

# HOUSE OF REPRESENTATIVES—Tuesday, January 29, 1991

The House met at 12 noon.

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

Our prayers rise this day for those to whom great responsibility has been given. We remember the leaders of our own Nation and the leaders of other nations that they will know the gifts of wisdom and understanding, the gifts of insight and sound judgment.

May Your good spirit, gracious God, that ever points to the paths of peace, be with Your human family even in these days of conflict, that Your will may be done on Earth as it is in Heaven.

May Your blessing, O God, be with the members of the armed services. Be their protection and their guide this day and give to them and their families Your peace that passes all human understanding. This is our earnest prayer. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Indiana [Ms. LONG] please come forward and lead the House in the Pledge of Allegiance.

Ms. LONG 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.

## A SALUTE TO PATRICIA LENZ AND OUR MILITARY FAMILIES

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

Mr. BONIOR. Mr. Speaker, I rise today to give recognition to a caring and generous individual, Ms. Patricia Lenz. She is here today as my special guest for the President's State of the Union Address.

Pat is the founder of the East Area Family Support Group for families and friends of those stationed in the Persian Gulf. She is also the proud mother of Robert Harper and Jim Lenz. Robert is currently serving in Saudi Arabia with the 24th Infantry, Signal Battalion of the United States Army. Jim is

currently in the Army Reserves and working in Germany.

Under Pat's leadership, the East Area Family Support Group began its meetings in September. Pat's efforts on behalf of our military families have been nonstop, around the clock. This weekend, they will open a special center offering assistance, information, and emotional support to anyone with friends or family stationed in the gulf.

Just as we draw strength from the courage of our men and women in the Persian Gulf, we draw inspiration from people like Patricia Lenz. May her example help to bring us all together in support of the families of those who so proudly serve our country.

## RESOLUTION CONDEMNING IRAQ'S ECOTERRORISM

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

Mr. LAGOMARSINO. Mr. Speaker, today I will be introducing a resolution condemning Iraq's pumping of millions of gallons of oil into the Persian Gulf—its newest form of terrorism; namely, ecoterrorism. My resolution further holds Iraq 100 percent responsible for all economic and environmental damages and calls upon the President and the leaders of other allied nations to demand adequate compensation from Iraq for economic losses, environmental damages, and cleanup costs.

While I recognize that at this time my resolution cannot be enforced, I believe it sends the signal to Iraq, and the rest of the world, that we will not ignore Iraq's deliberately destructive environmental terrorism. This resolution calls on the President to make this issue part of any future settlement.

Iraq's deliberate polluting of the Persian Gulf further underscores the reckless, desperate nature of Saddam Hussein's dictatorship. Saddam's environmental warfare hurts most those he claims to be helping; namely, the Arab masses. This oilspill could destroy the fishing, pearling, and aquaculture industries in the gulf, ruining the economic livelihood of many innocent people including Iraqis. Contamination of desalinization plants only targets innocent Arab inhabitants of the gulf. Saddam, who claims to be the great protector of the Arabs, is instead wiping out the whole heritage and environment of the gulf.

I invite my colleagues to join me in cosponsoring my resolution.

## CONGRATULATIONS TO THE "BETHEA BATTALION"

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

Mr. TALLON. Mr. Speaker, I am proud of all South Carolinians who are serving in Operation Desert Storm and I am deeply moved by the contributions of their families.

The Andrew Bethea family of Dillon, SC, my hometown, has gone above and beyond the call of duty.

They have sent five sons and one daughter-in-law to serve in Saudi Arabia. A grandson is currently stationed at Fort Stewart.

The tradition of service to country is one that was obviously instilled in the Bethea children by their parents.

Named the "Bethea Battalion" by the Dillon Herald, William, Lamont, Charles, Lylia, Alvin, Donald, and The-saurus are making the town of Dillon very proud.

To Mr. and Mrs. Bethea and the battalion, I want to express my gratitude and admiration for your high family values and to your dedication to this Nation.

Let us hope and pray for a swift and safe return.

I would like to submit for the RECORD, a list of the members of the Bethea family who are contributing to Operation Desert Storm.

### THE BETHEA BATTALION

First Sgt. William R. Bethea, 47, a graduate of Gordon High School and the first to enlist, is in headquarters company of the 30th Engineering Battalion. He has nearly 21 years of Army service, punctuated by a two-year lay-off after he returned from Vietnam.

As a civilian he was employed at Dixiana. A resident of Raeford, N.C., he is the father of five.

SSG Lamont C. Bethea, 36, has 12 years of military service and is a member of the 32nd MEDSOM, a medical unit. A graduate of Dillon High before entering the Army, Charles and his wife, Judy, are parents of two children. He calls Fayetteville, N.C., his home.

SSG Charles Bethea, 35, enlisted shortly after his graduation from Dillon High School. He has 17 years of active duty. He is a supply sergeant in the Third Battalion. He met his wife, also a sergeant deployed in Saudi Arabia, while both were serving in the Army at Fort Sill, Oklahoma. He lists his home as Fayetteville.

Sgt. Lylia Bethea, attached to Headquarters and Headquarters Company, 30th Engineering Battalion, is a Tennessean. She has more than ten years of active duty.

Sgt. Alvin Bethea, 32, has 15 years in the Army and is a missile technician with Headquarters and Headquarters Company XVIII ABC. He met his wife when both were in the

□ 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.

Army at Fayetteville and he is the father of a son. Mrs. Bethea is no longer in the Army. Charles' home is in Dillon.

Pvt. Donald Bethea, 27, the youngest and last to enlist, is a resident of Latta. He was a member of a National Guard unit, a transportation company, in Kingstree when it was mobilized. His wife, Shirl, and two children live in Latta.

E-4 Thesaurus Grice, 20, a grandson is carrying on the family tradition. He is a biomedical specialist stationed at Fort Gordon, Georgia.

#### AMERICA DESERVES EXPLANATION FROM OIL COMPANIES

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

Mr. GUNDERSON. Mr. Speaker, I do not believe the crisis in the Middle East is over oil. However, I do believe America's oil companies have some explaining to do to the American people. It is very difficult at a time when American men and women are putting their lives on the line over principles, that America's oil companies would use this crisis to record record profits.

