chamber of Commerce, Michigan Teamsters Joint Council No. 43, Michigan UAW Community Action Program, National Federation of Independent Business-Michigan, SEIU Michigan Council, and the Small Business Association of Michigan; and

"Whereas, the Michigan Ad Hoc Group on UI Administration has also been instrumental in providing information and in organizing a delegation to visit Washington and in bringing this issue to the attention of our state and national officials: Now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress and the President of the United States to approve a Contingency Reserve Fund in the fiscal year 1992 Appropriations Bill, which has already been approved by the House Appropriations Committee and is soon to be acted on by the full House of Representatives; and be it further

Resolved, That the Senate pledges its full support to Michigan's U.S. Senators, U.S. Representatives, the Governor, and the Michigan Ad Hoc Group on Unemployment Insurance Administration, to secure enactment by the Congress and the President, on a bipartisan basis, of a contingency reserve for administering unemployment insurance benefits and taxes to assure timely and adequate response to unexpected changes in employment for the benefit of both claimant workers and taxpaying employers; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States; the United States Secretary of Labor; the Director of the United States Office of Management and Budget; the chairs and ranking minority members of the United States House and Senate Appropriations and Budget Committees, House Ways and Means Committee, and the Senate Finance Committee; each of the members of the Michigan Congressional delegation; and

to each member of the Michigan Ad Hoc Group on Unemployment Insurance Administration."

POM-222. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 5

"Whereas, brave young men and women from throughout the state of Indiana and the United States have served with the forces of Operation Desert Shield and Operation Desert Storm; and

"Whereas, these service members were required to leave their regular jobs in order to serve their country in Operation Desert Shield and Operation Desert Storm; and

"Whereas, upon completion of their active military service, some of these service members have returned in good faith to their previously held jobs and have subsequently been laid off due to circumstances beyond their control; and

"Whereas, federal law denies unemployment benefits to ex-service members who were on active duty for less than a continuous period of 180 days and restricts the period of time for which unemployment benefits may be paid; and

"Whereas, limiting of unemployment benefits of ex-service members unfairly discriminates against these men and women who have temporarily given up their jobs in order to serve their country for the benefit of all citizens; and

"Whereas, the nation should be indebted to these individuals who, in the call of duty, willingly gave so much for their country, and should treat them as all other individuals are treated for purposes of unemployment benefits: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"Section 1. That we urge Congress to amend the federal laws that restrict unemployment benefits that may be paid to ex-service members so that these individuals may receive benefits equal to those to which all other unemployed persons are entitled. Specifically, we urge the amendment of Public Law 97-362, Title II, Section 201, to remove the requirement of 180 days of continuous active military service.

"Section 2. That we urge Congress to amend the federal law restricting to 13 weeks the period of time that unemployment benefits may be received by ex-service members to allow these individuals to receive benefits for 26 weeks, as allowed for all other unemployed persons. Further, we urge amendment of the federal law prohibiting ex-service members from receiving extended unemployment benefits during prolonged periods of unemployment.

"Section 3. That the Clerk of the House is requested to transmit copies of this Resolution to the majority and minority leadership of both houses of Congress of the United States and to each member of the Indiana Congressional Delegation."

POM-223. A petition from citizens of Concord, New Hampshire favoring measures to protect the Social Security Trust Fund; to the Committee on Governmental Affairs.

POM-224. A resolution adopted by the Board of Supervisors of Hanover County, Virginia concerning the POW/MIA legislation under consideration by the Congress; to the Committee on Governmental Affairs.

POM-225. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Governmental Affairs.

"RESOLUTION

"Whereas, seventeen years after the Vietnam War, there currently remain more than 2,272 Americans still missing or otherwise unaccounted for in Indochina; and

"Whereas, the families of servicemen and civilians missing in Indochina still suffer untold grief and uncertainty due to the lack of an adequate accounting; and

"Whereas, the President has declared the issue of America's missing or otherwise unaccounted for in Indochina a matter of high national priority and has had high level dialogue with the governments of the Lao Peoples' Democratic Republic and the Socialist Republic of Vietnam on this issue; and

"Whereas, in February 1984, the Socialist Republic of Vietnam promised to accelerate the resolution of this humanitarian issue and, in February 1985, indicated it was interested in normal relations with the United States; and

"Whereas, despite these assurances, there is a growing body of evidence that Americans continue to be held captive in Indochina; and

"Whereas, 114 Pennsylvanians who served in Vietnam are still unaccounted for; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania support the President's pledge of high national priority to resolve the status of more than 2,272 Americans still missing and unaccounted for in Indochina; and be it further

Resolved, That the strongest signal that can be sent to the governments of Vietnam and Laos is the united voice of the American people, demanding that the United States Government and Congress take more decisive and aggressive action to secure the freedom of our POW's and MIA's; and be it further

Resolved, That the Senate urge the President and the Congress of the United States to ensure that this issue remains one of highest national priority and to accelerate efforts in every possible way to obtain the immediate release of Americans who are still being held captive in Indochina; and be it further

Resolved, That the Senate memorialize the Congress of the United States to investigate the live sightings of POW's and MIA's in Southeast Asia and to investigate the current policy of the United States regarding the sightings of POW's and MIA's; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable George Bush, President of the United States, to the presiding officers of each house of Congress, and to each member of Congress from Pennsylvania."

POM-226. A joint resolution adopted by the Legislature of the State of Oregon; to the Select Committee on POW/MIA Affairs:

"HOUSE JOINT MEMORIAL 28

"Whereas there are more than 88,000 American service personnel missing in action from World War II, Korea and Vietnam; and

"Whereas recent information has been released regarding American service personnel held against their will after World War II, the Korean War and the Vietnam Conflict; and

"Whereas the United States Senate Foreign Relations Committee released an "Interim Report on the Southeast Asian POW/MIA Issue" in October 1990 that concluded that American service personnel were held in Southeast Asia after the end of the Vietnam Conflict and that information available to

the United States government does not rule out the probability that American service personnel are still being held in Southeast Asia; and

"Whereas on April 12, 1973, the United States Department of Defense publicly stated that there was "no evidence" of live American prisoners of war (POWs) in Southeast Asia; and

"Whereas the public statement was given nine days after Pathet Lao leaders declared on April 3, 1973, that Laotian communist forces did, in fact, have live American POWs in their control; and

"Whereas no POWs held by the Laotian government and military forces were ever released; and

"Whereas there have been more than 11,700 live-sighting reports received by the Department of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number of "unresolved" and "discrepancy" cases; and

"Whereas in October 1990, the United States Senate Foreign Relations Committee released an interim report that concluded that United States military and civilian personnel were held against their will in Southeast Asia, despite earlier public statements by the Department of Defense that there was "no evidence" of live POWs, and that information available to the United States government does not rule out the probability that United States citizens are still held in Southeast Asia; and

"Whereas the Senate interim report states that congressional inquiries into the POW/MIA issue have been hampered by information that was concealed from committee members or was "misinterpreted or manipulated" in government files; and

"Whereas the POW/MIA truth bill would direct the heads of the Federal Government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action from World War II, the Korean War and the Vietnam Conflict; and

"Whereas this bill would censor the sources and methods used to collect the live-sighting reports thus protecting national security; and

"Whereas the families of these missing service personnel need and deserve the opportunity to have access to the information concerning the status of their loved ones after these many years: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is urged to appoint a select committee to assist the United States Senate Foreign Relations Committee in obtaining information in government files.

"(2) The Congress of the United States is urged to begin immediate committee hearings to consider enacting the POW/MIA truth bill.

"(3) The Congress of the United States is requested to continue funding of this investigation that is vital to resolving the POW/MIA issue in Southeast Asia.

"(4) Copies of this memorial shall be sent to the Secretary of State, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives and each member of the Oregon Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, with amendments:

H.R. 794. A bill to establish the Connecticut River National Fish and Wildlife Refuge (Rept. No. 102-165).

EXECUTIVE REPORTS OF COMMITTEES

The following executive committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following named officer, under the provisions of title 10, United States Code, section 152, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general while serving in that position:

TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To Be General

Gen. Colin L. Powell, [redacted] U.S. Army.

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:

Mr. SASSER (for himself and Mr. GORE):

S. 1772. A bill to alter the boundaries of the Stones River National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INOUE:

S. 1773. A bill to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians; considered and passed.

Mr. BRYAN:

S. 1774. A bill to establish a silver congressional commemorative medal for members of the United States Armed Forces who served in a combat zone in connection with the Persian Gulf conflict; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROTH (for himself, Mr. SYMMS, Mr. SIMON, Mr. GLENN and Mr. NUNN):

S. 1775. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

Mr. KENNEDY (for himself, Mr. SIMPSON, Mr. SIMON and Mr. DECONCINI):

S. 1776. A bill to amend the Immigration and Nationality Act with respect to the admission of O and P nonimmigrants; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER (for himself and Mr. GORE):

S. 1722. A bill to alter the boundaries of the Stones River National Battlefield, and for purposes; to the Committee on Energy and Natural Resources.

BOUNDARY ALTERATION AT STONES RIVER NATIONAL BATTLEFIELD

• Mr. SASSER. Mr. President, I rise today to introduce legislation that will

protect and preserve for generations to come one of our country's great historic treasures—Stones River battlefield in my home State of Tennessee.

More than 23,000 soldiers were killed or injured in a pivotal Civil War confrontation that took place at Stones River battlefield from December 31, 1862, through January 2, 1863. In describing Stones River battle as pivotal, I am by no means overstating the case. As a result of the hard-won victory at Stones River, Union forces were able to establish an important stronghold in middle Tennessee with access to the tracks of the Nashville and Chattanooga railroad. The establishment of a major Union supply base at this strategic location no doubt influenced the outcome of the Civil War.

Today, Stones River battlefield, near Murfreesboro, TN, is increasingly threatened by encroaching development and rising real estate prices. Unless we act quickly and decisively, an important vestige of our national heritage will be lost forever.

The original battle site, including the headquarters of Union General Rosecrans and Confederate General Bragg, stretched across roughly 3,700 acres. Only a fraction of that historic acreage has been protected. In leaving so much of the original battlefield open to the possibility of commercial development, we have been remiss in fulfilling our obligation to protect an important part of our heritage.

So far this year, more than 175,000 visitors from across the Nation have come to see Stones River battlefield and the adjoining museum. This number is continuing to increase. Clearly, the American people do not want their history paved over and forgotten.

Secretary of the Interior Manuel Lujan, Jr., has given high priority to the Stones River battlefield by listing it among the 25 "critically threatened and significant" American battlefields that he has targeted for immediate attention. In light of this urgency, I am introducing this bill to expand the boundaries of the Stones River National Battlefields and to add 322 acres to the 400-acre park. A version of this legislation has already passed in the House. I encourage my colleagues in the Senate to join in this important effort to preserve Stones River battlefield for future generations. •

• Mr. GORE. Mr. President, I am pleased to have the opportunity today to join my friend and distinguished colleague, the senior Senator from Tennessee [Mr. SASSER], in the introduction of legislation to expand and improve the Stones River National Battlefield in Murfreesboro, TN.

This measure is badly needed to help protect an important Civil War battlefield from the pressures of urban growth and preserve this national resource for future generations. It should be noted that Rutherford County is one

of the fastest-growing counties in the United States. In the last decade, the population increased by more than 40 percent.

Only a few years ago, Stones River National Battlefield was located in a rural setting, but the explosive growth of Murfreesboro and Rutherford County has endangered the character of the park and threatens to alter its nature. On October 5, 1987, then Assistant Interior Secretary William Horn stated in a letter to the Senate Committee on Energy and Natural Resources that "for the visitor and for the resources, the historic scene is being diminished." That diminishment continues, and for that reason I am strongly committed to the legislation being proposed today.

The 1980 general management plan for the park proposed the addition of 284 acres, but by the end of the decade, only 53 acres were being considered for acquisition. The process of purchasing those parcels is well underway with the help of appropriations just approved, and that is a very positive and necessary step.

Mr. President, still more needs to be done, and this legislation will help do it. Under this bill, a version of which already has been passed in the other body, authorization will exist to add approximately 322 additional acres to the 400-acre park. Almost doubling the size of Stones River National Battlefield will protect this historic site from developmental encroachment once and for all.

The Battle of Stones River, or the Battle of Murfreesboro as it was known in the South, took place between December 31, 1862, and January 2, 1863. After Union troops took control of this critical ground, they established a major supply base. The headquarters sites of both the Union General Rosecrans and Confederate General Bragg are located within the boundaries. The park was established in 1927, and there are more than 200,000 visitors annually.

So there is ample reason for every American to be concerned about the future of Stones River National Battlefield. I am pleased to help in the introduction of this bill, and I urge my colleagues to join me in supporting it. •

By Mr. BRYAN:

S. 1774. A bill to establish a silver congressional commemorative medal for members of the U.S. Armed Forces who served in a combat zone in connection with the Persian Gulf conflict; to the Committee on Banking, Housing, and Urban Affairs.

SILVER MEDAL FOR PERSIAN GULF VETERANS

• Mr. BRYAN. Mr. President, I am introducing legislation to establish a silver congressional medal for members of the U.S. Armed Forces who served in a combat zone in the recent Persian Gulf conflict. I believe we need to extend to the courageous men and women of Operation Desert Shield and Desert Storm a lasting token of our gratitude.

Congress bestowed gold medals of honor upon Generals H. Norman Schwarzkopf and Colin Powell. Having thus recognized these two great generals, I hope we can now pay similar respect to the soldiers, airmen, marines, and sailors who served in the campaign.

This legislation authorizes the striking of a bronze replica to defray the costs of bestowing these gold medals. I believe these medals will represent a small symbol of our gratitude.

I would like to commend my friend Congressman LAROCO for initiating this idea. Because of his fine leadership, the House has passed identical legislation (H.R. 1107). I urge my colleagues to cosponsor this bill. •

By Mr. ROTH (for himself, Mr. SYMMS, Mr. SIMON, Mr. GLENN, and Mr. NUNN):

S. 1775. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

DOMESTIC CORPORATION TAXATION EQUALITY ACT

• Mr. ROTH. Mr. President, we are in an era of increased international cooperation among nations. Yet there persists a longstanding disruption in the international tax area, caused by a small minority of States using a method of corporate tax assessment contradictory to the method used by the overwhelming majority of States, the Federal Government, and every single one of our trading partners. The bill I am introducing today for myself and Senators NUNN, SIMON, SYMMS, and GLENN, the Domestic Corporation Taxation Equality Act of 1991, will solve the problems caused by the use of worldwide unitary taxation. Out of all of the taxing jurisdictions in the world, worldwide unitary tax is used generally by only California and North Dakota. Montana applies it to American companies with overseas subsidiaries, but not to overseas corporations with American subsidiaries. Alaska, by recent legislation, applies it only to corporations engaged in the oil or gas industries.

All international treaties to avoid double taxation require the use of the internationally accepted method of corporate tax assessment, the arm's length separate accounting method. Arm's length separate accounting is also required by the Internal Revenue Code. Arm's length separate accounting is the basis of the system that the United States and its trading partners have developed to enable corporate citizens to be taxed equitably among countries and to avoid multiple taxation.

Worldwide unitary taxation, ignoring the realities of a market economy, assumes the three factors upon which its apportionment formula is based—property, payroll, and sales—are equal

worldwide. The mere presence of a corporation in California, for example, subjects the worldwide profits of all the members of its corporate group to State taxation. This is the case even though the income of the affiliate corporations not present in California are earned outside the State and the United States and are subject to the taxing jurisdiction of the country in which they are based. Double taxation naturally results from the application of worldwide unitary taxation. This risk of double taxation distorts investment decisions, thereby reducing the overall flow of investment into the United States and renders American-based corporate groups less competitive abroad.

The Federal Government has made it clear that its established tax policy is arm's length separate accounting, not worldwide unitary taxation. The most recent expression of its position was in a friend of the court brief filed by the Department of Justice in the supreme court of the State of California, which has before it an appeal by the State's taxing authority of lower court rulings that worldwide unitary taxation is unconstitutional. Over 20 nations that are our largest trading partners also filed briefs in opposition to the use of worldwide unitary taxation. Great Britain's Parliament has even enacted retaliatory legislation.