The fact is, fourth quarter operating profits for the 12 largest oil producers increased an average of 70 percent over the same period 1 year ago. The fact is that income for the world's largest oil company soared more than threefold. Mobil rose to 45 percent; Texaco is up 35 percent; Amoco is up 68 percent; Chevron earned \$633 million. And it goes on and on. Shell Oil Co. jumped by 68.9 percent.

Somehow, some way, it is very difficult, at a time when American men and women are putting their lives on the line, that American companies would take advantage of this situation. I hope each and every one of them will give this Congress, this administration, the American people, and most importantly, our American troops, an explanation for this price gouging.

□ 1210

#### REMEMBERING NAVY SEAMAN JEFFREY SETTIMI

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

Ms. LONG. Mr. Speaker, I rise to express my sorrow at the unfortunate death of a young serviceman from Indiana. Navy Seaman Jeffrey Settimi lost his life when his ferry capsized while taking him from Israel to the U.S.S. *Saratoga*. A volunteer in the U.S. Navy, he was courageously serving and protecting our country against aggression in the Middle East.

Jeffrey was a patriot dedicated to protecting the freedoms of our great country. His commitment was demonstrated by his reenlistment in the

Navy in 1989, and by his 5 years of service in our Armed Forces.

The loss of anyone's life is a great loss. But, with the loss of Jeffrey's life, my concern for our troops in the Persian Gulf has significantly intensified and the terrible cost of war has become very personalized. His family never envisioned that the pain of such a loss would hit home so hard.

Jeffrey graduated from Fort Wayne's South Side High School, and joined the Navy shortly thereafter. He was the all-American boy next door; he enjoyed sports, was religious, and planned to attend college upon completion of his service with the Navy. He was a Fort Wayne native whose quiet and polite demeanor made him a joy for his parents to raise.

As we remember Jeffrey, let us all be reminded of the tremendous value of the human lives of the young men and women serving our country in the Persian Gulf.

#### WHAT IS LABOR'S NO. 1 LEGISLATIVE PRIORITY?

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

Mr. BALLENGER. Mr. Speaker, the No. 1 priority for organized labor this session will be H.R. 5, a bill to ban the permanent replacement of striking workers.

Supporters of the bill say it is designed to clarify existing law. Nothing could be further from the truth. In fact, this legislation will undo more than 50 years of labor law.

Unions represent only 12 percent of the private sector work force, yet unions are asking for one of the largest expansions of union power in recent years. They will be able to force their demands, resulting in essentially risk-free strikes over any issues.

Current labor law encourages reconciliation and as a result, strike activity is low. H.R. 5 makes the strike more likely and lessens the opportunity for a quick settlement to a dispute.

H.R. 5 includes not only unionized employees but nonunion businesses as well. For instance, employees who may walk off the job would have to be rehired to the same jobs whenever they return to work.

A strike bill is bad policy, bad for workers, and bad for America's competitive position in world economy. Join me in opposing this legislation.

#### MURDER IN RURAL AMERICA

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

Mr. RICHARDSON. Mr. Speaker, as we stand here in the "murder capital"

of our country, it is all too easy to think that violent crimes are isolated to our large cities. Unfortunately, violence is not limited to urban areas.

It is with great sadness that I tell you about a mass slaying in rural New Mexico this past weekend. This tragedy demands that we look more seriously at the issue of crime and law enforcement in our country.

As a result of a domestic dispute, seven people, including two police officers, were shot to death and a 13-year-old boy was hospitalized with two bullet wounds.

This nightmare occurred in Chimayo, a rural town that exemplifies the beauty of my home State. But violence did not respect the serenity of this land and inflicted irreparable damage on this community.

This can happen because one small State police office must serve hundreds of square miles.

Unfortunately, this community does not stand alone. Law enforcement in rural America must be improved by increasing manpower and by creating multijurisdictional task forces.

While considering the crime control bill, my colleagues and I successfully defeated the direct passthrough provision, thereby protecting the distribution of rural law enforcement funds. Yet, this will never be enough to the families of those who were brutally murdered.

Though I know I can not fully share their sorrow, I send my condolences and my assurance that we will continue to seek new ways of enhancing rural law enforcement.

[From the New Mexican, Jan. 27, 1991]

SEVEN DEAD, INCLUDING TWO COPS, IN SHOOTOUT AT CHIMAYO

(By Kelly Richmond and Mark Utgaard)

Seven people were killed, including two police officers, and at least four others were wounded Saturday evening in a shooting spree at a Chimayo trailer park, apparently sparked by a domestic dispute.

State Police Maj. John Denko said late Saturday that authorities were still looking for the suspect, identified as 29-year-old Ricky Abeyta of Chimayo. Denko said he escaped from the trailer before a state police tactical team stormed it about 10:30 p.m.

At 11:30 p.m., police issued a bulletin for a blue Toyota pickup with the license plate LW-6062. The police dispatcher said authorities believe Abeyta is armed with a 7 mm rifle, a .38-caliber handgun and a .357 handgun taken from a police officer.

"He is considered armed and very dangerous," said Denko.

Abeyta is described as being between 5 feet 3 and 5 feet 4 inches tall, about 130 pounds with brown hair, brown eyes and a dark complexion.

Denko said State Police Officer Glen Huber and Rio Arriba County Sheriff's Deputy Jerry Martinez were shot early Saturday evening when they arrived at the trailer to deliver a restraining order. Police, forced to wait at a distance by a suspect shooting from the trailer, were unable to attend to the fallen officers for hours after they had been shot.

It was unknown whether Abeyta slipped out of the trailer after police surrounded it or if he left even before police formed barricades. However, police at the scene said they are convinced he was in the trailer when back-up officers arrived because shots were fired from the trailer.

The other victims of the shooting were not identified by police as of late Saturday night. They included a 5-month-old baby boy found under a car, a child of an unknown age found in the back of the car, and a woman whose body was found in a rented moving truck outside the trailer.

Denko said Huber, killed in his patrol car, and Martinez apparently arrived after the shootings began.

"Evidently the situation became volatile before they got there. They were caught by surprise, totally off guard," Denko said.

Police believe the incident started when the suspect and his girlfriend got into an argument about her moving out.

Martinez is the father of a 1-month-old baby girl.

Police said that after shooting Huber and Martinez, Abeyta barricaded himself inside a trailer and police surrounded it.

At least one of the wounded was a 13-year-old boy who was airlifted by Lifeguard helicopter to University Hospital in Albuquerque, where he was listed in serious but stable condition with gunshot wounds to the shoulder and buttock.

The other wounded were taken to Espanola Hospital but the hospital declined to release any information about them.

Denko said Huber, 35, was a Santa Fe High School graduate and had seven years experience with the state police. The one-time Pecos marshal is survived by a wife and two daughters, he said.

The last state police officer killed in the line of duty was Wayne G. Allison, who was killed in a plane crash in February 1988. The last state police officer killed with a weapon was Sherman Toler, who was shot during a routine traffic stop in March 1986.

#### INTRODUCTION OF RESOLUTION TO WITHDRAW NOBEL PRIZE FROM GORBACHEV

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

Mr. ARMEY. Mr. Speaker, last October Soviet President Mikhail Gorbachev was awarded the Nobel Peace Prize for being a friend to the causes of peace, openness, and international trust. Within months, however, he has betrayed these causes by adopting old, hard-line Stalinist tactics in the Baltics. There we have witnessed the brutal suppression of free institutions, the silencing of the press and the killing of innocent civilians.

Mr. Speaker, as we speak, the international community is embracing the vision of freedom and democracy. President Gorbachev shows himself to be an enemy of this vision. His vision appears to be in violation of the 1975 Helsinki accords on human rights and holding on to states that were forcibly annexed in a secret pact with Adolph Hitler.

It is for these reasons, Mr. Speaker, that I have introduced a resolution calling upon the Nobel Committee to withdraw the Nobel Prize for peace from President Gorbachev. Let us send a strong message that the United States stands for the freedom of the 8 million people of the Baltic Republics and not with the brutality of totalitarian repression.

#### GOLDWATER-NICHOLS DEFENSE REORGANIZATION ACT SERVES US WELL IN DESERT STORM

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

Mr. HUTTO. Mr. Speaker, there is broad agreement that Desert Storm is better organized than any war in which the United States has been involved. This is due in large measure to the Goldwater-Nichols Defense Reorganization Act and is a great tribute to our late colleague Bill Nichols. Bill did some of his best work in the last years of his life and the Defense Department reform he coauthored was landmark legislation. Congressman Nichols, who lost a leg in combat in World War II, saw the need of eliminating the confusion in the chain of command. This legislation, which I gladly cosponsored, strengthens the hand of the Chairman of the Joint Chiefs of Staff, but most importantly, it gives the authority to the CINC, the Commander in Chief in the field to be in charge and to make decisions that saves lives and achieves objectives without confusion and interference from Washington. The Goldwater-Nichols Act truly serves us well.

#### SUPPORT H.R. 555, SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENT

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

Mr. RITTER. Mr. Speaker, I would like to thank the Veterans' Affairs Committee for their timely work in bringing to the floor later today H.R. 555, legislation which I have cosponsored, that will help Desert Storm service men and women and their families with potential financial hardships that they may face.

We need to be behind our troops 100 percent, not only on the battlefield, but on the homefront as well. Civil lawsuits, eviction from apartments, abusive actions of creditors, professional liability premiums for doctors and health insurance reinstatement are problems that should not burden our Desert Storm service members or their families back home.

Mr. Speaker, H.R. 555 provides new protections and relief from many of the types of problems that are worrisome

to our troops and their families by amending the Soldiers' and Sailors' Civil Relief Act, an act that has not been amended since the Vietnam war.

Mr. Speaker, I strongly support H.R. 555 and urge my fellow Members to stand fully behind our troops by voting unanimously for this bill.

#### AIDS EPIDEMIC CONTINUES TO GROW

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

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of our colleagues the recent report from the Center for Disease Control that 100,000 Americans have now died from AIDS. This is quite remarkable, because the disease was not even known 10 years ago.

The epidemic continues to grow. In the next two years it is estimated that 200,000 people will die of AIDS, and well over 1 million Americans are infected with the disease.

Because of this Congress, and I am here to thank the Congress, because of this Congress, federally funded research has given us some reason for hope, and last year with the passage of the Ryan-White care bill, the Federal Government assumed a necessary role in patient care and early intervention. We need to fully fund this legislation this year.

Unfortunately, the Federal prevention efforts have not been successful. We must do better. One hundred thousand dead and counting, we must do more.

#### BLANK CHECKS AND BALANCED CHECKBOOKS

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

Mr. ANNUNZIO. Mr. Speaker, I found testimony presented by administration officials last week rather astonishing in two regards.

First, it was stated that an additional \$77 billion will be needed this fiscal year to cover the costs of the Resolution Trust Corporation [RTC]. Yet, the RTC's audited financial statements for the year ending December 21, 1989, remain uncompleted.

If the RTC were a publicly held corporation, it would be in gross violation of SEC regulations, which give a publicly held corporation only 90 days to report its financial statements.

The RTC's unaudited financial statements are not in much better shape. The last quarter for which RTC has provided unaudited financial statements is for the one ending June 1990.

How can the administration estimate how much money it needs, when it has

no audited financial statements from 13 months ago, let alone now?

This brings us to the second remarkable aspect of the testimony: The administration wants Congress to give it a blank check to cover the RTC's costs.

Under any circumstances, granting such authority would be irresponsible.

Mr. Speaker, giving a blank check to an entity which cannot balance its own checkbook is an invitation for disaster.

□ 1220

#### DON'T CANCEL THE SUMMIT: NOW IS THE TIME TO KEEP TALKING

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

Mr. GLICKMAN. Mr. Speaker, this may be a revisionist perspective, but I feel compelled to come to the floor and indicate my serious concern about the decision to either cancel or delay the summit between the United States and the Soviet Union. Now is the time, particularly when we have over a half million troops in the Persian Gulf in harm's way, now is the time for the two superpowers to keep talking.