Our bill would limit the use of worldwide unitary taxation, but not alter the taxing jurisdiction of the States. It only requires the few States which utilize worldwide unitary taxation to use the same method for sourcing corporate income used by the other 41 of the 45 States which tax corporate income, the Federal Government, and every foreign taxing jurisdiction in the world. If the legislation is enacted, States will remain free to tax all income generated within their borders, at whatever rate they choose.

The bill also addresses the taxation by a few States of dividends paid to American corporations by their overseas subsidiaries without providing for a credit or exemption for taxes paid on the income where it was earned. Again, the purpose is to eliminate double taxation of income earned overseas by affiliates of American corporations.

There are compelling arguments that worldwide unitary taxation is a seriously flawed method of sourcing income for State corporate income tax purposes. Studies show that when worldwide factors are used, the formula results in foreign-sourced income being attributed to domestic sources, resulting in double taxation to the corporation.

In addition, recent and pending California case law may result in discriminatory tax law in the State—law which would place U.S. corporations at a distinct disadvantage as compared to foreign corporations. The result may very

well be the imposition of worldwide unitary taxation on U.S.-based multinationals, coupled with an exemption from worldwide unitary taxation for foreign-based multinationals. Recently the California Court of Appeals held in Barclays Bank, a corporation based in England, that the imposition of worldwide unitary taxation on foreign-based multinational corporations violated the commerce clause of the United States Constitution. The same court, however, ruled against Colgate-Palmolive Co., a U.S.-based corporation, in a similar case. Therefore, in addition to addressing double taxation problems caused by worldwide unitary taxation, this bill would bring an end to the discriminatory nature of this tax in California, and place U.S. companies on a level playing field with foreign corporations for tax purposes.

In less than 10 years, 12 States have ceased using worldwide unitary taxation, joining the majority of the States, the Federal Government, and the rest of the world, in working for a consistent international tax policy. However, as the briefs filed in the California case by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Japan, Luxembourg, The Netherlands, Norway Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States attest, the problems persist. It is time the United States had one tax policy, and I hope that this body will help achieve it.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1775

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 "Domestic Corporation Taxation Equality Act of 1991".

SEC. 2. STATE TAXATION OF FOREIGN INCOME.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. STATE TAXATION OF FOREIGN INCOME.

"(a) STATE USE OF WORLDWIDE UNITARY METHOD PROHIBITED.—No State shall impose tax on any taxpayer on a worldwide unitary basis. Notwithstanding the foregoing, this subsection shall not preclude any State from permitting a taxpayer to be taxed on a worldwide unitary basis pursuant to an unconditional election by such taxpayer.

"(b) STATE TAXATION OF FOREIGN-SOURCE DIVIDENDS.—No State shall require the inclusion in the income base upon which State income tax of a corporation is calculated of more than an equitable portion of any dividend received from another corporation, other than a corporation described in one of the subparagraphs of subsection (c)(2). For purposes of this subsection, a State shall not be considered to include in the income base

more than an equitable portion of dividends described in the preceding sentence if it—

“(1) excludes from the income base at least 85 percent of such dividends; or

“(2) excludes from the income base the portion of the dividend that effectively bears no Federal income tax after application of the foreign tax credit.

This subsection shall not be construed to permit State taxation of any dividend not subject to State taxation prior to enactment of this section.

“(c) DEFINITIONS.—

“(1) INCOME TAX.—For purposes of this section, the term ‘income tax’ shall include any State franchise or other tax which is imposed upon or measured by the income of the taxpayer.

“(2) WORLDWIDE UNITARY BASIS.—For purposes of this section, the term ‘worldwide unitary basis’ means that in computing its State income tax liability a corporation includes in the income base on which the tax is calculated any share of the income of any corporation other than a corporation that is a member of the same controlled group of corporations and is:

“(A) a domestic corporation (excluding a corporation that has made an effective election under section 936);

“(B) a corporation described in section 922;

“(C) a corporation organized in the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands;

“(D) any foreign corporation if (i) such corporation is subject to State income tax in at least one State by virtue of its business activities in that State, and (ii) the average of the percentages of such corporation’s property (based on its aggregate original cost), compensation payments made for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to 1 or more locations in the United States is at least 20 percent; or

“(E) any foreign corporation described in paragraph (3).

“(3) CERTAIN FOREIGN CORPORATIONS.—A foreign corporation is described in this paragraph if such corporation—

“(A) is a member of a controlled group of corporations;

“(B) either carries on no substantial economic activity or makes at least—

“(i) 50 percent of its sales,

“(ii) 50 percent of its payments for expenses other than payments for intangible property, or

“(iii) 80 percent of all its payments for expenses,

to one or more corporations that are described in subparagraphs (A) through (D) of paragraph (2) and that are within the controlled group of corporations referred to in subparagraph (A) of this paragraph; and

“(C) under standards established in regulations to be prescribed by the Secretary, is not subject to substantial foreign tax on its net income.

“(4) CERTAIN DOMESTIC CORPORATIONS TREATED AS FOREIGN CORPORATIONS.—For purposes of paragraphs (2) and (3), a domestic corporation shall be treated as a foreign corporation if the average of the percentages of such corporation’s property (based on its aggregate original cost), compensation payments for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to one or more locations in the United States is less than 20 percent.

“(5) CONTROLLED GROUP.—For purposes of this section, the term ‘controlled group’ has the same meaning given to such term by section 267(f)(1), except that the determination shall be made without regard to section 1563(b)(2)(C).

“(6) CERTAIN BANK BRANCHES.—For purposes of this section, a domestic branch of a foreign corporation shall be treated as a separate corporation that is incorporated in the United States if such branch is engaged in the commercial banking business. For purposes of the preceding sentence, a branch is engaged in the commercial banking business if (A) the predominant part of its business consists of receiving deposits or making loans and discounts, and (B) it is subject to supervision and examination by State or Federal authorities having supervision over banking institutions. The Secretary may issue regulations providing that for purposes of this section domestic branches of foreign corporations in other specified industries shall be treated as separate corporations incorporated in the United States.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following new item:

“Sec. 7524. State taxation of foreign income.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.●

By Mr. KENNEDY (for himself, Mr. SIMPSON, Mr. SIMON, and Mr. DECONCINI):

S. 1776. A bill to amend the Immigration and Nationality Act with respect to the admission of O and P nonimmigrants; to the Committee on the Judiciary.

NON-IMMIGRANT VISA REVISIONS

● Mr. KENNEDY. Mr. President, I am pleased to join today with my colleagues on the Immigration Subcommittee, Senator SIMPSON and Senator SIMON, in introducing some remedial legislation relating to certain narrow nonimmigrant visa categories created in last year’s immigration reform legislation.

One of the more controversial provisions of the Immigration Act of 1990 has turned out to be the creation of new O and P nonimmigrant visas for performing artists and athletes. In the final drafting of the conference report on this section of the bill, the terms governing the issuance of these visas went considerably beyond what was understood during our discussions at the time.

As one of the principal conferees on last year’s bill, I can assure my colleagues, and state for the record, that we accepted the House-drafted provisions without Senate hearings, with no action on the Senate floor, only because we believed the changes proposed were not controversial, had been discussed with all the affected groups, and would not substantially alter existing procedures and practices. Unfortunately, the end result has been quite different and a substantial departure from existing visa regulations.

To correct this, Mr. President, we have met over the last several months with representatives of organized labor and those representing the fields of the arts, culture, entertainment and athletics. The arts community had expressed alarm over the new O and P visa provisions. They perceived last year’s changes as being not only a major departure from current practice, but a serious threat to their artistic programs.

To provide remedial changes while we study this issue further, over the past several months our subcommittee staff have undertaken lengthy consultations with all parties to reach a compromise. The bill we are offering today is that compromise, and it is supported by the following interested parties.

From organized labor, represented by the Department for Professional Employees, AFL-CIO, the following have been consulted: Actors’ Equity Association; American Federation of Musicians; American Federation of Television and Radio Artists; American Guild of Musical Artists; International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada; International Brotherhood of Electrical Workers; National Association of Broadcast Employees and Technicians; Screen Actors’ Guild, and the Writers’ Guild of America—East.

From the arts community, the following have agreed: the American Symphony Orchestra League; OPERA America; Dance/USA; American Arts Alliance; Association of Performing Arts Presenters; International Society of Performing Arts Administrators; National Association of Performing Arts Managers and Agents; Western Alliance of Arts Administrators; North American Folk Music and Dance Alliance; Columbia Artist Management Inc.; International Creative Management Inc.; the Recording Industry Association of America; the League of American Theaters and Producers; Ringling Bros. and Barnum & Bailey Circus, and the Big Apple Circus.

It is not a lengthy or sweeping bill, but technical and narrowly drafted. And with the negotiations we have successfully completed, it should also not be controversial. I hope we can secure early Senate and House action.

For the record, Mr. President, let me review the principal revisions our bill makes to the new O and P visa categories:

First, we would repeal the proposed 25,000 ceiling. We then require the General Accounting Office to undertake a 2-year study and report to Congress. The GAO will be required to determine the actual usage of these visas, and assess their impact upon the American labor force, while also providing information on barriers to the employment

of U.S. citizens in these same occupations abroad.

In undertaking this study, Mr. President, it is my intention to ask the GAO to review this issue in a very broad fashion. Our subcommittee is aware of the importance of encouraging the free and fair interchange of artists and cultural activity between nations. The new P-2 visa provision for reciprocal arrangements between organizations in this country and in other lands underscores this interest. The purpose of these arrangements should be to open doors of opportunity for U.S. citizen and resident alien artists, entertainers and support personnel while welcoming such people from other countries. More should be done.

Therefore, to assist the subcommittee, the GAO will study the employment opportunities of U.S. citizen and resident alien artists, entertainers and support personnel, the extent of non-immigrant alien employment in these occupations and the impact of practices by other governments that may inhibit the ability of U.S. citizens and resident aliens to obtain employment in the arts, entertainment and supporting occupations, to have their art and skills embodied in audiovisual materials and sound recordings disseminated and enjoyed in other lands, and to earn fair compensation for their efforts abroad.

This will allow Congress to consider the GAO report, as well as to receive the first report of the new Commission on Immigration Reform established in last year's bill. That Commission is charged with reviewing all aspects of U.S. immigration law and policy, and the changes made by the 1990 act, including the nonimmigrant O and P visas.

We believe this is a fair compromise between those who believe these non-immigrant visas should be capped at some limit, and those who have argued that any ceiling is arbitrary and unnecessary.

Second, we modify the requirement that P-1 visas applicants must have a 1-year association with the group he or she is entering with. As rigidly drawn last year, this requirement is unrealistic given the realities of the entertainment industry and the performing arts community. Our bill provides that the group should be together for a sustained and substantial period of time, but that all its members need not be for emergency or other unforeseen reasons.

Third, we clarify the consultation requirements to assure that where there is a union or collective bargaining representative from whom a petitioner has not sought an advisory opinion, it shall receive a copy of the petition and supporting documentation with an opportunity to comment before the Attorney General adjudicates the petition.

Fourth, we extend the requirement for the return transportation for dis-

missed employees, as is now done for other nonimmigrant visa categories. If an employee is dismissed before the end of the period of his authorized admission, then the employer should pay reasonable costs for return transportation home.

Fifth, we clarify the definition of extraordinary ability for O applicants; eliminate the 3-month out-of-country rule for P applicants; create a special provision for the fashion modeling industry as a specialty occupation under the law; and clarify the nature and purpose of P-3 applicants seeking to enter to perform culturally unique programs.

These are obviously technical immigration provisions, but they have enormous consequences for the performing arts community. We believe these revisions represent a fair and satisfactory compromise between the interests of organized labor and the foreign artists, performers and athletes who come each year to the United States, bringing their talents, their art, their performances to share with American audiences.

Finally, for the record, Mr. President—to clarify in more detail the revisions we are making to the new O and P visa categories—let me state the intent behind some of the statutory changes we are proposing.

The first relates to the new standards for classification of P-1 nonimmigrants in section (b) of our bill.

The P-1 visa category is for aliens who make an important contribution to the quality of a performance group that is recognized as being outstanding in more than one country, including the United States. Such international recognition is not earned easily; it reflects a consistently outstanding level of performance sustained over a substantial period during which time the group has been tested in a number of performances of varying material. Recognition for outstanding quality extends to the group itself and not to any particular entertainment, play, composition, or event the group may present.

The requirement that a group be together for a sustained and substantial period of time serves to ensure that its reputation is not ephemeral. The Attorney General, in his discretion, shall determine the length of time necessary to serve this purpose. Most groups should be able to produce appropriate documentation, the foreign sale of sound and/or video recordings, and significant critical reviews to demonstrate that their reputation is international in scope.

However, in subsection (b)(iii) we recognize that despite being outstanding in their discipline for a sustained and substantial period of time, it may be difficult for groups to demonstrate recognition in more than one country, due to such factors, for example, as limited access to media or geography. In these

instances, the Attorney General shall consider other types of evidence, advisory opinions, and/or appropriate expert opinion to adjudicate the petition, and may waive this requirement.

Since the reputation of the group is paramount, this provision requires the integrity of the group as a cohesive unit to be maintained. Because the quality of the work for which the group has achieved recognition rests on the collective efforts of the individuals who comprise it, this provision requires that, except for overriding circumstances, individual alien performers and entertainers seeking to enter the United States as part of an outstanding group must establish that they have had a substantial relationship with the group ordinarily for at least 1 year.

To accommodate the ordinary business and artistic operations of various types and sizes of groups, subsection (b)(iii)(I) waives the requirement of 1-year's association for 25 percent of the performers or entertainers in a group. Subsection (B)(iii)(II) also enables the Attorney General to waive the 1-year association requirement for illness or other unanticipated and exigent circumstances, such as death, injury, discharge, or resignation of a member; unforeseen events such as natural disasters and unanticipated emergencies that require the substitution of long-term members by others, and the presentation of certain works which require that the group be augmented by additional personnel performing critical roles.

Subsection (B)(iv) recognizes the special circumstances and traditions of circuses where, within a single overall presentation, constituent parts of the circus perform separate, unrelated acts rather than performing as cohesive units or ensembles. In these circumstances, members of alien circus groups who are performers or essential support personnel may enter the United States as part of an organization that has been recognized nationally as being outstanding for a sustained and substantial period of time or as part of a group coming to join an organization that meets these standards.

In implementing these provisions, the Attorney General should avoid requiring unnecessary paperwork and documentation. For instance, for purposes of applying under subsections (B)(iii) or (iv), petitioners should be required only to provide a brief statement listing the particular circumstances that bring the alien within the exception. Further initial individual documentation should prove unnecessary, particularly because the key issue will be the reputation of the group itself. Also, of course, the Attorney General will be required to consult with a labor organization prior to adjudicating the petition. If an issue arises respecting a particular group member,

the petitioner will have an opportunity to supply additional evidence.

Second, regarding section (c), the new consultation requirement, this provision is intended to afford petitioners for O-1 aliens not involved in motion picture or television productions the flexibility to consult with a broad range of individuals, groups or other entities, including labor organizations, with expertise in the particular field, while providing the appropriate labor organization with notice of the petition and an opportunity to comment. Whenever the petitioner does not directly contact an appropriate labor organization, the Attorney General is obligated to notify the national office of the collective bargaining representative, if any, or an otherwise appropriate labor organization by forwarding a copy of the petition and supporting documents. Collective bargaining representative means the labor organization with which an employer has a legal obligation to bargain.

Where the petitioner establishes to the satisfaction of the Attorney General that no appropriate peer group, labor or other organization exists, the Attorney General should be free to render a decision without requiring an advisory opinion or comment. This does not preclude the Attorney General from obtaining the same from a closely related peer group, labor organization or other person or persons, nor does it obviate the need for an advisory opinion, letter of no objection, or comment upon the later establishment of such entity.

To expedite the adjudicatory process, the Attorney General should maintain a list of occupations for which no appropriate peer group, union or management organization exists. Upon request, the Attorney General shall provide notice of the disposition of each petition to any person, persons, labor or management organization that has provided an advisory opinion or comment.

In administering these provisions, it is essential that processing times be kept to an absolute minimum so as not to interfere with normal industry operations. For instance, in addition to the times specified in the statute, where additional evidence is required or rebuttal evidence may be appropriate, the Attorney General should ensure that the petitioner receives a request and a copy of any negative comments promptly, to enable the petitioner to respond without further delaying adjudication of the petition.