I as well as all of my colleagues and most Americans are concerned about the Baltic situation and the step backward for reforms by the Gorbachev government. All of us are also concerned about the delay in arms agreements. It is disturbing, but these are not insurmountable issues.

They can be discussed by us and by the Soviets. United States-Soviet relations still are the most important relationship to the United States and to the world.

Soviet assistance with respect to the coalition in the Persian Gulf has been paramount to United States success so far. To the extent that the United States can influence Gorbachev's policies in the Baltics as well as in furthering reform, we must keep talking with each other.

President Bush went the extra mile with Saddam Hussein to try to negotiate ourselves out of a conflict before it occurred. He should do no less with Gorbachev and the Soviet Union.

#### FAIRNESS FOR THE VETERANS OF VIETNAM AND RESERVISTS AND NATIONAL GUARD MEMBERS

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

Mrs. UNSOELD. Mr. Speaker, as we meet, the men and women of our Armed Forces are engaged in battle in the Middle East. In addition, thousands of veterans of past wars are engaged in battles of their own.

Today is our opportunity to help not only those brave forces serving us now,

but also the brave veterans who served us so honorably in years past.

H.R. 556 is about fairness for the veterans of Vietnam. It mandates extended care for those who suffered the dangerous after-effects of agent orange.

H.R. 555, meanwhile, is about fairness for the brave reservists and National Guard members on active duty. This legislation would ensure that their families are not subjected to unfair evictions, or gaps in health coverage.

I hope this Congress will move quickly to pass both of these bills. We owe it to ourselves to support not only the troops in this war, but also those involved in America's last war.

#### THE COSTS WITH RESPECT TO DESERT STORM

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

Mr. DORGAN of North Dakota. Mr. Speaker, it is clear that the most important cost with respect to Desert Shield and Desert Storm, the war in the Persian Gulf, is the cost measured in human lives, both the soldiers and civilians who are often the victims of war.

But there is another cost as well. We are facing it now and when the war is over and the dust settles, there will still be the financial burden for someone to bear, and the question is, Who will pay the costs?

We will likely hear tonight from the President in this Chamber about a new world order. The question I have is, Will the new world order be like the old world order?

We pay the bills, Uncle Sam carries the burden, and Uncle Sam eventually borrows from our allies to pay bills they owe.

Mr. Speaker, I introduced legislation yesterday asking the President to negotiate all such cost-sharing payments with our allies—specifically, Japan, Germany, the Saudis, the Kuwaitis, and others—to meet certain specific thresholds of contributions, financial contribution to the war in the Persian Gulf. If they fail to meet that contribution, we would impose import tariffs on their goods coming into this country to raise sufficient money to cover their shares.

This country is deep in debt, with a \$3.4 trillion national debt, and a near-\$400 billion deficit this year. We simply cannot, as in the old world order, keep on borrowing money from our allies to pay for their defense.

Let us make sure the new world order extracts from our allies their fair share of necessary contributions, to help this country pay the gulf war bill. In the final analysis, they owe this bill because they have a far greater depend-

ence on the trade of Persian Gulf oil than we do.

#### DESERT STORM IS NOT AMERICA'S ONLY WAR

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

Mr. TRAFICANT. Mr. Speaker, Desert Storm is not America's only war. There were 23,000 murders last year; we graduate 700,000 students who cannot read from high school; health care costs rose 22 percent; over 40 million Americans do not have health insurance; the savings and loan crisis turned into a junk bond graveyard; pensions are underfunded; banks are going belly up; and, after 5 years of slam-bam-Rudman, our deficit is now in outer space.

We do not simply need an update on the war tonight, ladies and gentlemen, we need a blueprint to deal with the war that rages in America. It is time Congress and our President take care of our country first.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). 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 after debate has been concluded on all motions to suspend the rules.

#### AGENT ORANGE ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 556) to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes, as amended.

The Clerk read as follows:

H.R. 556

*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 "Agent Orange Act of 1991".

#### SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

**"§316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents**

"(a)(1) For the purposes of section 310 of this title, and subject to section 313 of this title—

"(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era; and

"(B) each additional disease (if any) that (1) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (2) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

"(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(3) For the purposes of this subsection, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

"(4) For purposes of this section, the term 'herbicide agent' means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era.

"(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

"(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such deter-

minations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

"(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary's determination.

"(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

"(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

"(d) Whenever a disease is removed from regulations prescribed under this section—

"(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

"(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 315 the following new item:

"316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents."

(b) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting "or 316" after "section 312" each place it appears.

**SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.**

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government,

to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of this Act.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

(f) SUBSEQUENT REVIEWS.—An agreement under subsection (b) shall require the National Academy of Sciences—

(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(g) REPORTS.—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act. That report shall include (A) the determinations and dis-

discussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Academy as to whether the provisions of each of sections 6 through 9 should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

(h) **LIMITATION ON AUTHORITY.**—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(i) **SUNSET.**—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

(j) **ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.**—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 316 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

#### SEC. 4. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out “, as such information on health risks becomes known”;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting “(1)” after “PROGRAM.—”; and

(4) by adding at the end the following new paragraph:

“(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).”

#### SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO AGENT ORANGE OR IONIZING RADIATION.

Section 610(e)(3) of title 38, United States Code, is amended by striking out “December 31, 1990” and inserting in lieu thereof “December 31, 1993”.

#### SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) **IN GENERAL.**—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department

after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **ANNUAL REPORT.**—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

(c) **FIRST REPORT.**—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section.

(d) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(e) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

#### SEC. 7. TISSUE ARCHIVING SYSTEM.

(a) **ESTABLISHMENT OF SYSTEM.**—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tis-

sue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **SECURITY OF SPECIMENS.**—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) **AUTHORIZED USE OF SPECIMENS.**—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) **LIMITATIONS ON ACCEPTANCE OF SAMPLES.**—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

(e) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

#### SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **PROGRAM REQUIREMENTS.**—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) **REPORT.**—The Secretary shall promptly report the results of studies conducted under

the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the Academy considers appropriate regarding any studies reviewed under the agreement.

(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

#### SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

(a) BLOOD TESTING.—Subject to subsections (d) and (e), in the case of a veteran described in section 610(e)(1)(A) of title 38, United States Code, who—

(1) has applied for medical care from the Department of Veterans Affairs; or

(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

(b) NOTIFICATION OF TEST RESULTS.—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

(c) INCORPORATION IN SYSTEM.—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7.

(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed \$4,000,000 in any fiscal year.

(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

#### SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

(a) AMENDMENTS TO SECTION 2.—Section 2 of Public Law 98-542 (38 U.S.C. 354 note) is amended by striking out "that chloracene," in paragraph (5) and all that follows through "herbicides and".

(b) AMENDMENTS TO SECTION 3.—Section 3 of such Public Law is amended by striking out "during service in the Armed Forces in the Republic of Vietnam to a herbicide containing dioxin or".

(c) AMENDMENTS TO SECTION 5.—Section 5 of such Public Law is amended as follows:

(1) Subsection (a)(1) is amended by striking out "during service—" and all that follows through "in connection with" and inserting in lieu thereof "during service in connection with".

(2) Subsection (b) is amended—

(A) by striking out "of exposure to herbicides containing dioxin or" in the first sentence of paragraph (1)(A);

(B) by striking out "evidence indicating—" in paragraph (2)(B) and all that follows through "(ii) a connection to" and inserting in lieu thereof "evidence indicating a connection to";

(C) in paragraph (3)—

(i) by striking out "herbicide or" in subparagraph (A); and

(ii) by striking out "to a herbicide containing dioxin or" in subparagraph (B); and

(D) by striking out "of the appropriate panel" in the first sentence of paragraph (1)(B), in the first sentence of paragraph (2)(A)(i), and in paragraph (2)(B).

(d) AMENDMENTS TO SECTION 6.—Section 6 of such Public Law is amended as follows:

(1) Subsection (a) is amended—

(A) in the matter preceding paragraph (1), by striking out "fifteen members" and inserting in lieu thereof "nine members";

(B) in paragraph (1)—

(i) by striking out "eleven individuals" and inserting in lieu thereof "six individuals";

(ii) by striking out subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph—

(I) by striking out "five individuals" and inserting in lieu thereof "three individuals"; and

(II) by striking out "dioxin or"; and

(C) in paragraph (2)—

(i) by striking out "four individuals" and inserting in lieu thereof "three individuals"; and

(ii) by striking out "dioxin or".

(2) Subsection (d) is amended—

(A) by striking out "eleven" in paragraph (1) and inserting in lieu thereof "six"; and

(B) by striking out "be divided into" in paragraph (2) and all that follows through "(B) an eight-member panel with" and inserting in lieu thereof "have".

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

(2)(A) If the Secretary of Veterans Affairs determines before the end of such six-month period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98-542 (38 U.S.C. 354 note) has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

(B) For purposes of this paragraph, the term "Nehmer case court order" means the court order dated May 2, 1989, in the case of *Nehmer v. Department of Veterans Affairs*, in the United States district court for the northern district of California (civil action docket number C-86-6160 TEH).

(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 556, the bill presently being considered.

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that debate on this bill be extended by 20 minutes, 10 minutes on this side and 10 minutes to the gentleman from Arizona [Mr. STUMP].

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

There was no objection.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Speaker, today we have the opportunity to take the final, momentous step at the end of a long and arduous journey. For more than 10 years, the words "agent orange" have been synonymous with divisiveness and controversy, not only between Vietnam veterans and the Federal Government, but among the Nation's veterans' service organizations as well.

The legislation we consider today, H.R. 556, a compromise agreement, can perhaps salve the bitterness, anxiety, and disappointment which have engulfed both this issue and the earnest attempts to respond to our Vietnam veterans' concerns in a fair and rational manner.

Just this morning, I was notified by the Secretary of Veterans Affairs, Ed Derwinski, that the administration supports the compromise.

SECRETARY OF VETERANS AFFAIRS,  
Washington, January 29, 1991.

Hon. G. V. (SONNY) MONTGOMERY,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of H.R. 556, 102nd Congress, the "Agent Orange Act of 1991." This bill is a compromise which relies on science to settle the troubling questions concerning the effect on veterans of exposure to herbicides—such as Agent Orange—used in the allied effort during the Vietnam war.

Among the bill's key features is codification, with minor modifications, of the presumptions of service connection for certain diseases associated with herbicide exposure or Vietnam service that VA, with the invaluable assistance of the Veterans' Advisory Committee on Environmental Hazards, has developed in recent years. Specifically, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tissue sarcoma (with some exceptions), or chloracne (within one year of leaving Vietnam) will be presumed to have incurred that disease while on active duty.

Further, the bill would establish a new regulatory mechanism for adding—or deleting—presumptions of service connection based on exposure to herbicides in Vietnam. Essentially, VA would be required to enter into a contract with the National Academy of Sciences (NAS) under which NAS would review and summarize the literature related to herbicide exposure and would provide its advice to VA. Taking into account the advice of NAS, VA could amend the list of those diseases for which service connection is presumed. That advice would also assist VA in decisions concerning further research and study.

The bill would also provide for research-related efforts in areas including tissue archiving, blood sampling and testing, and clinical-records review, but would do so subject to two important conditions: such activities would not be conducted if VA determines after considering the report of NAS, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge; and, such activities would be subject to specific appropriation of funds by the Congress. We are pleased with this balanced provision, which

will encourage important research within the limits of available resources and scientific feasibility.

Also, the bill would eliminate the dioxin function of the Veterans' Advisory Committee on Environmental Hazards.

We wish to express our belief that our Advisory Committee, since its creation in 1985, has done a thoroughly professional job in carrying out its assigned duties. We appreciate the difficult and often frustrating work they have undertaken over the years. Nevertheless, we are aware of the concern of some that a non-Governmental review would be of value. VA has testified before both the Senate and House Committees on Veterans' Affairs that we would not object to an independent review of our work in this area, after that work was completed. However, in the spirit of compromise, we support your proposal to eliminate the dioxin function of the Advisory Committee and replace it with a review of evidence by the NAS.