The Attorney General should adopt comparable procedures where appropriate for the administration of the consultation procedures contained in subsections 214(c)(3)(B), (4) (B) and (C) of the Immigration and Nationality Act, particularly with respect to timeframes and the provision of no-objection letters.

Third, regarding section (d), the definition of extraordinary ability for O nonimmigrants, we intend that the Attorney General adopt specific criteria to establish distinction in the arts, including essentially the same regulatory standards for prominent aliens of distinguished merit and ability as in effect on September 30, 1991. Thus, an alien could qualify under this section by meeting a number of standards for distinction; alternatively, the alien could qualify by winning a major, nationally or internationally recognized competition that is generally regarded as a benchmark for outstanding achievement in the alien's field. When the competition is of such prestigious nature, the Attorney General may consider second or third place ranking as sufficient qualification.

We recognize that most O-1 individuals will be able to produce appropriate documentation to fulfill the specified criteria. However, some individuals may be unable to produce the types of documentation normally relied upon to prove extraordinary ability; for example, certain circus performers or persons who reside in societies where there has not been a modern tradition of compensation based on market principles or where access to media has been limited. In these instances, the Attorney General may consider other types of evidence combined with appropriate advisory opinions and other comment.

Finally, while the legislation does not contain a specific provision to establish a procedure for emergency approval of O and P visa petitions, it is the intent and expectation of the sponsors that the INS will provide for an expedited review including telephonic contact, through its regional adjudication centers for any employer petitioning for an O or P visa, when the emergency has occurred through no fault of the petitioner.

Mr. President, I simply wanted to state these clarifications for the record, and I ask that the text of our bill be printed at the appropriate point in the RECORD.

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

S. 1176

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

SECTION 1. ADMISSION OF O AND P NONIMMIGRANTS.

(a) REPEAL OF NUMERICAL LIMITATIONS ON P-1 AND P-3 NONIMMIGRANTS; GAO REPORT.—

(1) IN GENERAL.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)), as added by section 205(a) of the Immigration Act of 1990, is amended—

(A) by adding "or" at the end of subparagraph (A),

(B) by striking "or" at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(2) REPORT.—By not later than October 1, 1993, the Comptroller General of the United

States shall submit to Committees on the Judiciary of the Senate and of the House of Representatives a report containing information relating to the admission of artists, entertainers, athletes, and related support personnel as nonimmigrants under subparagraphs (O) and (P) of section 101(a)(15) of the Immigration and Nationality Act, and information on the laws, regulations, and practices in effect in other countries that affect United States citizens and permanent resident aliens in the arts, entertainment, and athletics, in order to evaluate the impact of such admissions, laws, regulations, and practices on these citizens and resident aliens.

(3) CONGRESSIONAL HEARINGS.—Not later than 30 days after the date the Committees receive the report under paragraph (2), the Chairmen of the respective Committees shall make the report available to interested parties and shall hold a hearing respecting the report. No later than 90 days after the date of receipt of the report, each such Committee shall report to its respective House its findings and any legislation it deems appropriate.

(b) STANDARDS FOR CLASSIFICATION OF P-1 NONIMMIGRANTS.—

(1) Clause (i) of section 101(a)(15)(P) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended to read as follows:

"(i)(a) is described in section 214(c)(4)(A) (relating to athletes), or (b) is described in section 214(c)(4)(B) (relating to entertainment groups);"

(2) Section 214(c)(4) of such Act, as added by section 207(b)(2)(B) of the Immigration Act of 1990, is amended by redesignating subparagraphs (A) through (C) as subparagraphs (C) through (E) and by inserting before subparagraph (C), as so redesignated, the following new subparagraphs:

"(A) For purposes of section 101(a)(15)(P)(i)(a), an alien is described in this subparagraph if the alien—

"(i) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing as such an athlete with respect to a specific athletic competition.

"(B)(i) For purposes of section 101(a)(15)(P)(i)(b), an alien is described in this subparagraph if the alien—

"(I) performs with or is an integral and essential part of the performance of an entertainment group that has (except as provided in clause (ii)) been recognized internationally as being outstanding in the discipline for a sustained and substantial period of time, and

"(II) in the case of a performer or entertainer, except as provided in clause (iii), has had a sustained and substantial relationship with that group (ordinarily for at least one year) and provides functions integral to the performance of the group, and

"(III) seeks to enter the United States temporarily and solely for the purpose of performing as such an entertainer or as an integral and essential part of a performance.

"(ii) In the case of an entertainment group that is recognized nationally as being outstanding in its discipline for a sustained and substantial period of time, the Attorney General may, in consideration of special circumstances, waive the international recognition requirement of clause (i)(I).

"(iii)(I) The one-year relationship requirement of clause (i)(II) shall not apply to 25 percent of the performers and entertainers in a group.

"(II) The Attorney General may waive such one-year relationship requirement for an alien who because of illness or unanticipated and exigent circumstances replaces an essential member of the group and for an alien who augments the group by performing a critical role.

"(iv) The requirements of subclauses (I) and (II) of clause (i) shall not apply to alien circus personnel who perform as part of a circus group or who constitute an integral and essential part of the performance of such group, but only if such personnel are entering the United States to join an organization that has been recognized nationally as outstanding for a sustained and substantial period of time or as part of such an organization."

(c) CONSULTATION REQUIREMENT.—Section 214(c) of the Immigration and Nationality Act, as added by section 207(b)(2) of the Immigration Act of 1990, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6)(A) In applying paragraph (3)(A) (other than with respect to aliens seeking entry for a motion picture or television production), the petitioner shall submit with the petition an advisory opinion from a peer group (or other person or persons of its choosing, which may include a labor organization) with expertise in the specific field of entertainment involved.

"(B) Unless such a petitioner submits with the petition an advisory opinion from an appropriate labor organization, the Attorney General shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization within 5 days of the date of receipt of the petition. If there is a collective bargaining representative of an employer's employees in the occupational classification for which the alien is being sought, that representative shall be the appropriate labor organization.

"(C) In those cases where such a petitioner establishes to the satisfaction of the Attorney General that an appropriate peer group, labor organization, or other person or persons does not exist, the Attorney General shall render a decision under paragraph (3)(A) without requiring such an advisory opinion or comment.

"(D) Any person or organization receiving a copy of such petition and supporting documents under this section shall have no more than 15 days following the date of receipt of such documents within which to submit a written advisory opinion or comment or to provide a letter of no objection. Once the 15-day period has expired and the petitioner has had an opportunity, where appropriate, to supply rebuttal evidence, the Attorney General shall adjudicate such petition in no more than 14 days. The Attorney General may shorten any specified time period for emergency reasons if no unreasonable burden would be thus imposed on any participant in the process."

(d) DEFINITION OF EXTRAORDINARY ABILITY IN THE ARTS FOR O NONIMMIGRANTS.—Section 101(a) of the Immigration and Nationality Act, as amended by sections 123 and 204(c) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

"(46) The term 'extraordinary ability' means, for purposes of section 101(a)(15)(O)(i), in the case of the arts, distinction."

(e) ELIMINATING 3-MONTH OUT-OF-COUNTRY RULE FOR P-2 AND P-3 NONIMMIGRANTS.—Sec-

tion 214(a)(2)(B) of the Immigration and Nationality Act, as added by section 207(b)(1) of the Immigration Act of 1990, is amended—

(1) by striking "(B)(i)" and inserting "(B)", and

(2) by striking clause (ii).

(f) EXTENDING RETURN TRANSPORTATION REQUIREMENT TO O AND P NONIMMIGRANTS.—Section 214(c)(5) of the Immigration and Nationality Act, as added by section 207(b)(2) of the Immigration Act of 1990, is amended by inserting "(A)" after "(5)" and by adding at the end the following new subparagraph:

"(B) In the case of an alien who enters the United States in nonimmigrant status under section 101(a)(15)(O) or 101(a)(15)(P) and whose employment terminates for reasons other than voluntary resignation, the employer whose offer of employment formed the basis of such nonimmigrant status and the petitioner are jointly and severally liable for the reasonable cost of return transportation of the alien abroad. The petitioner shall provide assurance satisfactory to the Attorney General that the reasonable cost of that transportation will be provided."

(g) PERFORMANCE OF TEACHING AND COACHING FUNCTIONS BY P-3 NONIMMIGRANTS.—Section 101(a)(15)(P)(iii)(II) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended—

(1) by striking "for the purpose of performing" and inserting "to perform, teach, or coach", and

(2) by inserting "commercial or non-commercial" before "program".

(h) TREATMENT OF FASHION MODELING AS SPECIALTY OCCUPATION.—For purposes of section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act—

(1) fashion modeling shall be deemed to be a specialty occupation described in section 214(i)(1) of such Act, and

(2) individuals shall be deemed to meet the requirements of section 214(i)(2) of such Act if they are of distinguished merit and ability in fashion modeling.

(i) TREATMENT OF FOREIGN ORGANIZATIONS FOR P-2 NONIMMIGRANTS.—Section 101(a)(15)(P)(ii)(II) of the Immigration and Nationality Act, as added by section 207(a)(3) of the Immigration Act of 1990, is amended by inserting "or organizations" after "and an organization".

(j) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect 90 days after the date of enactment of this Act.●

● Mr. SIMON. Mr. President, I am pleased to join my colleagues on the immigration and Refugee Affairs Subcommittee in introducing this legislation to make some needed adjustment in the new O and P visa provisions of the Immigration and Nationality Act.

The Immigration Subcommittee is the smallest subcommittee in the Senate, and we three members have produced some far-reaching and major changes to our immigration law over the past 7 years. In one area of the Immigration Act of 1990 relating to entertainers and performers, we accept some changes that on further reflection were unwise.

Since early this year, I have met with and heard from individuals and communities closely affected by the O and P visa provisions. The bill we introduce today incorporates many sug-

gestions and recommendations jointly agreed to on both sides of the entertainer and performer issue.

It was never our intention to artificially restrict the free flow of culture and entertainment so vital to the Nation. At the same time, in passing the Immigration Act of 1990, we did want to ensure that American actors, performers, technicians, and others in the arts were not limited in their employment and career opportunities by foreign workers. There has to be a balance and I believe the changes adopted by this legislation fine tune the O and P visa system. Again, this legislation is a product of many hours of negotiation and I commend the staff and the industry and labor representatives who have worked in good faith to reach some agreement on these matters.

Finally, let me add my views on a related matter regarding emergency consideration of petitions by the district director. I have written to the Commissioner of the Immigration and Naturalization Service about the difficulties members of the entertainment industry as having in Illinois with regional adjudication. The INS regional office has been most cooperative with my Chicago staff in addressing these matters as they arise. Regional offices are not always in the position, however, to be familiar with local considerations, including performance and community sites. I understand that report language or subsequent modifications of this bill will make Congress' intent clear that district directors should retain authority over these petitions at least in emergency situations.●

● Mr. DECONCINI. Mr. President, I am pleased to join Senators KENNEDY, SIMPSON, and SIMON, the members of the Judiciary Subcommittee on Immigration and Refugee Affairs, in introducing legislation to address concerns about the provision in the Immigration Act of 1990, Public Law 101-649, regarding the new nonimmigrant visa categories—O and P visas—for artists, athletes, and entertainers. Congress recognizes that this new law contains some flaws that need to be corrected. For this reason, the Senate adopted legislation to delay implementation of this provision from October 1, 1991, to April 1, 1992. This 6-month delay will give us time to enact the remedial legislation we are introducing today. In the interim, those persons seeking admission to this country as artists, athletes, entertainers, or fashion models, shall be admitted by the Attorney General under current law—H visas.

I want to commend my colleagues on the Judiciary Committee, the arts community and labor unions for their tireless efforts to reach a compromise on this issue. Among other things, this bipartisan bill does the following: Repeals the arbitrary 25,000 yearly limit on nonimmigrant O and P visas; requires the General Accounting Office

[GAO] to conduct a 2-year investigation regarding the usage of O and P visas, their impact on our labor force and what barriers, if any, U.S. citizens with the same occupations encounter in their efforts to seek similar employment abroad; amends the rigid requirement that all individuals applying for P-1 visas be affiliated with an institution or performing group for more than a year by only requiring that the group itself and 75 percent of its performers or entertainers be together for at least a year; clarifies the consultation requirement, including a 15-day limit for a union or collective bargaining unit to submit a written advisory opinion, or comment, or letter of no objection in response to an appropriate inquiry by the Attorney General; and eliminates the 3-month out-of-country rule for P-2 and P-3 nonimmigrants.

I believe these modifications to the Immigration Act of 1990 will encourage rather than discourage international artistic and cultural exchanges between our country and the rest of the world. At this point, I would like to list the artistic and labor groups who worked on this compromise bill with the Immigration and Refugee Affairs Subcommittee. Participants from the arts community included: The American Arts Alliance; the American Symphony Orchestra League; the Association of Performing Arts Presenters; Columbia Artist Management Inc.; International Creative Management Inc.; the International Society of Performing Arts Administrators; the National Association of Performing Arts Managers and Agents; the North American Folk Music and Dance Alliance; OPERA America; the Recording Industry Association of America; Ringling Bros. and Barnum & Bailey Circus; and the Western Alliance of Arts Administrators. Participants, represented by the Department of Professional Employment of the AFL-CIO, included: the Actors' Equity Association; the American Federation of Musicians; the American Federation of Television and Radio Artists; the American Guild of Musical Artists; the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada; the International Brotherhood of Electrical Workers; the National Association of Broadcast Employees and Technicians; the Screen Actors' Guild; and the Writers' Guild of America—East.

Mr. President, these groups represent a wide spectrum of people in our artistic community. I hope Congress acts quickly to respond to their concerns about the need to reform the Immigrant Act of 1990. More importantly, this legislation will enrich American audiences, and make American artists and performers more welcome abroad. All sides win with this legislation.●

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 581

At the request of Mr. BOREN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 614

At the request of Mr. DASCHLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 729

At the request of Mr. BURDICK, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 729, a bill to assist small communities in construction of facilities for the protection of the environment and human health.

S. 837

At the request of Mr. BUMPERS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1289

At the request of Mr. BIDEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1289, a bill to amend the provisions of the Higher Education of 1965 relating to treatment by campus officials of sexual assault victims.

S. 1372

At the request of Mr. GORE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from Colorado [Mr. WIRTH] 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. 1505

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1533

At the request of Mr. BRYAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1533, a bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934.

S. 1710

At the request of Mr. LEAHY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1710, a bill to establish the Food for Freedom program whereby the United States may assist the developing democracies of the world through the provision of food assistance and other assistance programs.

S. 1736

At the request of Mr. SASSER, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the medicare program, and for other purposes.

SENATE JOINT RESOLUTION 133

At the request of Mr. HOLLINGS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 133, a joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research.

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 189

At the request of Mr. GORE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution to establish the month of October, 1991, as "Country Music Month."

SENATE JOINT RESOLUTION 195

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. HATCH] 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 202

At the request of Mr. INOUE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Maine [Mr. COHEN], the Senator from Virginia [Mr. WARNER], the Senator from Wyoming [Mr. SIMPSON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 202, a joint resolution to designate October, 1991, as "Crime Prevention Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Tennessee [Mr. GORE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF THE ENVIRONMENT ESTABLISHMENT ACT

GLENN AMENDMENT NO. 1243

Mr. GLENN proposed an amendment to the bill (S. 533) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on

Improving Environmental Protection, and for other purposes, as follows:

On page 48, strike out lines 12 through 16.
On page 48, line 17, strike out all through "assigned" on line 18 and insert in lieu thereof "(d) FUNCTIONS.—Functions assigned".

On page 48, line 21, strike out all through line 1 to 6, page 49.

On page 51, line 1, insert after the comma "State or local government".

On page 51, strike out lines 3 through 22, and insert in lieu thereof the following:

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

On page 54, line 15, strike out "shall" and insert in lieu thereof "may".

On page 56, strike out lines 12 through 19.

On page 56, line 20, strike out "(b)" and insert in lieu thereof "(a)".

On page 57, line 3, strike out "(c)" and insert in lieu thereof "(b)".

SYMMS AMENDMENT NO. 1244

Mr. ROTH (for Mr. SYMMS) proposed an amendment to the bill S. 533, supra, as follows:

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

SEC. PRIVATE PROPERTY RIGHTS ACT.