While we are supportive of this bill, we are seriously concerned about the effective date of the amendments, in section 10 of the bill, to Pub. L. No. 98-542 and to the provision relating to the court's order in *Nehmer v. Department of Veterans' Affairs*. We therefore ask that the staffs of the House and Senate Committees on Veterans' Affairs work with my staff to develop an amendment to this section that is more consistent with the bill's goal of resolving the uncertainty about the associations between diseases and exposure to herbicides, and to address other technical matters.

In sum, we applaud your efforts and those of your colleagues to work toward a thoughtful and meaningful compromise of this controversial issue. We have testified many times that VA has one overriding goal in this area: providing, as best we can, the truth for our Vietnam veterans about the effects of exposure to Agent Orange. Because, in our opinion, that is the goal of this fine legislation, we are pleased to offer our support.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the views expressed in this letter on H.R. 556.

Sincerely yours,

EDWARD J. DERWINSKI.

H.R. 556 enjoys the unanimous support of my colleagues on the Veterans' Affairs Committee and a coalition of Members from both the House and Senate who have stood and fought on both sides of the issue. It reflects our best effort, an honest effort, for a pragmatic approach to determining whether exposure to herbicides in Vietnam might have caused various disabilities.

This compromise would codify administrative decisions of the Secretary of Veterans Affairs in deeming three conditions service-connected for compensation purposes. Further, it would entrust to an independent, renowned scientific panel—the National Academy of Sciences—the responsibility for a comprehensive review of available and future data on the long-term health effects of herbicide exposure. The Secretary would be expected to give great weight to the determinations of the academy in deciding if additional presumptions for any disease should be established.

There have been countless scientific studies and reviews of the scientific evidence bearing on the long-term health effects of exposure to herbicide agents in humans. The following excerpts from agent orange briefs prepared by the Department of Veterans Affairs, published in September 1990, describe some of the major activities over recent years on this issue and the Vietnam experience as well:

AGENT ORANGE AND VIETNAM RELATED  
RESEARCH  
VA EFFORTS

Vietnam Veterans Mortality Study (Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War)—The results of this study were released in September 1987. Patterns of mortality among 24,235 Army and Marine Corps Vietnam veterans were compared with that of 25,685 non-Vietnam veterans using standardized proportional mortality ratios. The study subjects were a random sample of deceased Vietnam era veterans identified in a VA computerized benefit file. Military service information was obtained from military personnel records, and cause of death information from death certificates. Statistically significant excess deaths were observed among Army Vietnam veterans for motor vehicle accidents, non-motor vehicle accidents and accidental poisonings. Similar findings have been reported in other studies of Vietnam veterans. Suicides were not elevated among Vietnam veterans. Marine Corps Vietnam veterans appeared to have an increased mortality from lung cancer and non-Hodgkin's lymphoma compared to Marines who did not serve in Vietnam. The study did not investigate possible causes of these findings. The study was published in the *Journal of Occupational Medicine* in May 1988.

Follow-up Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War—This updates the Vietnam Veterans Mortality Study. The initial effort included Vietnam-era veterans who died during the 1965-82 period. The updates includes deaths through 1984. Compared to non-Vietnam veterans, soldiers and Marines who served in Vietnam had a small but statistically significant excess of deaths from external causes. Army Vietnam veterans had small excesses of laryngeal cancer and lung cancer, but the role of such known causes as smoking could not be determined. The study has been accepted for publication in the *Journal of Occupational Medicine*.

Proportionate Mortality Among US Army Vietnam Veterans Who Served in I Corps—This study was designed to determine whether Army veterans, who were stationed in the same geographical area in Vietnam as Marine veterans, experienced mortality patterns similar to these Marines. The post-service mortality experience of 6,668 Army veterans who served in Military Region I, also known as "I Corps," was compared to that of 29,917 Army non-Vietnam veterans. Statistically significant excesses of deaths were observed for motor vehicle accidents and accidental poisonings. Deaths due to other major disease categories, including malignant neoplasms, and suicides were no more frequent among Army I Corps veterans than their counterparts. No significant excess of deaths due to non-Hodgkin's lymphoma or lung cancer was observed. The study results will be published in the *American Journal of Epidemiology* in the near future. This was a follow-up research project in

response to results of the Vietnam Veterans Mortality Study. (See first entry in this Brief.)

**Soft Tissue Sarcoma Study (Soft Tissue Sarcoma and Military Service in Vietnam: A Case Control Study)**—This study was conducted of men who were of draftable age during the Vietnam conflict to examine the association of soft tissue sarcomas with military service in Vietnam as well as other environmental risk factors. A total of 217 soft tissue sarcomas cases selected from the Armed Forces Institute of Pathology were compared to 599 controls for Vietnam service occupational and non-occupational exposure to various chemicals, occupational history, medical history, and life-style (smoking, alcohol, coffee, etc.). The results of the study indicate that Vietnam veterans did not have an increased risk of soft tissue sarcoma when compared to those men who had never been in Vietnam. The study was published in the *Journal of the National Center Institute* in October 1987.

**Soft Tissue Sarcoma Review (Soft Tissue Sarcomas and Military Service in Vietnam: A Case Comparison Group Analysis of Hospital Patients)**—This study review soft tissue sarcoma cases among Vietnam era veterans who were admitted to VA medical centers during the period 1969-1983. This effort compared location, histopathology and relative frequency of soft tissue sarcomas between Vietnam veterans and non-Vietnam veterans. The study showed that for this group of veterans, service in Vietnam did not increase the risk of developing this type of cancer. The VA's Office of Environmental Epidemiology worked with the VA's Pathology Service and the Armed Forces Institute of Pathology on this research. The findings were published in the *Journal of Occupational Medicine* in December 1986.

**Adipose Tissue Study (Retrospective Study of Dioxins and Furans in Adipose Tissue)**—VA, in collaboration with the Environmental Protection Agency (EPA), recently completed a very detailed analysis of adipose tissue specimens from 200 men of the Vietnam era age group. The specimens were analyzed for 2, 3, 7, 8-TCDD, the contaminant found in one of the ingredients of Agent Orange, and sixteen other related dioxins and dibenzofurans. Researchers used adipose tissue collected for the EPA's National Human Adipose Tissue Survey. A total of 40 Vietnam veterans, 80 veterans who did not serve in Vietnam, and 80 civilians were selected and their archived tissues were analyzed. Investigators found that the average level of 2, 3, 7, 8-TCDD in adipose tissue of Vietnam veterans was not significantly different from that of the non-Vietnam veterans or the civilians. This was the case both with and without adjustment for several demographic variables. Furthermore, the results showed no association between TCDD levels and Agent Orange exposure opportunity estimations based on military records. The study has been accepted for publication in the *American Journal of Public Health*.