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act".

(b) DEFINITIONS.—For purposes of this section:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means any activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

(c) PROTECTION OF PRIVATE PROPERTY.—(1) No regulation promulgated after the date of the enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630 or similar procedures to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such taking where possible.

(2) Upon receipt of guidelines proposed by an agency for compliance with the proce-

dures referenced in paragraph (1), the Attorney General shall, in a reasonably expeditious manner, either approve such guidelines, or notify the head of such agency of any revisions or modification necessary to obtain approval.

(d) JUDICIAL REVIEW.—(1) Judicial review of actions or asserted failures to act pursuant to this section shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures. Such review shall be in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this section. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(2) Nothing in this subsection shall affect any otherwise available judicial review of agency action.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD, Mr. President, the agenda for the Rules Committee markup on Thursday, October 3, 1991, at 9:30 a.m., in SR-301, includes the following legislative and administrative items: S. 289, to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board; S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; Senate Resolution 185, to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs; House Concurrent Resolution 172, providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House document; original resolutions authorizing the printing as Senate documents of revised editions of the Senate Rules and Manual, the Senate Election Law Guidebook, and the Nomination and Election of the President and Vice President of the United States; an original resolution to amend the Standing Rules of the Senate to conform with recent changes in the law made by the 1992 Legislative Branch Appropriations Act and Public Law 101-520; a proposed, revised policy on information systems and technology; a modified version of the U.S. Senate procurement regulations; and a request for approval by the Architect of the Capitol of his proposal for placement of the model of the Statue of Freedom.

The committee may also consider other legislative and administrative business ready for consideration at the time of the markup.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on extension 40278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HEALTH FOR FAMILIES AND THE UNINSURED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Finance be authorized to meet during the session of the Senate on September 30, 1991, at 10 a.m. to hold a hearing on comprehensive reform of the health care system as a way of improving access to care and controlling cost escalation.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, September 30, 1991, at 1 p.m., in closed and open session, to continue consideration of the nomination of Gen. Colin L. Powell, USA, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general.

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

ADDITIONAL STATEMENTS

POLISH NATIONAL UNION DEDICATES HOME OFFICE BUILDING

• Mr. WOFFORD. Mr. President, I rise today to pay tribute to the Polish National Union on the occasion of the dedication and blessing of its newly constructed home office building in Scranton.

Pennsylvania has always been proud of its men and women of Polish descent and can now take special pride in housing the world headquarters of the Polish National Union of America. Spojnia, as the Polish National Union is called, comes from the Polish word meaning an alliance for mutual benefits; a friendship, union, or bond.

For over 80 years, Spojnia has been dedicated to the material and spiritual security of its members. Through its youth programs, educational benefits, mortgage assistance, and humanitarian efforts, the Polish National Union has exemplified its commitment to members old and young, as well as continuing to ensure a secure future for its members and their families.

With all of its material successes, Spojnia has always strived to adhere to its ideals, first and foremost. This commitment is best exemplified by an amendment adopted by the Polish National Union in 1991, "Even if we were the wealthiest materially, yet lack strength of character, determination and responsibility before God, we would perish, as have other organizations which have given up higher ideals."

I join with thousands of Polish-Americans in wishing Spojnia well on this occasion and continued success in the future. •

URGENCY OF WASTE DISPOSAL CRISIS

• Mr. COATS. Mr. President, recently I received a letter from a thoughtful young woman from my home State of Indiana who shares the concerns of many Hoosiers about the shipments of solid waste from other States that are pouring across Indiana's borders.

Doris Dobrich, a sixth-grader from Merrillville, has expressed her concerns simply and eloquently. Doris recognizes the urgency of the waste disposal crisis, not only for Indiana but for other States, as well. She is to be commended for having the foresight to realize that we can no longer avoid the distasteful reality of the solid waste disposal crisis. It is because of her foresight and admirable concern for the future of her State that I am today inserting her letter to me in the CONGRESSIONAL RECORD.

Doris Dobrich represents the best of our future. We owe her and her generation wise decisions about how best to manage the garbage our society produces. Doris, her fellow Hoosiers, and all Americans deserve no less.

The text of Miss Dobrich's letter is as follows:

DEAR SEN. DAN COATS: My name is Doris Dobrich and I am in sixth grade at Calumet Region Montessori School in Hobart, Indiana. Today (9-12-91) in our classroom we read an article that said that New Jersey is dumping all their garbage in our landfills. I do not like that because they are making it worse for us and we are the future! Ten years from now we are probably going to have to do the same thing to another state. I really hope you are going to make a law that we can't accept garbage from other states.

Sincerely,

DORIS DOBRICH. •

POLISH HERITAGE MONTH

• Mr. RIEGLE. Mr. President, in the early years of the Jamestown Colony, beginning on October 1, 1608, groups of Polish settlers were recruited by Capt. John Smith and others to come to the young American settlement and become part of a skilled labor force.

Their presence in Jamestown was significant; the new pioneers proved to be a great asset to the community. They made glass, tar, and ash, and built some of what could be called the first factories. Some were also skilled in military techniques. It was no wonder that a strike by these newcomers, in response to not being granted the right to vote, led to a guarantee of their civil rights. Poles on American soil had been among the first in the New World to advocate democratic principles for all.

Such beliefs were an integral part of the Polish psyche for many genera-

tions. They manifest themselves throughout Poland's history and continued to affect our own country as well. In the American Revolutionary War, for example, Tadeusz Kosciuszko and Kazimierz Pulaski played important roles in the quest for American freedom.

General Kosciuszko contributed his knowledge of military strategy and scientific principle. At a very personal level, when he was leaving the United States for his native Poland, he asked his friend Thomas Jefferson to utilize his American land holdings and other property in order to purchase slaves "from among Jefferson's own or any other and giving them liberty in his name."

General Pulaski, who was born in Poland, acted as commander of all American cavalry forces during the Revolutionary War, a position accorded him on September 15, 1777. In this position he conducted numerous successful campaigns until his untimely death in October 1779. His brave efforts epitomize Poles' strongly held belief in taking up arms, if necessary, for democratic principles around the world.

The Polish poet, Stanislaw Wyspianski, wrote: "I wandered into unknown lands, drowsy with dreams, rich in emotion, and my motto: 'Pro patria et fide' (for country and faith). His personal 19th-century credo proved priceless to thousands of people who found themselves in upheaval through war and the partitioning of their homeland. They carried democratic ideals with themselves as they left their country of birth; and as the saying 'Za wasza i nasza wolnosc' (for your freedom and ours) dictates, they have championed the rights of people in the Americas, Italy, Greece, Hungary, and other countries around the world. Poland was itself not yet free but struggles for freedom on foreign soil would eventually find their way home.

In the great losses of World War I Poles numbered in the millions. A reborn nation symbolized the result of the sacrifice. World War II followed with its massive destruction and mass murder, yet, again the Polish phoenix arose from the ashes only to find itself in the death grip of communism. The ancestral values which were to arise in the midst of this turbulent period of Polish history were again to prove invaluable; and more importantly for this period in our contemporary history, they were to prove influential at changing the world as we know it.

During the month of October, we honor Polish heritage in all of its facets. But in particular we salute the value of those past but memorable battles for democratic principles. The modern world has become very familiar with the word "Solidarnosc" (solidarity), the movement that was precursor to the wave of freedom that swept over Eastern Europe and even extended its

influence into the Far East. Polish shipyard workers chose to fight for individual liberties much like the glass-makers of Jamestown. The Polish people chose freedom of expression over the dictates of those who allowed them no representation. These struggles were but an echo of the many wars led by their ancestors. The values were firm. The end product was democracy.

President Herbert Hoover, in speaking of Poland, once remarked, "The spirit of a great race does not die from oppression." In celebrating this great heritage his comment is still appropriate. The spirit lived in the many heroes of history and exists at this very moment in one of the most extraordinary periods of world change. A heritage that bespeaks freedom helps to insure security for the world.●

THE CRISIS OF TIMBER SALES CESSATION

● Mr. GORTON. Mr. President, last week as the Senate considered the fiscal year 1992 Interior appropriations bill, I spoke of the problems faced by the forest families and communities of the Pacific Northwest as a consequence of a cessation of timber sales in the region. I inserted in the RECORD an article from the Washington Post chronicling the problems these families are facing.

I also spoke about S. 1156, the Federal Lands and Families Protection Act of 1991, a solution to this problem cosponsored by myself and several other Members, both from the affected region and around the country. I am pleased to report that on September 14, the Spokane Spokesman Review and Spokane Chronicle endorsed the Federal Lands and Families Protection Act, the preferred means for resolving the current timber supply crisis in the Pacific Northwest. I would like to insert this editorial into the record today.

S. 1156 is sponsored by organized labor and the forest products industry. It is backed by the administration. It is sponsored by Senator PACKWOOD and cosponsored by myself and Senators HATFIELD, BREAUX, HEFLIN, SHELBY, MURKOWSKI, BURNS, STEVENS, GARN, CRAIG, HATCH, SYMMS, BENTSEN, NICKLES, WALLOP, and COCHRAN.

I will not repeat the key provisions of the bill except to say that it protects ecologically significant old growth, threatened wildlife, and forest families and communities. I am encouraged by the position of the Spokane papers. There will be similar endorsement of this bill as this session of Congress continues.

I ask that the editorial be printed in the RECORD.

The editorial follows:

SPOTTED OWLS DOING FINE, BUT LOGGERS IN TROUBLE

The litigious chaos, social trauma, economic depression, political extremism and

scientific debate swirling around the Pacific Northwest's forests ought to tell Congress that something is wrong with forest management policy.

The issue is, how can national forests throughout the country be given stable management in the interests of all Americans?

Without congressional intervention the chaos will continue and spread.

The proposed Forests and Families Protection Act, introduced in both the House and Senate and supported by both Republicans and Democrats as well as the Bush administration, offers the best hope yet for bringing the craziness to an end.

Right now, the spotted owl debate alone has produced three management plans from three different federal agencies, has required various policy response from three state governments, has provoked assorted decrees from three different judges in three different lawsuits and has generated five bills in Congress.

Meanwhile, in national forests beyond spotted-owl country—in Eastern Washington, for example—management plans that were supposed to set stable policy are tied up in litigation, while appeals by ideologues and hobbyist litigators from as far away as Connecticut delay and harass individual timber sales.

Congress did not expect it to turn out this way. Following an initial round of wilderness set-asides a couple decades ago, Congress called for a planning process expected to produce a supplementary and final set of wilderness set-asides, accompanied by multiple-use management plans for the balance of the forests. But the painful economic compromises involved in the second round of set-asides have been followed by the continuing litigation that turns the management-planning process into a battle for further set-asides, through paralysis as well as assorted policy restrictions.

Species-protection lawsuits and timber sale appeals seek still more set-asides. And nowadays, some environmental groups are calling for protection of second-growth forests as well as old-growth.

The preservationists have proven insatiable, incapable of compromise and possessed of a religiously fanatic hostility toward reasonable human concerns such as the protection of jobs, communities and families and the need for lumber—which in fact is a renewable resource—to build homes.

The Forests and Families Protection Act would establish a new process for the identification and protection of ecologically significant old growth areas. It would fund the development of new forestry methods that would tread even more lightly on the land than do current sustained yield practices. It would fund economic diversification, unemployment and retraining assistance for laid-off timber workers.

Most significantly for the human and economic interests that so far have been utterly trampled, the bill would use the direct power of Congress to set minimum timber-harvest levels, which would provide desperately needed stability to the nation's timber supply and forest-related jobs. The minimums would be set with due consultation with agencies responsible for endangered species.

The bill represents a bipartisan effort to learn from a currently intolerable situation, and to get the nation moving toward coherent management of its forests.

The bill deserves Congress' serious and speedy attention. Spotted owls are going rather well; scientists keep finding more of them—in second growth as well as old

growth. But every week, forest workers and their families are losing jobs, being evicted from their homes, moving into campgrounds and joining the ranks of the homeless, the suicidal, the alcoholic, the abused and the dependent. Does Congress care?●

SHORT-TERM EXTENSION OF LEGISLATIVE REINSTATEMENT OF THE POWER OF INDIAN TRIBES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1773, introduced earlier by Senator INOUE, regarding a short-term extension of legislative reinstatement of the power of Indian tribes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1773) to extend for a period of 31 days the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1773) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1773

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

SECTION 1. AMENDMENT.

Section 8077(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511), is amended by deleting "September 30, 1991" and inserting in lieu thereof "October 31, 1991".

Mr. MITCHELL. Mr. President, I ask unanimous consent that a motion to reconsider be laid upon the table.

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

PATRICK J. PATTON U.S. POST OFFICE BUILDING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2935, a bill to designate a U.S. Post Office, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2935) to designate the building located at 6600 Lorain Avenue in Cleveland, OH, as the "Patrick J. Patton United States Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (S. 2935) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I ask unanimous consent that a motion to reconsider be laid upon the table.

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

UNANIMOUS-CONSENT AGREEMENT—S. 533

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2:15 p.m. on Tuesday, October 1, there be 10 minutes of debate on the EPA Cabinet-level bill, with the time equally divided and controlled between Senators GLENN

and HELMS; that when the time is used or yielded back, the Senate, without any intervention action or debate, proceed to vote on final passage of the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Rhode Island, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:15 A.M.

The PRESIDING OFFICER. Without objection, the Senate stands in recess, as under the previous order, until 9:15 a.m. tomorrow, Tuesday, October 1.

Thereupon, the Senate, at 5:25 p.m., recessed until Tuesday, October 1, 1991, at 9:15 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 30, 1991:

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR REAPPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION:

To be Chairman of the Joint Chiefs of Staff

To be general

GEN. COLIN L. POWELL, xxx-xx-x, U.S. ARMY.

EXTENSIONS OF REMARKS

FREDRIC PAUL SUTHERLAND

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mrs. BOXER. Mr. Speaker, I would like to say a few words about Fredric Paul Sutherland—known as Rick to his many friends—who died in an automobile accident on July 14, 1991.

Fredric Paul Sutherland was born in the upper peninsula of Michigan and raised in southern California. He attended San Diego State College, where he majored in economics and baseball. After his dream of becoming a professional baseball player faded for, as he said, "lack of talent," Rick turned to the law. He attended law school at the University of California at Los Angeles, where he served as an associate editor of the *Law Review*. Following his graduation from law school in 1964, Rick went to work for the law firm of O'Melevy & Meyers. After 7 years as a corporate securities lawyer, however, Rick embarked on a course that he would stay with for the rest of his life. Deciding to turn his dreams into reality, Rick joined with other young lawyers to found the Center for Law in the Public Interest in Los Angeles, and he began a new career as an environmental litigator.

One of the most important cases Rick handled at the center was a successful petition to the California Public Utilities Commission to force Southern California Edison Co. and San Diego Gas & Electric Co. to obtain Commission approval before building the proposed Kaiparowits power project—including the world's largest coal-fired powerplant—in southern Utah. The petition proceeding prompted the utilities to cancel the project.

In 1977, after spending a year traveling in Europe with his wife, Liz, and two young children, Greg and Kerri, Rick joined the Sierra Club Legal Defense Fund in San Francisco, first as its executive director and later as president. During his tenure, the Legal Defense Fund has grown from a relatively small organization based on the west coast into a national environmental law firm, with 38 lawyers working in offices in Washington DC, Denver, Seattle, Honolulu, Tallahassee, New Orleans, and Juneau, AK, in addition to San Francisco. In 1990, Rick assisted in founding an affiliated organization, Sierra Legal Defense Fund, in Vancouver, BC. Sierra Club Legal Defense Fund lawyers represent most national conservation organizations and hundreds of State and local environmental citizen groups in judicial actions and administrative proceedings throughout the country.

Although Rick originally planned to spend only 3 or 4 years in public interest law, and then to return to private practice, he never reversed the course he had taken. Instead, he made environmental law his career, and often

described his role at the Legal Defense Fund as "the best law job in America."

In addition to his work with the Sierra Club Legal Defense Fund, Rick served on the governing boards of three other environmental organizations, the Open Space Institute, the Southern Environmental Law Center, and the Southern Utah Wilderness Alliance. He was also a founder of the Environmental Federation of California and the Environmental Federation of America/Earth Share. Rick Sutherland will be greatly missed, but he inspired a host of individuals and organizations who carry on his work.