**National Vietnam Veterans Readjustment Study**—This study found that a majority of Vietnam theater veterans have made a successful re-entry to civilian life and currently experience few symptoms of post-traumatic stress disorder (PTSD) or other readjustment problems. Although in general, male Vietnam theater veterans do not differ greatly in their current life adjustment from their era veteran counterparts, there is some evidence that female theater veterans currently experience more readjustment problems than other Vietnam era veteran women of similar

age and military occupation. The study found that 15.2 percent of all male Vietnam veterans and 8.5 percent of Vietnam veteran women currently suffer from PTSD. The study also indicated that PTSD in the Vietnam veteran population is associated with significant levels of morbidity, reflected in higher levels of employment, family and educational difficulties. The rates of PTSD are higher for black and Hispanic veterans than among white veterans.

**Combat Experience and Postservice Psychosocial Status as Predictors of Suicide in Vietnam Veterans—Potential risk factors for suicide among 38 Vietnam veterans were examined using Vietnam veterans who died from motor vehicle accidents as a comparison group. Veterans were selected from Los Angeles County Medical Examiner's files. No military service factor was associated with suicide. The characteristics of Vietnam veteran suicide cases were not substantially different from non-Vietnam veteran suicides with respect to known demographic risk factors. The psychological profile for Vietnam veteran suicide cases was also similar to non-Vietnam veteran suicide cases in most instances. Symptoms related to PTSD were observed more frequently among suicide cases than accident cases. However, suicides were not associated with specific combat experiences or military occupation. The extent of combat experience in Vietnam per se as measured in this study was not a good predictor of suicide death. These results were published in the *Journal of Nervous and Mental Disease* in January 1990.**

**Army Chemical Corps Study**—This study examined health effects of chemical exposures during military service in Vietnam among men assigned to Army chemical units, which were responsible for detecting and counteracting enemy chemical warfare by using riot control agents and for defoliating vegetation using phenoxy herbicides. Because they were involved in the mixing and application of these chemicals, these men were likely to have had heavier exposure to them than ground troops. Nearly 1,000 men who served in Army chemical units in Army chemical units in Vietnam between 1965 and 1971 were identified from unit morning reports, by the U.S. Army and Joint Services Environmental Support Group. Fifty-three deaths were observed through December 1987. Based on rates for U.S. men adjusted for race, age, and calendar period, there were statistically significant excesses of digestive disease deaths, primarily due to alcohol-related diseases, and from motor vehicle accidents. Two deaths were observed from leukemia (with 0.5 expected) and two from brain cancer (0.4 expected). A total of 257 of the veterans had received VA inpatient care and/or the VA Agent Orange Registry medical examinations during the study period. Two veterans had confirmed diagnoses of Hodgkin's disease (0.7 expected). Because of the small study group size and the lack of specificity of information regarding exposure, these results cannot be attributed to any single chemical agent. The study results will be published in the *American Journal of Industrial Medicine*.

**Non-Hodgkin's Lymphoma Among Vietnam-era Veterans**—This is a hospital-based case-control study undertaken to examine the association between military service in Vietnam and non-Hodgkin's lymphoma. The case group of about 400 Vietnam-era veterans who were treated in VA medical centers between 1969 and 1985 with a diagnosis of non-Hodgkin's lymphoma was compared with nearly 800 Vietnam-era veterans with a diag-

nosis other than malignant lymphoma. Military service in Vietnam did not increase the risk of non-Hodgkin's lymphoma either in general or with increased latency period, as defined as the duration in years from the first service in Vietnam to hospital discharge. Service in a specific military branch, a specific region of Vietnam, or combat role (as determined by military occupational specialty) were not associated with any increased risk of non-Hodgkin's lymphoma. The study has been accepted for publication in the *Journal of Occupational Medicine*.

**A Case Control Analysis of Post-Traumatic Stress Disorder Among Vietnam Veterans in the Agent Orange Registry**—This case control study compared demographic and military variables of 374 Vietnam veterans with PTSD diagnoses with a similar number of Vietnam veterans who did not have PTSD. All of these veterans were selected from the VA Agent Orange Registry, a computerized data base of about 200,000 Vietnam veterans who voluntarily reported to a VA health care facility for a medical examination. (For more information about the VA Agent Orange Registry, see Agent Orange Brief, Number 2.) Cases and controls were matched by age, year of Agent Orange Registry examination, and race. The study results have been submitted for publication in a professional journal.

**Women Vietnam Veterans Mortality Study**—The health effects of military service in Vietnam are being evaluated for women who served in Vietnam. The study cohort consists of all women who were on active duty in Vietnam. Approximately 5,000 female Vietnam veterans were identified from morning reports and military records to verify Vietnam service dates; military occupations have been abstracted as well. Causes of death among female Vietnam veterans will be compared with those among female Armed Forces veterans who did not serve in Vietnam. A comparison cohort of approximately the same size as the study cohort has been identified and military records have been abstracted. It is anticipated that a report will be available in early 1991.

**Women Vietnam Veterans Data Analysis**—VA is conducting an indepth analysis of data collected in the National Vietnam Veterans Readjustment Study to learn more about psychological health outcomes, in addition to PTSD, in women Vietnam veterans. This research is projected for completion, with a report to Congress, in 1991.

#### NON-VA EFFORTS

**CDC Epidemiologic Study (Epidemiologic Studies of the Health of Vietnam Veterans—Mandated by Public Law 97-72 and Public Law 96-151)**—This project is actually three studies: the Vietnam Experience Study, designed to evaluate the overall impact of military service in Vietnam on those who served there; the Agent Orange Exposure Study, intended to assess the possible adverse health effects on Vietnam veterans of exposure to the herbicide; and the Selected Cancers Study, designed to determine the risks of developing specific types of cancer among Vietnam veterans. The Department of Veterans Affairs (VA) provided full funding to the Centers for Disease Control (CDC) for this research.