I would like to insert into the CONGRESSIONAL RECORD a speech that Rick Sutherland made to the lawyers at the Department of Justice on June 27, 1991, less than 3 weeks before his death. In his talk, Rick Sutherland called attention to the hostility of the executive branch, the Government's own lawyers and even of the courts to carrying out the environmental laws enacted by this body. Rick Sutherland correctly saw that such hostility resulted from a lack of courage, and that that lack of courage undermined the very rule of law itself. I call the attention of this body to Rick Sutherland's dedication to the environment and to the law and to his impassioned plea that those charged with carrying out our environmental laws accept their obligation with the courage and conviction which, we now see, marked his own life.

PRESENTATION BY RICK SUTHERLAND TO THE DEPARTMENT OF JUSTICE, JUNE 27, 1991

I have been engaged in the practice of environmental law for over 20 years. During this time Congress has enacted numerous laws to protect natural resources and improve environmental quality.

Because of these laws, and because of an enlightened citizenry willing to go to court to enforce them, millions of acres of public lands have been protected from inappropriate development, hundreds of thousands of wild creatures have been preserved, including many species threatened with extinction, and air and water quality have been dramatically improved.

Nevertheless, despite these successes, my primary emotion when recalling the past 20 years of environmental law is one of profound disappointment. This disappointment is due to the continuing failure of Federal agencies and officials to do a better job of implementing and enforcing our environmental laws.

All the polls indicate that the American people are deeply concerned about the environment and, furthermore, that they are willing to pay to clean up the mess. What they are getting instead is bureaucratic lawlessness.

As a young public interest lawyer in Los Angeles, the first two cases I filed were against the Federal Government. One challenged the Federal Highway Administration's failure to prepare an environmental impact statement for a massive freeway project. The other contested the Environmental Protection Agency's failure to pro-

mulgate a clean air implementation plan for California.

We won those cases, but I was troubled by the Federal Government's reluctance to do what the law clearly required. I attributed this to the newness of the environmental laws. Surely, I thought, things will improve in the future as Federal agencies assimilate these laws into their way of doing business. I was overly optimistic and perhaps a little naive. My experience during the past 2 decades has led me to conclude that the Government is all too often the environment's worst enemy.

Agencies and officials charged with implementing and enforcing our environmental laws frequently fail to do so. They miss statutory deadlines, water down strict legal requirements or simply refuse to use their enforcement powers, even when faced with blatant violations of the law.

The dockets of the Sierra Club Legal Defense Fund, NRDC, EDF, and the National Wildlife Federation are filled with lawsuits against the Federal Government. This is directly contrary to what we thought would be the case in the early 1970's. We assumed that most of our litigation would be against industrial polluters and corporations engaged in extracting natural resources.

The warnings, however, came early. In 1974, I heard a speech by Jim Moorman, then executive director of the Sierra Club Legal Defense Fund and subsequently one of Dick Stewart's predecessors at the Justice Department.

Moorman stated that the "executive branch has assumed for itself a discretion not merited by law and has exalted its discretion over the law." He explained, first, how Government officials frequently seek to convert specific statutory mandates into grants of discretion, second, how they utilize procedural ploys, not available to other litigants, to avoid judicial review of their decisions, and third, how they sometimes seek to evade lawful court orders.

Moorman completed his address with a plea that Government officials should:

"* * * create a climate in which political pressures are not allowed to overwhelm all other elements of Federal decision-making. To base decisions on discretion while ignoring the written law weakens the rule of law * * *. The consequences of lawless government are resentment, disillusion, bitterness, suspicion, and division."

This struck me as strong stuff then. Now it seems rather mild. The fact is that the scale of misbehavior by the Government has increased dramatically in recent years.

THE AGENCIES

A few examples will illustrate this. The Northern Spotted Owl. The Sierra Club Legal Defense Fund has been litigating for several years to protect the Pacific Northwest's remaining old growth forests and the northern spotted owl that depends on them for its survival. In *Seattle Audubon Society v. Evans*, Judge Dwyer of the U.S. District Court in Seattle found "A remarkable series of violations of the environmental laws" by the Forest Service and the Fish and Wildlife Service.

Judge Dwyer's opinion was quoted at length in the editorial pages of Tuesday's

* 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.

Washington Post. I found the following conclusion most shocking:

"More is involved here than a simple failure by an agency to comply with its governing statute. The most recent violations of * * * [The National Forest Management Act] * * * exemplifies a deliberate and systematic refusal by the Forest Service and the * * * [Fish and Wildlife Service * * *] to comply with the laws protecting wildlife. This is not the doing of the scientists, foresters, rangers, and others at the working levels of these agencies. It reflects decisions made by higher authorities in the executive branch of government."

Endangered Species Act. The Endangered Species Act is among the strongest of our environmental statutes. Unfortunately, the Federal agencies charged with implementing the law have done an abysmal job of doing so.

Several thousand species have been awaiting listing by the Fish and Wildlife Service for up to 15 years. A number of these species have become extinct while awaiting formal listing, and the agency concedes that most of the remaining "candidate" species are imperiled and should be listed. It is simply inexcusable—and illegal—that it has not done so.

Pollution Laws. Congress has enacted a number of laws to control pollution—the Clean Air Act and the Clean Water Act, for example. EPA has the primary responsibility for implementing these laws, and for complying with specific statutory deadlines established by Congress. Time after time EPA has missed these deadlines.

Even a partial listing of these failures would take too much time. Suffice it to say that there have been hundreds during the past 20 years, and that many are continuing at the present time. Citizens have had to go to court scores of times to compel EPA to act to control pollution. Without these suits, the deadlines mandated by Congress would simply have been ignored.

But even successful litigation does not always ensure compliance. Government officials sometimes go to extraordinary lengths to evade the law. It was necessary for Judge Orrick of the U.S. District Court in San Francisco to issue a contempt citation against William Ruckelshaus order to finally compel him to issue emission standards for airborne radionuclides.

This was the first time an administrator of EPA had ever been cited for contempt, and Judge Orrick called Ruckelshaus a "scoff-law."

Getting regulations out on time is only half the story. The other half is the content of the regulations: Do they faithfully implement the letter and the spirit of the law? Many times they do not.

During the past 2 decades citizens have successfully challenged numerous regulations promulgated by EPA. And, if the quality of the recently released proposals for operating permits under the Clean Air Act are any indication, EPA will certainly face more such challenges in the future.

Usually soft-spoken David Hawkins of NRDC, formerly Assistant Administrator of EPA for air and water, was so dismayed by the proposed rules for operating permits that he was moved to include the following uncharacteristically harsh words in his statement at EPA's public hearing.

"I have personally reviewed scores of EPA Clean Air Act proposals * * * over the past 20 years and I cannot think of one that had the potential to substantive clean air goals * * * and effective citizen participation than this proposal.

"It is a mystery how much a fundamentally fraudulent and undemocratic approach could be acceptable on policy grounds to EPA and administration officials even if the approach were 'legal.' And it will not surprise you * * * that NRDC views the approach as illegal as well as atrocious public policy."

THE COURTS

I have also been dismayed by the Supreme Court's disturbing lack of interest in—and increasing hostility toward—environmental issues.

The National Environmental Policy Act is the most important of our environmental laws. NEPA, as it has come to be called, declares that protection of the environment is the duty of all Federal agencies. The law was imposed on unwilling agencies by a Congress fed up with bureaucratic indifference and inattention to environmental concerns.

Perhaps the most eloquent judicial articulation of NEPA's purposes was Judge Skelly Wright's opinion in the *Calvert Cliffs* case. Judge Wright stated that NEPA attests "to the commitment of the Government to control, at long last, the destructive engine of material 'progress.'" But he added that "it remains to be seen whether the promise of this legislation will become a reality. Therein lies the judicial role." Precisely! But it is precisely because the Supreme Court has refused to exercise this role that its NEPA decisions are so disappointing.

Since the law was enacted in 1970, the Supreme Court has decided 12 NEPA cases. In all 12 of these cases the Supreme Court has ruled against the statute's application or narrowed its scope. In every instance, the Court reversed lower court decisions which interpreted NEPA more expansively or forcefully.

The consistency of the Supreme Court's antagonism to NEPA is astonishing. Nine of the Court's decisions were unanimous and the other three garnered only four dissenting votes total. The plain fact is that NEPA has not had a friend on the Supreme Court since the retirement of the late William O. Douglas in 1975.

NEPA was intentionally written in broad, sweeping terms. Yet, what the Supreme Court has done in the majority of the NEPA cases it has considered is to base its opinion on a single phrase in the statute, treating it as if Congress had crafted it with the utmost precision. The Court has not considered other language in the statute which might lead to a different result.

All this is done in the name of "plain meaning." But if there was ever a law that deserved more it is NEPA. Indeed, Congress intended more. NEPA directs that "to the fullest extent possible" the laws of the United States, including NEPA itself, should be administered in accordance with the environmental policies articulated at some length in the statute.

The NEPA cases are not the only mischief the Supreme Court has caused in environmental law. With only a few exceptions, the Court has been unsympathetic to environmental concerns. It has intervened to put the brakes on the logical flow of decisions in the lower courts, and its opinions demonstrate that the Court often doesn't seem to know what it is doing in the environmental area.

In light of the Supreme Court's attitude, it is not surprising that the lower Federal courts have recently become less hospitable for those who utilize the judicial process to protect the environment.

CONCLUSIONS

The future presents incredible challenges for environmental law. Pollution and depletion of natural resources are occurring on a vast and historically unprecedented scale worldwide. In order to meet these challenges, we are going to need stronger and better environmental laws.

And we are going to need a rededication to the rule of law by Federal officials charged with implementing and enforcing them.

Edmund Muskie, one of the authors of the Clean Air Act, recently posed the following questions:

"* * * why in the face of * * * [overwhelming public support for the environment] * * * do Presidents and their appointees fail to aggressively pursue the initiatives Congress has taken? Why are compromises with health standards, timetables, and emission controls the rule rather than the exception?"

He suggested that it was because of "a lack of regulatory courage." If that is indeed the reason, we are also going to need new leaders with the necessary courage to do what the law requires.

I sometimes dream about what it would be like if our Government officials took literally the command of the National Environmental Policy Act to implement all Federal laws "to the fullest extent possible" to preserve the environment.

We would have an EPA that issued pollution regulations on time and with the public's health and safety as a first priority.

We would have a Fish and Wildlife Service that vigorously implemented the Endangered Species Act in order to save plants and animals from extinction.

We would have a Forest Service that managed the national forests for watershed, recreation, wildlife, and wilderness, rather than simply as tree farms.

And we would have a Justice Department that aggressively enforced criminal and civil violations of environmental laws.

Some have suggested that full compliance with the environmental laws would provoke a backlash in Congress, and that the laws would be repealed or weakened. I don't believe that would happen, but I would prefer that result over the current situation, where laws are implemented, if at all, only halfheartedly. This fosters cynicism and serves to undermine faith in our system of law.

I also dare to dream of Federal courts that seriously question Government actions, rather than simply defer to agency decisions; that abandon the ultra-literalism that turns judges into readers of dictionaries; that look to the purposes and policies of congressional mandates; and that dare to respond to "the felt necessities of our times."

Make no mistake about it, environmental problems are not going to simply go away. They are going to have to be dealt with for some time to come. And, increasingly, Federal officials and the Federal judiciary are going to be judged by how well they implement, enforce, and interpret environmental laws enacted to address these problems.

A TRIBUTE TO GUS RAMENTOL,
TROOP 16'S NEXT EAGLE SCOUT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today my constituent,

Gus Ramentol, who was recently featured in the Miami Herald for coordinating a drive to fingerprint children in case they are abducted or killed. The 17-year-old Coral Gables High School student proposed and carried out this community project as part of his work toward achieving the rank of Eagle Scout. The article, "Scout Heads Drive to Fingerprint Children" by Ricardo J. Bascuas reports on his achievement:

The '90s are shaping up to be a prolific decade in Eagle Scout inductions for Boy Scouts of America Troop 16. Although only one Scout made it to Eagle during the '80s, there were two last year and two so far this year.

Gus Ramentol, 17, will be the next to graduate to Eagle Scout once he completes his project next month. He is coordinating a drive to fingerprint children from kindergarten to eighth grade in case they are abducted or killed.

Gus, who lives in Coral Gate, is distributing 2,500 fliers among students from five area elementary schools: Coral Terrace, Coral Gables, G.W. Carver, West Laboratory and St. Theresa. He expects about 500 parents to take their kids to be fingerprinted at the St. Theresa cafeteria on Oct. 5, 9 and 13.

He and other members of his troop are being trained by Metro-Dade police officers to do the fingerprinting.

"I had to do a project that shows leadership," said Gus, a junior at Coral Gables High School.

Eagle Scout projects must be organized solely by the candidate and must make a contribution to the community. They must also be approved by the Eagle Board of Review. The project was the third Gus proposed.

"When he first approached me on it I was hesitant. I really didn't know how he would handle it. But it's something that could be picked up by other candidates in other areas," said Phil Johnson, chairman of the board for the Tequesta district.

Nancy McBriede, executive director of the Adam Walsh Resource center in West Palm Beach, said the center no longer fingerprints children. Instead, they use videotapes, such as those produced by Blockbuster Videos, which can be released to the media to identify missing children.

Gus began scouting in 1982 as a Cub Scout. His father, Manuel Ramentol, signed up both Gus and his brother, Karl.

"I wanted both of them to have all the things that went with scouting—outings, fishing, camping—all the things they otherwise wouldn't have been able to do," Ramentol said.

There are only four troop members left who joined the same time as Gus. Once Gus turns 18 in December he can no longer be in the troop, but he said he will stay in touch.

"I guess I'll stay around the troop and maybe become a leader when I turn 18," said Gus.

In addition to accumulating merit badges, Gus works on weekends doing odd jobs with a handyman, Manny Amador, he met through scouting.

I am pleased to pay tribute to Gus Ramentol by reprinting this article from the Miami Herald. His story shows how the Boy Scouts of America has helped young Americans develop character and leadership skills which will greatly benefit our community and Nation.

WILKES-BARRE ROTARY CLUB CELEBRATES 75TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. KANJORSKI. Mr. Speaker, on Tuesday, October 15, 1991, at 12:15 p.m. the Wilkes-Barre Rotary Club will meet as it has done every week for the past 75 years. It is on this auspicious occasion that I recognize this organization and its members for its service to individuals, their community, the Nation, and the world.

Since that first meeting on January 12, 1916, the Wilkes-Barre Rotary Club has been true to its mottoes, "Service Above Self" and "He Profits Most Who Serves Best."

The club has been involved in numerous community service projects over the past 75 years. To name only a few of the important projects that they have completed over the years are activities such as providing scholarships to local students planning to attend Wilkes and Kings Colleges, raising funds for needed equipment at area hospitals, holding charity dinners to collect funds for local homeless shelters, and sponsoring various lectures and programs to educate, to inform, and to entertain area residents.

All told, the Wilkes-Barre Rotary Club has made the difference for many local charities and organizations with their support and dedication to these, and many other causes.

Mr. Speaker, it is with great pride that I stand and congratulate the members and officers of the Wilkes-Barre Rotary Club for a job well done for 75 years. I wish them at least 75 more years of continued success.

THE 50TH ANNIVERSARY OF THE ATLANTIC CHARTER—THE CHALLENGE OF IMPLEMENTING FREEDOM FROM WANT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. HALL of Ohio. Mr. Speaker, I would like to direct the attention of my colleagues to an article by Arthur Schlesinger, Jr., "The Atlantic Charter: Design for Tomorrow?" that appeared in the New York Times on August 11, 1991. Mr. Schlesinger credits President Franklin D. Roosevelt and British Prime Minister Winston Churchill for introducing humanitarian ideals such as "freedom from want" into the vocabulary of world politics. He argues that those very ideals are now finding expression in the new world order.

As chairman of the House Select Committee on Hunger, I share Mr. Schlesinger's optimism as the goals of the Atlantic Charter emerge as the foundation of the new global agenda. But while we can be encouraged, we cannot be satisfied. Most people still do not enjoy those rights that the Atlantic Charter establishes. The charter has been an unfulfilled promise to the victims of conflict, disease and poverty in the developing world.

This year, the 50th anniversary of both President Roosevelt's "Four Freedoms" speech and the Atlantic Charter, the gentleman from Missouri [Mr. EMERSON] and I have introduced the Freedom from Want Act—H.R. 2258. This bill helps realize Roosevelt's vision, transforming "freedom from want" from an ideal to a reality. The legislation itself establishes concrete, cost-efficient, and innovative plans of action directed at the root causes of hunger rather than at its symptoms. It is currently cosponsored by 109 Representatives and is endorsed by over 120 organizations. I urge my colleagues to join me in supporting the legislative initiatives of the "Freedom from Want Act" to help implement the goals of the Atlantic Charter.

For the benefit of my colleagues, a copy of Mr. Schlesinger's article follows:

THE ATLANTIC CHARTER: DESIGN FOR TOMORROW?

(By Arthur Schlesinger, Jr.)

A document drawn up a half-century ago today can plausibly be seen as the foundation of the new world that lies at last within humanity's grasp. Not many historic pronouncements have dated so little as the joint declaration to which Franklin D. Roosevelt and Winston Churchill subscribed on Aug. 12, 1941.

The two men met in a shrouded rendezvous at Placentia Bay off the coast of Newfoundland—a destination to which they had traveled in utmost secrecy through dangerous waters on heavily armed warships. Though Roosevelt and Churchill had been exchanging messages since World War II began in 1939, they had never talked face to face. Beyond satisfying his curiosity about the other—and these were men with acute instincts for history—each had particular objectives.

Churchill, for obvious reasons, wanted to get America into the war. Roosevelt, for less obvious reasons, I wanted to formulate principles for the peace. American association with Britain in a statement of peace aims, he hoped, would hearten European resistance to Hitler, and the right peace aims would reassure Americans that solidarity with Britain need not compromise American ideals.

To get the peace aims right, F.D.R. wanted a guarantee against the "secret treaties" that had disgusted Americans after World War I; he wanted assurances against closed trading systems, and, fearing isolationist wrath at home, he wanted to avoid language that might sound like an internationalist plot to revive the League of Nations. This fear of the isolationists was hardly idle: on the very day Roosevelt and Churchill finished drafting their declaration, the House of Representatives barely succeeded in extending the draft, by a single vote.

After two days of amiable but forceful argument in Placentia Bay, Churchill accepted a compromise on freedom of trade; F.D.R. a compromise on international organization. They agreed in rejecting secret treaties. The final statement was Wilsonian in spirit and in language: no territorial aggrandizement; self-determination of peoples; a freely trading world; economic and social security; freedom of the seas; disarmament of aggressor states pending the "establishment of a wider and permanent system of general security." Two days later The London Daily Herald gave the document its enduring name; the Atlantic Charter.

The two leaders were satisfied with their handiwork. If Churchill had failed to get the United States into the war, he had at least

wonderfully sophisticated what came to be known as the "special relationship." Roosevelt now had British endorsement of peace aims that would at once justify convoying British ships in the Western Atlantic and, if it came to that, might later justify war itself.

Nevertheless, many considered the Charter a disappointment. British opinion found it a poor substitute for American intervention. Americans saw the recycled Wilsonianism as a collection of pious platitudes. Judging by opinion polls, the Charter was, in the words of the historian Theodore Wilson, "a propaganda bust."

During the war the British and the Russians chipped away at the Charter's lofty principles, claiming exemption for their own "existing obligations" (Churchill) and "historic peculiarities" (Molotov). After the war the Soviet Union trampled on most of the Charter's points. Even the United States fell short of full dedication to the ideals.

Yet the ideals never faded away. In January 1942 the Declaration of the United Nations explicitly adopted the Charter's "purposes and principles." These purposes and principles informed Bretton Woods in 1944 and the U.N. Declaration on Human Rights in 1948. Today they constitute the philosophical and juridical basis for President Bush's new world order.

Take a look at the Atlantic Charter 50 years after. It not the world dreamed of by Roosevelt and Churchill at last coming to pass?

Consider the goals of Aug. 12, 1941—"the right of all peoples to choose the form of government under which they will live," equal access "to the trade and to the raw materials of the world," "improved labor standards, economic advancement, and social security," assurance that all "may live out their lives in freedom from fear and want," relief from "the crushing burden of armaments," establishment of a community of nations. After half a century of bitter contention, the Atlantic Charter sets forth the agenda on which most nations are at last agreed.

They didn't do too badly, those two inspired prima donnas, when they met off the coast of Newfoundland 50 years ago.

TRIBUTE TO ROBERT S. MCGUIRE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. FAZIO. Mr. Speaker, I wish to take this time to pay tribute to one of our most able and efficient managers, of a very important House office, and—through these remarks—to express my appreciation for our cadre of House employees who daily make it possible for this institution to function. We always express our complaints when anything goes wrong; we should also pause now and then to recognize outstanding and loyal service.

These remarks are prompted today because we will soon lose the talents of Robert S. McGuire, who has served as chief of the finance office in the Clerk of the House's organization. Bob has decided to retire and, with his wife Susan, relocate to the sunny slopes of New Mexico. Susan has also given years of service to the House during her tenure as a key staff member of the House Committee on Education and Labor.

I'm confident that neither Bob nor Susan will be retiring citizens of New Mexico. They will become activists in their new community, whether in civic, business, or cultural circles. We in the House community and in the greater Washington area will miss them.

Bob McGuire came to the House finance office as its chief in mid-1982. He had previously served as chief auditor of the Committee on House Administration. The committee service started in mid-1975 following Bob's years in the U.S. Air Force as an accounting and finance officer. Bob's retirement from the House follows a recent retirement from the Air Force Reserve as a lieutenant colonel.

It is likely that no previous chief of the finance office came better prepared to assume his duties than Bob. While he served the Committee on House Administration, he reviewed literally thousands of payment vouchers for Members, committees, and leadership and administrative offices. This required a detailed knowledge of both laws and House rules and a close working relationship with the finance office to insure that all vouchers were properly supported by the necessary documents and that funds were available to make the payments. His role, in effect, was to assure the committee chairman that the committee was fully and carefully meeting its obligations to review and approve these disbursements of House funds. His service also included many studies, special projects relating to changes in allowances for Members, and joining with the other able staff to make recommendations to the committee.

Bob's appointment as chief of the finance office met with general approval and expectation that we would have an efficient and well-managed operation. This has definitely occurred. The finance office undergoes a very thorough audit each fiscal year by the General Accounting Office [GAO]. In every year it has received a clean report from the GAO. This type of audit and report are tributes to Bob and his staff.

A recitation of the finance office's operations and expanded functions under Bob's leadership could very well be as lengthy as any House committee hearing. Bob's tenure as chief merits the commendation of not only the Clerk and the House leadership, but all House employees who benefit from a very effective and professionally run organization.

Mr. Speaker, my role as chairman of the Subcommittee on Legislative Branch Appropriations puts me in the position to review and commend Bob's service. He has occupied the role of financial adviser to my subcommittee regarding the preparation of the House budget, its appropriation, and its expenditure. Information that he develops with his staff and provides to the subcommittee form the basis for making our judgments on appropriations for the House. I speak for all the members and staff of the subcommittee when I commend and thank Bob for his work with us and our staff over the years. He has set a standard of service that all should strive to achieve.

May I quickly add, however, that I commend the Clerk's choice as Bob's successor, a veteran employee and assistant chief of the finance office, Mike Heny. Mike has all the necessary ability and experience to continue Bob's exemplary record of service.

Mr. Speaker, we will miss Bob and Susan McGuire. We thank them for their service to the House of Representatives. We wish them well in their new life in New Mexico. If needed, we will be calling Bob now and then to join in consultation about the House's financial operations.

COMMEMORATING THE 50TH ANNIVERSARY OF THE AQUARIAN BOOK SHOP

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise today to commemorate the 50th anniversary of the Aquarian Book Shop in my congressional district. The Aquarian Book Shop is the oldest African-American bookstore in California and quite possibly the oldest African-American owned bookstore in the United States. For 50 years, the proprietors of the store, Dr. and Mrs. Alfred Ligon, have provided members of the Los Angeles African-American community a place to discover their history, literature, religion, and culture. Despite all odds, surviving through good and bad times, the Lignons have provided a unique and invaluable service which has become a venerable institution in the Los Angeles African-American community.

With roughly \$100 in personal savings, Alfred Ligon opened the Aquarian Library and Book Shop in 1941 in the basement of his home on Jefferson Boulevard. Then a waiter for the Southern Pacific Railroad, Alfred and his sister initially purchased metaphysics, nonfiction, and fiction books from a second-hand bookstore downtown. Later, Ligon shortened the store's name to the Aquarian Book Shop and expanded the store's inventory to include books by renowned African-American writers such as historians J.A. Rogers and W.E.B. DuBois, poet Langston Hughes, and others.

During the 1960's, a heightened interest in African and African-American history gave birth to book shops in African-American communities across the Nation. When interest waned during the 1970's and 1980's, however, many could not survive, falling prey to financial woes and lack of community support. The Aquarian Book Shop is one of the few African-American owned bookstores to have survived such hard times, and until recently, was the only bookstore specializing in books by and about African-Americans in Los Angeles.

Last November, the Aquarian Book Shop moved a third time from Martin Luther King, Jr., Boulevard to its current location at 3995 S. Western Avenue, Los Angeles, CA 90062, store 12. The shop now has over 5,000 volumes ranging in subject from African history to children's books.

A renewed interest in African and African-American history and culture during the 1990's has brought about a renaissance for African-American bookstores—which have multiplied in number in cities across the country. In addition, larger mainstream book chains, which had limited their inventory of African-American

books to books by prominent authors such as Toni Morrison and Richard Wright, have begun to expand their African-American studies sections in order to lure customers and to cash in on the profitable market. Surely, none will be able to match the Aquarian's wide-ranging inventory of rare and hard-to-find books or serve the various functions which the shop has performed over the years.

In addition to providing a rich repository of information on African and African-American subjects to which the community might not otherwise have access, the Aquarian Book Shop has been the meeting ground for many prominent artists, writers, poets, actors/actresses, healers, organizers, teachers, librarians, thinkers, mothers, fathers, and children of the community. So many, including myself, have passed through their doors and been enriched by the experience. On more than one occasion, I have relied on the friendly and helpful offices of the Aquarian Book Shop for information unobtainable elsewhere.

Appropriately, the Aquarian Book Shop has been the subject of many newspaper and magazine articles, including the Los Angeles Times and Ebony magazine. On October 4-6, 1991, friends and long time supporters of the Aquarian Book Shop will commemorate the event with a 50th anniversary jubilee celebration.

Mr. Speaker, please join me, then, on this happy 50th anniversary occasion in recognizing Dr. Alfred M. and Mrs. Bernice Ligon for their immense dedication and commitment to community service, and in wishing the Ligans continued good fortune and good health in the years to come.

THE PASSING OF ARTHUR S.
HODGE, SR.

HON. RON de LUGO
OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1991

Mr. DE LUGO. Mr. Speaker, I rise to mark the passing of an outstanding Virgin Islander and long time friend, Arthur S. Hodge, Sr. Arthur was laid to rest today, a man who will be deeply missed by his family and the many in our community who knew this warm and generous man.

Arthur had a broader vision of life and the purpose of community than many others. He was trained in a number of disciplines, as a draftsman, a builder, a real estate associate, and an appraiser. He used those many skills not to promote himself, but to boost his community. He was a strong supporter of apprenticeship training for Virgin Islands youth, for he understood well the need to hone native talent. As one of the ways that he could put his convictions into practice, he helped found the Virgin Islands Chapter of the National Association of Plumbing, Heating, and Cooling Contractors where he emphasized youth development.

Arthur spent considerable time investing in his community in other ways. He was a director of St. Dunstan's School and was a founding member of Episcopal Charities. He was involved in the senior citizens home repair pro-

gram where he helped to train low income Virgin Islands residents to become a part of the building profession.

After Hurricane Hugo ravaged the Virgin Islands, Arthur traveled constantly between St. Thomas and St. Croix giving his time and skills to help those devastated by the storm. He never charged for his help.

In many ways Arthur embodied all that is the best in Virgin Islanders. His knowledge and skill, his concern and compassion, his energy and humor, all earned him a special place in the hearts of those who knew him and a special place in the annals of our community. We will miss him greatly, but we take comfort that Arthur S. Hodge, Sr., will long serve as an example for those who follow in his footsteps.

I offer my deepest condolences to his family and loved ones. May he rest in peace.

A TRIBUTE TO JENNIFER
RODRIGUEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Ms. Jennifer Rodriguez, a Palmetto Senior High School student who will be competing in the World Artistic Roller Skating Championships in Sydney, Australia. According to the Miami Herald article, Todd Hartman reports that Ms. Rodriguez is also trying to make the U.S. national team in both speed and artistic roller skating:

The obscurity of competitive roller skating is being rocked by 15-year-old-Jennifer Rodriguez, a quiet, focused Palmetto High sophomore who is trying to do what no woman, and only one man, has done before.

Her goal is to make the U.S. national team in both speed and artistic roller skating.

"Unbelievable," said Dwain Hebda, sports information director for the U.S. Amateur Confederation of Roller Skating. "To do artistic and speed skating, that's unheard of."

WORLD COMPETITION IN AUSTRALIA

She is halfway to her goal. Next month, Jennifer will leave Kendall for Sydney, Australia, to compete in the World Artistic Roller Skating Championships Oct. 8-21 with 22 other members of the U.S. national team, composed of the best amateur roller skaters in the country. At 15, she is the youngest U.S. skater making the trip.

"I'm looking at a very excellent chance of her placing at Worlds," said Gloria Manning, who coaches Jennifer in figures, the artistic category she will compete in at the world competition. "She's very consistent."

Jennifer is not the youngest U.S. skater ever to compete at the world championships. That distinction goes to a 13-year-old Pennsylvania girl who competed in the freestyle category at the world competition in 1989. She may be the youngest to compete in the figures category. The USAC/RS doesn't have records to verify that.

'SHE'S REALLY MOVING FAST'

"I went to Junior Olympics speed skating championships in Tulsa, Okla., and that's all I heard about, people talking about her," said Bob Manning, Jennifer's speed skating coach and the husband of Gloria, the figures

coach. "She's so young, she's really moving fast."

Fast in more ways than one. She's plowing through skill divisions as well as clocking fine times. Skaters move through six skill levels before reaching the senior division, commonly called "world class." She is already at world class in figures. In freestyle, she is a level away from world class. In speed, she is two away.

In May, Jennifer competed at the U.S. outdoor speed skating championships in Colorado Springs. Attempting to make the U.S. speed team, she went up against senior division speed skaters on a banked track. She didn't quite make it, but Hebda said it "blew all of us away," to see Jennifer, five-foot-three and 105 pounds, hold her own in what can be a rough-and-tumble event.

"Speed skaters are totally different than artistic skaters," said Cheryl Rice, Jennifer's freestyle coach. "Artistic skaters have makeup on. Jennifer has her hair pulled back and a nice little tutu. Speed skaters have knee pads on with hair dangling in their face. You see her doing that, and you think, 'That's Jennifer?'"

"Speedy Rodriguez" is a shy speaker. Asked if she has other diversions, she answered: "No. I don't do anything else. Just school." She says skating is her life. She began at age 5, and since then has earned 33 top three national championship finishes in speed and artistic categories.

Said her father, Joe: "It's simply amazing."

I am pleased to pay tribute to Jennifer Rodriguez by reprinting this article. Her story is a very exciting one, and I wish Ms. Rodriguez much success in all of her future competitions.

MRS. JEAN GRECO HONORED FOR
VOLUNTARISM

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 1991

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Mrs. Jean Greco for being elected as president of the Pennsylvania Medical Society Auxiliary [PMSA]. Mrs. Greco has been involved in many charitable organizations and is an outstanding example of individuals from northeast and central Pennsylvania who are involved in community affairs.

Jean began her work with the Pennsylvania Medical Society Auxiliary in 1972 and has since served on the State level as eastern vice president, health education State chairman, and health career financial aid State chairman. She has also chaired the State PMSA conference and has been on the State board of directors.

Locally, Jean has been just as involved and dedicated in her voluntarism. In her hometown of Hazleton, Jean instituted the first drug-abuse program for our local junior high school-aged students and their parents and helped to set up an AIDS education program as part of the health education function of PMSA.

Jean has been instrumental in the organization and success of numerous charity fundraisers, has welcomed foreign exchange students into her home, and has assisted those in need countless times.

In addition to all her charitable works, she has been the loving wife of Dr. Victor Greco, has raised six children, and is the grandmother of seven.

Mr. Speaker, I know my colleagues join me in congratulating Jean Greco for her superb contributions to our community and in wishing her luck as she begins her term as president of the Pennsylvania Medical Society Auxiliary.

NATIONAL CHILDREN'S DAY: HONORING OUR PROMISES TO AMERICA'S YOUTH

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mrs. MINK. Mr. Speaker, I rise to recognize the personal stories of two of Hawaii's most courageous young people: Malia Wai'au from Papakolea and Jonah Mercado from the Waianae coast. Both individuals have a compelling history of how government and non-profit organizations changed their lives positively. They are present today for a hearing on "National Children's Day: Honoring Our Promises to America's Youth" conducted by the Select Committee On Children, Youth, and Families.

Malia Wai'au overcame the trauma of physical and emotional abuse through the services of a department of education program in her high school. Jonah Mercado had been trapped in a cycle of family violence and drug abuse until he received the help from Hale 'Opio Kauai, Inc., a nonprofit, community-based organization.

Mr. Speaker, I would like to submit for the RECORD the testimony of these two youth ambassadors of Hawaii.

STATEMENT BY MALIA WAI'AU

Aloha! My name is Malia Wai'au. I'm seventeen years of age, born and raised in Honolulu, Hawaii. I live with my parents and two sisters on Hawai'ian Homestead land above Punchbowl National Cemetery on the island of O'ahu, in an area called Papakolea. I now attend Roosevelt High School as a Senior. I play Varsity sports (swimming, track, and cross-country) and am a planner in the State Student Council. My hobbies and interests are meeting people, being with friends (a true extrovert), reading, writing, and working to improve the quality of life for youth in Hawai'i.

DEPARTMENT OF EDUCATION OUT-REACH PROGRAM

This program is based in every high school in the state, and staffed with a counselor who works with students who are facing difficult situations causing them emotional stresses. This could include problems such as family, gangs, or drugs. The success of the program ties into the fact that it is easier for the counseling programs to reach out to these kids because they are already linked to that school. Because young people sometimes are unaware of the programs that are available to help them, they just don't seek help at all. Since this program is school-based, the kids can be identified at the school campus and referred quickly to the program. Once in the program, the youth with the help of a qualified counselor or social worker. The youth receives close and

consistent counseling involving the family and others as appropriate. The counseling sessions are arranged to accommodate those involved without the limitations of school hours. With support and love, the young person gains confidence and self-esteem and is better prepared to make the effort to improve his/her own life.

The Department of Education provides the Out-Reach Program to specifically help the youth in each high school who are in need of counseling and support. The program works with youth who are the victims of severe physical and emotional problems, in school and at home. I myself am from this background. I live in Papakolea, a poor neighborhood in Honolulu, where drugs/alcohol, pregnancy and drop-outs are prevalent among the youth. I was subjected to severe problems at home. My father had just been released from prison and returned home a very angry person. I became a victim of physical as well as verbal abuse. For the first ten years of my life he was in jail, and when he came home, he still did drugs and also beat my mother up. I didn't know where to go, so I turned to what I thought at the time was the only alternative. I attempted suicide.

That's where the Out-Reach Program at school came in. Mrs. Iweda, my counselor, started intensive counseling to help me cope. She gave up lots of her personal time and effort. She really put her whole self into helping me just as she has with many others over the years. Mrs. Iweda showed me that there are reasons for living, that I am a wonderful person. With the counseling, support and help given to me and many other youth from Papakolea, it is possible to overcome the nefarious and cruelty of drugs, abuse, gangs, and suicide.

Through counseling and support, I was introduced to new ways of sublimation. My grades improved tremendously to an A average. I felt better about myself and got involved in the Student Council, clubs like Students Against Drunk Driving and the National Honor Society, sports, and volunteer work at hospitals.

Now as a Senior, three years later, I am a State Planner for the State Student Conference in March. I'll be instrumental in addressing the problems of youth in Hawai'i and taking the issues to the State Board of Education to enact new programs and policies to benefit students. With these changes in place, perhaps future teens can avoid encountering such difficult life situations from which I was fortunate enough to survive thanks to my school Out-Reach Program.

STATEMENT BY JONAH MERCADO

How has Hale 'Opio made a difference in my life? Hale 'Opio is a home with people who love in it. It is a chance or an opportunity to change my life. It is a place to deal with problems I have had in the past or may have in the future. Before I came here I thought I knew it all. I was hanging around with the wrong crowd, would run away, not attend school, or listen to my Mom and Dad. At Hale 'Opio I have come to realize what my parents were saying is true. My attitude has changed with the counselors' help of sitting down and talking with me day after day. When kids come here they have nothing but their problems and themselves. But when they leave here they go out as a new person with no problems and, when they get problems, they know how to deal with them.

One problem I had was my self-esteem, which was very poor when I came here. I had nothing to feel good about. I had to be protected from my father through a restraining

order, I had no special memories, I was separated from my mother and four sisters, there were no special events in my life. Now I have had a terrific job experience through the JTPA program and have been invited to speak at a dinner on JTPA's behalf. I have been selected to go to Washington, D.C. to meet our Congressional Delegation and other young people. I have had opportunities to fly around the Islands, take Zodiacs along the Na Pali, and I feel good about these things which I have earned by my achievements, by myself.

Hale 'Opio has also helped me in school. On Oahu I didn't go to my classes. Here I have to go to classes and have realized I have to graduate to become somebody. Hale 'Opio helped me in learning how to make choices and I now can make a decent choice in almost all situations because I have learned what it means to be a responsible adult, which is the key to all positive decision-making. With the really improved self-esteem and responsible decision-making skills I have learned, Hale 'Opio has assisted me in growing up to look forward to being a responsible adult in our community.

TRIBUTE TO SS. CYRIL AND METHODIUS PARISH OF BETHLEHEM, PA, ON ITS 100TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to SS. Cyril and Methodius Parish, Bethlehem, PA, on its 100th anniversary. The centennial anniversary celebration opened with a Mass of Thanksgiving on April 29, 1990, and will continue through October 27, 1991.

In the late 1800's immigrants from Eastern Europe fled to America by the thousands. Most of those people were seeking freedom, something they were frequently deprived of in their native lands. Among those immigrants were the Slovaks, who settled in the little town of Bethlehem, PA, which was founded by their Slavic brethren, the Moravians. As the number of immigrants increased, the Slovak men in the community organized a fraternal benefit society which would help them in their times of need. On October 15, 1890, they were admitted into the First Catholic Slovak Union—Jednota—a fraternal insurance benefit society founded in Cleveland, OH, by the immortal Rev. Stephen Furdek. The charter members of that local fraternal society also became the founders of SS. Cyril and Methodius Parish in Bethlehem, PA.

Impressed by that Slovak group of simple, sincere and God-loving people, Msgr. William Heinen of Mauch Chunk, PA, whose missionary zeal served the parishes in the Lehigh Valley, befriended them and aided them in the establishment of this new Slovak parish in January 1891. Monsignor Heinen called a meeting with the members of the parish, and they all enthusiastically decided to build a church. Appointed to a committee to find a suitable site for the proposed church were Monsignor Heinen and two parishioners, George Zboyovsky and George Slafkosky. A

site location was located and the parish purchased a tract of land bounded by Thomas, Pierce, Laufer, and Buchanan Streets from Lehigh University.

The cornerstone for the first church was laid and blessed on May 24, 1891. The church was dedicated on November 30, 1891. Since Bethlehem had the first Slovak church in the Diocese of Philadelphia, Slovaks from all outlying districts made SS. Cyril and Methodius their parish church. SS. Cyril and Methodius is revered as the mother church of the old Slovaks of Northampton and Lehigh Counties. Rev. John Novacky served as the first appointed pastor until September 23, 1897. Subsequently, Monsignor Heinen and other priests were assigned to administer to the parish until August 4, 1898, when Rev. Francis V. Vlossak was appointed pastor. During this period of time, Bethlehem's population grew tremendously, and so did the parish. A larger church was needed, and on July 5, 1903, the cornerstone was laid and blessed for a new church to be built next to the original church. On July 8, 1906, the new and magnificent church edifice was dedicated with impressive ceremonies. While this new church flourished, the old one was converted into a school and blessed on August 29, 1909. For the first 25 years of its existence, the parish built two churches, a school, rectory, convent, and a cemetery.

In June 1929 Reverend Vlossak retired due to failing health, and Rev. Andrew Fekety succeeded him. A very significant day for this parish was the burning of the mortgage on July 8, 1933. Following the death of Reverend Fekety on April 5, 1947, Rev. Felix J. Labuda became pastor. His outstanding pastorate was a glorious one, most significantly with the building of a new school on July 5, 1964, and a new, modern convent in 1966, both of which were built without the necessity of a mortgage.

A jubilant and joyous occasion for this parish was the elevation of Reverend Labuda to the title of monsignor on May 22, 1966. Slovak culture and heritage have been preserved and fostered throughout the years with the encouragement of Monsignor Labuda. After a pastorate of 37 successful years, Monsignor Labuda retired on March 26, 1984, due to ill health. His successor was Rev. Robert F. Kozel, associate pastor of the parish since September 1963. On July 28, 1986, the parish mourned the death of Monsignor Labuda, its pastor emeritus.

During Reverend Kozel's outstanding pastorate, both the exterior and interior of the church have undergone extensive renovations. The interior has been refurbished beautifully, especially with a new marble altar, pulpit and altar for the Repose of the Eucharist which are all made of maccavecchia and botocino marble from Pietrasanta, Italy. The new altar was blessed and dedicated on February 10, 1990, by His Excellency Thomas J. Welsh, bishop of the Diocese of Allentown. Today, the church stands as one of the most beautiful churches in the Lehigh Valley.

The Parish prides itself with its adult choir which was originated in 1948 under the leadership of Sister M. Clotilda, OSF. The parishioners always enjoy the choir's beautiful rendition which enhances the liturgical services. For the past 30 years, the choir has been

under the splendid direction of Elizabeth Nemchik, a most capable directress. The current organist, Theresa Smith has been with the choir for approximately 10 years. Many years ago, the adult choir produced a recording album of beautiful Christmas carols in their native Slovak language.

The parish is also proud of the Tatra Slovak Folk Group which originated on July 12, 1977, by a group of its parishioners. Their purpose is to preserve Slovak heritage and culture, and to pay tribute to their Slovak ancestors. The group, which is currently comprised of 22 members and an accordionist, features dances and songs from eastern and central Slovakia. On August 16, 1986, they had the distinct honor of performing at the Statue of Liberty for an Ethnic Day Program. Since their inception, they performed at many civic and ethnic functions and most recently, they had an excellent performance for the opening of Bethlehem's 250th anniversary celebration. I've personally enjoyed the Tatrass for many years.

Through these 100 years, 26 sons of the parish have been ordained priests, and 23 daughters of the parish have professed the vows of religious sisters.

During the first century of the life of SS. Cyril and Methodius Parish, many generations have joined hands and worked together to save this parish, which is one of the oldest in the Lehigh Valley. For its centennial celebration, the parish has selected as its theme the words, "And the Lord Saw That It Was Good" which exemplifies the religious strength and unity God has foreseen for this parish.

Father Kozel, Bishop Welsh and parishioners of SS. Cyril and Methodius Church, I am proud to serve as your Representative in the U.S. Congress. You have done so much over the years for your people and our Lehigh Valley community. You have helped define that very community.

Mr. Speaker, please join with me today in commending Reverend Kozel and the parishioners of SS. Cyril and Methodius Church for their perpetual spirit, love and devotion, not only for the church, but for the community as well.

A TRIBUTE TO JOHN NOYER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Mr. John Noyer, who has been with the Coral Gables Police Department since 1973. In 1978, Mr. Noyer entered his first Florida State Police Olympics. He has been an avid swimmer since the age of 4, and attributes his passion of swimming to growing up two houses away from Venetian Pool in Coral Gables, FL. The Miami Herald article entitled, "Gables Policeman Swam at Venetian Pool as a Child," written by Manny Garcia, summarizes Mr. Noyer's love of sports:

As a kid, John Noyer would swim through the caves of Venetian Pool and dive off its cliffs. He swam every day for 14 years.

"The lifeguards all knew me," said Noyer, 41, a Coral Gables police sergeant. "Mom said it was a cheap baby-sitting service."

Noyer's passion for swimming has never diminished. Since 1978, Noyer has been a sprint champion at the annual Florida State Police Olympics.

In June, Noyer won six gold medals, including the 50-meter freestyle and butterfly and 100-meter backstroke, and one silver at the competition in Daytona Beach. A week later, Noyer won four bronze medals competing against some former Olympic swimmers during the World Police & Fire Games in Memphis.

"I'm not surprised by his success," Sgt. Mitch Fry said. "He always wins. He's a real dedicated guy."

Noyer, a motorcycle officer with an aw-shucks personality, downplays his success. He credits teammates for pushing him to succeed.

"There's a lot of good athletes here," said Noyer, who joined the department's champion triathlon team last year.

Noyer grew up in Coral Gables, two houses from Venetian Pool. He said he learned to swim at age 4 when his father tossed him in the water. He raced back and has been racing ever since.

Noyer became an All-Dade swimmer at Coral Gables High and attended San Jose State on a swimming scholarship. He tried out for the 1968 U.S. Olympic swimming team and was ranked eighth nationally, but only three made the squad in his race category.

Noyer, who joined the Coral Gables Police Department in 1973 and competed in his first police olympics in 1978, stays in shape by riding a bicycle, swimming and jogging at least three days a week. He said he plans to win more gold medals.

"The competition's getting younger every year, and I'm getting older," Noyer said with a laugh. "I'll still be hard to beat."

I am pleased to pay tribute to John Noyer by reprinting this article. His story shows how an All-Dade swimmer at Coral Gables High School continues to compete throughout the years, and continues to do the activity he loves.

A SALUTE TO PRINCIPAL STELLA LOEB-MUNSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. STOKES. Mr. Speaker, education is the foundation on which our children will build the future. This foundation depends on the support of thoughtful, caring educators. Today, I rise to honor just such a teacher. Stella Loeb-Munson, the principal at Caledonia Elementary School for 7 years in my home district, was recognized along with 59 other educators from around the country as a National Distinguished Principal by the Bush administration. She was selected from 26,000 principals nationally, and was the only Ohioan awarded this honor.

On October 4, these remarkable educators will be honored by Secretary of Education Lamar Alexander and the National Association of Elementary School Principals here in Washington.

Ms. Loeb-Munson is involved in every aspect of her students' education. On occasion she will teach a class, write newsletters to par-

ents, and she attends each school meeting involving teachers or parents.

It is difficult to pinpoint what makes one educator better than another. Ms. Loeb-Munson's ability to motivate is one of her strongest assets. Students are excited to learn in her school, teachers take time to meet and discuss the progress of their students, and parents are frequently seen in the school working with their children.

In a school with a predominantly African-American student body, Ms. Loeb-Munson expresses her pride in her West-African heritage, and stresses the importance of heritage in her students. Young people are encouraged to learn about American history from an African-American perspective, and this knowledge is tested each year in a competition among fourth-, fifth-, and sixth-grade students. Not only is an interest in history emphasized, but she also looks toward the future. Children are introduced to computers in kindergarten.

Mr. Speaker, all children in America deserve the kind of quality education being disseminated at the Caledonia Elementary School. Ms. Loeb-Munson, along with the 59 other honorees, should serve as models for the rest of the Nation. Nothing is more important to our own future than the education of our children.

TARGET THE FARM PROGRAM TO FAMILY FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, Congress continues to avoid a difficult decision in the way our farm program payments are made to farmers who raise wheat, corn, barley, and other grain.

In the 1990 farm bill we faced a severe cut-back in spending to support grain farmers, and we had to cut 15 percent of the acres for which farmers would receive a minimum level of income support. Rather than remove those acres from large corporate agri-factories, we pulled the support out from under family farmers—price supports that were already too low to help small farmers survive.

Our farm program just isn't working. It focuses on controlling the national production and supply of grain. In my judgment, our policy should be focused on providing a safety net for family farmers. It should provide a minimum price for the first increment of production of grain. That will result in the bulk of the price support payments going to family sized farms. Beyond that, if someone wants to farm a whole county, the Government ought to wish that farmer well, but should not have to guarantee a price for all of the grain.

Congressman TIM JOHNSON and I are, today, once again introducing a bill to target farm program deficiency payments to family sized farms. It redirects the way deficiency payments for wheat and feed grains are distributed so that each farmer is entitled to Government price support only for specific amounts of grain produced by a family sized farm. For that limited amount of production, the farmer is assured of \$4.50 per bushel for

wheat, for example, and \$3.10 for corn. Those prices are high enough so that efficient farmers can make a modest profit, enough to reimburse them for their work.

It seems that farm State Members of Congress from both parties are finally starting to realize that our present farm policy is bankrupting family farmers who grow grain. It is a program that depresses market prices, serving the interests of international grain companies. It is turning rural communities of America into ghost towns. It's a policy that must be changed, and we have offered H.R. 3436 as a blueprint for a change that will work for rural America.

The text of our bill follows:

H.R. 3436

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

SECTION 1. FEED GRAINS.

(a) TARGET PRICES.—Section 105B(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444f(c)(1)) is amended—

(1) in subparagraph (A) by inserting at the end the following: "The farm program payment yield times the acreage used to compute payments to a producer under this paragraph shall not exceed 26,000 bushels of corn or, in the case of other feed grains, a comparable amount, as determined by the Secretary. A producer may substitute .694 bushels of wheat for each bushel of corn.";

(2) in subparagraph (B)(iii) by striking "\$2.75" and inserting "\$3.10", by striking "\$1.45" and inserting "\$1.63", and by striking "\$2.61" and inserting "\$2.94"; and

(3) in subparagraph (c) by striking "85 percent" and inserting "100 percent".

(b) LOAN RATES.—Section 105B(a) of the Agricultural Act of 1949 (7 U.S.C. 1444f(a)) is amended—

(1) in paragraph (2) by striking "85 percent" and inserting "100 percent"; and

(2) in paragraph (3) by repealing subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2. WHEAT.

(a) TARGET PRICES.—Section 107B(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3a(c)(1)) is amended—

(1) in subparagraph (A) by inserting at the end the following: "The farm program payment yield times the acreage used to compute payments to a producer under this paragraph shall not exceed 18,000 bushels of wheat. A producer may substitute 1.44 bushels of corn for each bushel of wheat (or in the case of other feed grains at a ratio established by the Secretary).";

(2) in subparagraph (B)(iii) by striking "\$4.00" and inserting "\$4.50"; and

(3) in subparagraph (C) by striking "85 percent" and inserting "100 percent".

(b) LOAN RATES.—Section 107B(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3a(a)) is amended—

(1) in paragraph (2) by striking "85 percent" and inserting "100 percent"; and

(2) in paragraph (3) by repealing subparagraph (c) and designating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

A TRIBUTE TO THE GOLDSTEIN HEBREW ACADEMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today the Goldstein Hebrew Academy which recently found a permanent home. After 10 years of moving from one place to another, the Goldstein home moved to the Dave and Mary Alper Jewish Community Center in Miami, FL. The article, "Hebrew Academy Gets a Home of Its Own," by Jon O'Neill reports on this exciting event:

After 10 years of being uprooted and moved from place to place, the Goldstein Hebrew Academy finally has a permanent home.

The school, which has students in nursery school through sixth grade, will open the doors of its new building Sept. 3 on the grounds of the Dave and Mary Alper Jewish Community Center, 11155 SW 112th Ave. An open house will be held between 1 and 2 p.m. Thursday.

"I'm ecstatic," said Sam Paryzer, president of the academy. "We've been waiting for so many years and now we have a true home."

The 10,000-square-foot school is named for Katherine and Jacob Greenfield, the parents of an anonymous benefactor who gave \$1 million toward construction.

The school has 14 classrooms, a library and science laboratory. It can hold 125 students. Last year, the school had 72 kids.

The school opened 21 years ago, offering an elementary curriculum along with Judaic studies. But it never stayed in the same place.

I am pleased to pay tribute to the Goldstein Hebrew Academy by reprinting this article from the Miami Herald. This story tells of how the Goldstein Hebrew Academy waited many years for this happy event to take place. I wish them much success in their new home.

RAY NOLIN RETIRES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mr. RICHARDSON. Mr. Speaker, a giant in the communications industry retired earlier this month. Ray Nolin, a good friend of mine who many of us in the Congress deeply respect and admire, recently left BellSouth Corp. after 25 years in the industry.

Ray began his career with Illinois Bell in 1961 in the marketing department. He held a variety of positions in eight different Illinois communities. In the early 1980's, he moved to Chicago to direct AT&T's government affairs in the Midwest.

His outstanding record and achievements enabled Ray to be appointed to his last position—vice president, Federal relations for BellSouth Corp. Since 1985, Ray has lived in Washington directing BellSouth's legislative activity on a Federal level.

It was in Ray's last assignment that I had the opportunity to appreciate his extraordinary

skills and superb understanding of telecommunications matters. While I didn't always agree with Ray's positions, I always admired and respected his thoroughness and honesty in discussing issues with me. Ray was more than just a government relations representative; he was and continues to be a good friend.

While I will miss Ray's visits, I am delighted that he is moving on to a less hectic and a much more sane existence. He and his wife Catherine will be summering in Colorado and wintering in Florida.

I urge my colleagues to join me in bidding Ray and Catherine a warm farewell and a healthy and enjoyable retirement.

**ANN MOSELEY: EDUCATOR,
ACTIVIST, AND FRIEND**

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mrs. LOWEY of New York. Mr. Speaker, Ann Moseley was born and brought up in South Carolina, but I am very glad that she chose to come to New York after graduating from college. Her contributions to southern Westchester and the Bronx have been immense. She is retiring from the New Rochelle school district, and I would like to take this opportunity to extend to her my thanks and those of many others for her dedication and unfailing commitment to our young people.

Ann Moseley cares about children. Throughout her life she has dedicated herself to making possible for them happy and healthy childhoods, and making sure that society offers them opportunities to succeed and prosper. As an educator and as a community activist, she has been immensely successful in her pursuit of both of those goals.

Her career began at the Lincoln Child Care Center, from which she moved to the Arthur Bay Day Care Center. At Arthur Bay, she served as head teacher and assistant director. She then served for a time in the Yonkers school district, before moving to New Rochelle. For the past 30 years, she has been an important part of that school system. In addition to the thousands of young people who have had the benefits that a first-rate teacher can provide, Ann has given special attention to assisting mentally retarded students. As a result of Ann's efforts, a special program has been established for trainable mentally retarded young adults, as well as a summer camp tailored to their needs.

The school system, however, has not been the only focus of Ann's tireless activities. As an active member of the NAACP, she has served as president of the New Rochelle chapter and in many other capacities. Through that work and every other facet of her life, she has fought to eliminate the blight of racial discrimination. She is also deeply involved in the activities of her church, St. Catherine A.M.E. Zion. The Community Chest, Heart Fund, Red Cross, Muscular Dystrophy Association, Urban League, and United Negro College Fund have also benefited from her active participation.

I know that her retirement from teaching, while definitely a loss for New Rochelle's

schools, will not mean an end to her caring and dedicated participation in community life. I cannot imagine Ann Moseley ever ceasing to strive for a better New Rochelle and a better world. I am proud to count her as a friend and am glad to have this chance to pay tribute to her. I am certain that all of my colleagues join me in giving this wonderful woman our best wishes and congratulations upon her retirement.

**HAPPY FIRST BIRTHDAY TO THE
CHILDREN'S INN AT NIH**

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Mrs. MORELLA. Mr. Speaker, there is a truly unique project taking place at the National Institutes of Health [NIH] in Bethesda, MD—the development of the Children's Inn, which recently marked its first birthday.

The effort to provide a home-like setting for families and children when a child is being treated for a difficult illness started as a dream in the early 1980's. The dream's goal was simply to provide a sick child the opportunity to receive the invaluable physical and emotional support which a family can provide.

This dream was made possible in 1987 when Merck & Co., Inc., made a \$3.7 million grant to build the Children's Inn, and NIH set aside 2 acres of land for the facility. Three years later, in June 1990, the inn opened its doors for the first time to children, youth, and their families.

Perhaps no other organization has been more supportive of the Children's Inn than Merck & Co. In addition to its original \$3.7 million grant, Merck has just announced a \$500,000 challenge grant to be used as the basis of a campaign to raise matching contributions for a "Friends Fund" to cover future operating expenses at the inn. Largely thanks to Merck, now a world leader in research and development of new medicines, seriously ill children participating in the leading edge of medical research at NIH can continue to have a place where they and their family can be together—adding a critical dimension of emotional support to the medical research at NIH.

Congratulations to the Children's Inn, its staffs, its volunteers, and the many generous contributors to this very important project. With the creation of the Children's Inn, we can all hold our heads a little higher knowing that children, and their families, facing difficulties at our national medical center have a supportive place to call home.

**CARLOS J. ARBOLEYA BOULEVARD
NAMED FOR BUSINESS AND
CIVIC LEADER**

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on September 13, 1991, a portion of Southwest

Eighth Street in Miami was renamed Carlos J. Arboleya Boulevard to honor this extraordinary business and civic leader. On hand for the dedication was State Representative Al Gutman, who sponsored and guided the street naming legislation through the Florida House. Representative Gutman was joined by other State legislators and the mayors of Dade County, Miami Beach, and Hialeah. Mr. Arboleya has assembled an impressive personal history of professional achievement and civic contribution.

Mr. Arboleya's story is one characterized by contrasting periods of success, difficulty, and success. In 1960, he resigned his position of chief auditor in the comptroller's division of Cuba's largest bank when it became apparent that the Communist dictatorship intended to capture all financial institutions and private property. Mr. Arboleya's life and that of his family was turned upside down by the Castro regime, a tragic experience shared by so many other Cubans. He fled to Miami with just \$40 in his pocket, bringing with him his wife Marta, his 2-year-old son, Carlos, and a hope in America. The success he later found in the land of opportunity is perhaps the most profound act of defiance toward the Communist regime in Cuba which took everything from him except his family and his will to be free.

Upon arriving in south Florida, Mr. Arboleya at first tried with no avail to secure a position in the banking industry, and instead took a job as an inventory clerk at a south Florida shoe factory. Undaunted, Mr. Arboleya worked his way up to the position of vice president and comptroller of that shoe factory making possible a parallel leap back to the banking business. Through his business acumen and sheer hard work, he gained the post of vice chairman of the south Florida region of Barnett Bank which he presently holds. Mr. Arboleya is a testament to the freedom found in America, that an individual whose resources lie primarily in their determination to succeed should find such success.

Mr. Arboleya's success story does not end there, however. He is a man who has given back to the community in which he has prospered. The list of charity and civic organizations to which he has offered his leadership is extensive. He is the chairman of Miami '92, the Discovery of America Quincentennial Committee. Mr. Arboleya is a member of the national executive board of the Boy Scouts of America, and the vice president for Dade County of the Boy Scouts of America, and the vice president for Dade County of the South Florida council. Mr. Speaking, I join the people of south Florida in applauding Mr. Arboleya for his shining example of service and dedication which continues to be an inspiration to all those who place their hope in the American dream.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 1, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 2

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities Subcommittee

To hold hearings on S. 1533, to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934, and on related issues.

SD-538

Governmental Affairs

To hold hearings to examine government regulation of reproductive hazards.

SD-342

Special on Aging

To hold hearings to examine Medicare's responsiveness to older Americans concerns relating to provider fraud and abuse and the manner in which carriers assign and maintain Medicare provider numbers for persons and entities who wish to participate in the program.

SD-628

Joint Economic

Education and Health Subcommittee

To hold hearings to examine ways to reform the American health care system.
2359 Rayburn Building

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Ming Hsu, of Arizona, to be a Federal Maritime Commissioner; to be following by a hearing on the nomination of Arthur J. Rothkopf, of the District of Columbia, to be General Counsel of the Department of Transportation.

SR-253

Foreign Relations

To hold hearings on the International Convention on Salvage, 1989 (Treaty Doc. 102-12), and the International Convention on Oil Pollution Preparedness, Response and Cooperation (Treaty Doc. 102-11); to be followed by a hearing on the nomination of David A. Colson, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs.

SD-419

1:00 p.m.

Conferees, on H.R. 2942, making appropriations for fiscal year 1992 for the Department of Transportation, and related agencies.

H-140, Capitol

2:00 p.m.

Energy and Natural Resources

To hold hearings on the nominations of Elizabeth Anne Moler, of Virginia, and Branko Terzic, of Wisconsin, each to be a Member of the Federal Energy Regu-

latory Commission, Department of Energy.

SD-366

Foreign Relations

To hold hearings on the nominations of Richard Clark Barkley, of Michigan, to be Ambassador to the Republic of Turkey, James F. Dobbins, of New York, to be U.S. Representative to the European Communities, with the rank of Ambassador, and John Christian Kornblum, of Michigan, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

SD-419

Judiciary

To hold hearings on the nominations of Barbara A. Caulfield, to be United States District Judge for the Northern District of California, Ronald E. Longstaff, to be United States District Judge for the Southern District of Iowa, John W. Lungstrum, to be United States District Judge for the District of Kansas, and Terry R. Means, to be United States District Judge for the Northern District of Texas.

SD-226

OCTOBER 3

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine organized crime activities in Asian communities.

SD-342

9:30 a.m.

Rules and Administration

Business meeting, to mark up S. 289, to authorize an extension of the National Air and Space Museum at Washington Dulles International Airport, S. 239, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in Washington, D.C., S. 1415, to provide for additional membership on the Library of Congress Trust Fund Board, S. Res. 185, to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs, H. Con. Res. 172, providing for the printing of a revised edition of the booklet entitled "Our American Government," and other pending legislation.

SR-301

10:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Finance

To hold hearings to examine the current operation of trade adjustment assistance and other programs for dislocated workers.

SD-215

2:30 p.m.

Foreign Relations

To hold hearings on the nomination of Elaine L. Chao, of California, to be Director of the Peace Corps.

S-116, Capitol

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1569, to implement the recommendations of the Federal Courts Study Committee, and to establish an intercourt conflict resolution demonstration program and the

National Commission on Federal Criminal Law.

SD-226

OCTOBER 4

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine the status of Great Lakes Federal programs.

SD-342

Joint Economic

To hold hearings on the employment-unemployment situation in September.

SD-628

OCTOBER 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to examine whether the Federal government is making environmentally conscious decisions in its purchasing practices.

SD-342

11:00 a.m.

Foreign Relations

To hold hearings on the nomination of David A. Colson, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs, and on the International Convention on Salvage, 1989 (Treaty Doc. 102-12), and the International Convention on Oil Pollution Preparedness, Response and Cooperation (Treaty Doc. 102-11).

SD-419

OCTOBER 17

9:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings to examine the visibility of auctioning radio spectrums.

SR-253

9:30 a.m.

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold oversight hearings on implementation of the Department of Energy's joint venture program for renewable energy.

SD-366

2:00 p.m.

Select on Indian Affairs

To hold hearings on S. 1687, to increase the capacity of Indian tribal governments for waste management on Indian lands.

SR-485

OCTOBER 22

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1315, to transfer administrative consideration of applications for Federal recognition of an Indian tribe to an independent commission.

SR-485

OCTOBER 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Report of the Commission on

the Future Structure of Veterans Health Care.

334 Cannon Building

9:30 a.m.

Governmental Affairs

To resume hearings to examine the employment and promotion opportunities in the Federal Government for women and minorities.

SD-342

OCTOBER 24

8:45 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF-100, Capitol

OCTOBER 29

9:30 a.m.

Select on Indian Affairs

To hold joint hearings with the House Committee on the Interior on H.R. 1476, to provide for the divestiture of certain properties of the San Carlos Indian Irrigation Project in the State of Arizona.

SR-485

POSTPONEMENTS

OCTOBER 3

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine telecommunications reliability as related to aviation safety.

SR-253

2:00 p.m.

Foreign Relations

European Affairs Subcommittee

To resume hearings on consolidating free-market democracy in the former Soviet Union.

SD-419