**Vietnam Experience Study**—There are two components of this study: mortality (death) and morbidity (disease). The mortality effort (Postservice Mortality Among Vietnam Veterans) revealed that total mortality in Vietnam veterans was 17% higher than for other veterans. The excess mortality occurred mainly in the first five years after discharge

from active duty and involved motor vehicle accidents, suicide, homicide, and accidental poisonings. Thereafter, mortality among Vietnam veterans was similar to that of other Vietnam-era veterans, except for drug-related death, which continued to be elevated. An unexpected finding was a deficit in deaths from diseases of the circulatory system among Vietnam veterans. The excess in postservice mortality due to external causes among Vietnam veterans is similar to that found among men returning from combat areas after World War II and the Korean War. The results of this study component were published in the *Journal of the American Medical Association* in February 1987. At the same time, CDC published a comprehensive report on this project.

The morbidity component of the Vietnam Experience Study (Health Status of Vietnam Veterans) indicated that the Vietnam and non-Vietnam veterans studied were similar in terms of level of education, employment, income, marital status, and satisfaction with personal relationships. Certain psychological problems, however, were significantly more common among Vietnam veterans than among non-Vietnam veterans. These included depression, anxiety, and alcohol abuse or dependence. About 15% of Vietnam veterans suffered from combat-related post-traumatic stress disorder at some time during or after military service, and 2.2% had the disorder during the month before the examination. During the telephone interview, Vietnam veterans reported current and past health problems more often than did non-Vietnam veterans, although results of medical examinations showed few current differences in physical health. Vietnam veterans had more hearing loss. Also, among a subsample of participants who had semen samples evaluated, Vietnam veterans had lower sperm concentrations and lower average proportions of "normal" sperm cells. Despite differences in sperm characteristics, Vietnam and non-Vietnam veterans have fathered similar numbers of children.

Children of Vietnam veterans were not more likely to have birth defects recorded on hospital birth records than were children of non-Vietnam veterans. The rates of total, major, minor, and suspected defects were similar among children of Vietnam and non-Vietnam veterans. The results of the morbidity component were published in the *Journal of the American Medical Association* in May 1988. CDC published a report (five volumes plus three supplements) on this study component in January 1989.

**Agent Orange Exposure Study**—This study was designed to evaluate the health effects, if any, of possible exposure to herbicides (primarily Agent Orange), utilizing information contained in military records. This component was put on hold in January 1986 because of problems related to the exposure assessment of veterans who served in Vietnam. More specifically, it was determined that a study based solely on military records was not possible because of the considerable potential for misclassification of exposure status. Subsequently, the Centers for Disease Control conducted a TCDD validation study to compare military records-based estimates with current serum dioxin levels. The results of this study led the Domestic Policy Council's Agent Orange Working Group and the Congressional Office of Technology Assessment to conclude that the Agent Orange Exposure Study cannot be conducted. Consequently, this study was canceled. The results of the validation study were published in the *Journal of the American Medical Association*

in September 1988. The final report was published by CDC in September 1989.

**Selected Cancers Study**—This study was designed to determine if Vietnam veterans are at increased risk of contracting any of six specific cancers: soft tissue and other sarcomas, non-Hodgkin's lymphoma, Hodgkin's disease, nasal cancer, nasopharyngeal cancer, and liver cancer. Data collection for this study component began in January 1985. Selected Cancers Study findings, released in March 1990, indicated that Vietnam veterans are at increased relative risk of developing non-Hodgkin's lymphoma. CDC reported that for "men aged 35-59, the age of most Vietnam veterans, the annual risk of developing non-Hodgkin's lymphoma is 1 in 10,000. For Vietnam veterans, the risk appears to be about one and one-half per 10,000." The higher non-Hodgkin's lymphoma ratio was due to excessive non-Hodgkin's lymphoma among men who served on ships offshore Vietnam. According to the investigators, there is no similar increased risk among veterans who served in locations other than Vietnam. CDC found that Vietnam veterans are not at increased risk for developing any of the other five types of cancers studied.

Because of the difficulty in estimating Agent Orange exposure in individual veterans (see Agent Orange Exposure Study entry above), CDC only indirectly evaluated the effects of such exposure for the Selected Cancers Study. The study did not find any evidence that the increased risk of non-Hodgkin's lymphoma might be due to Agent Orange exposure. In fact, the pattern of risk among subgroups of Vietnam veterans seems to be the opposite of the use of Agent Orange in Vietnam. It is anticipated that the results will be published in a professional journal in late 1990 or early 1991.

As a result of the findings of the Selected Cancers Study, Secretary Derwinski announced that VA would service-connect non-Hodgkin's lymphoma for service in Vietnam. For additional information about this decision, see Agent Orange Brief, Number 8.

Questions concerning the conduct of the studies described above should be referred to the Centers for Disease Control, Atlanta, Georgia 30333.

**Air Force Health Study (An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides)**—This study is being conducted to determine whether long-term adverse health effects exist following contact with herbicides and whether these medical problems can be attributed to occupational exposure to Agent Orange. The study consists of mortality and morbidity components with associated follow-up efforts. The investigation focuses on the Air Force personnel attached to Operation Ranch Hand, who were responsible for the great majority of herbicide spraying missions. Members of the Ranch Hand unit had frequent and repeated exposure to Agent Orange. Individuals in the comparison group had served in numerous flying organizations that transported cargo to, from, and within Vietnam but were not involved in the aerial spray operations of Agent Orange.

Air Force investigators have issued a series of mortality and morbidity assessments. The mortality assessments have shown that the Ranch Hand population is doing about the same as the comparison group, with no unusual causes of death, increased frequency of death, or evidence suggesting death at younger ages. Because of the "healthy veteran effect," (that is, only healthy people are allowed to serve in our Armed Forces) both

groups are surviving significantly longer than similarly aged civilians. The morbidity assessments showed only minor differences between the Ranch Hands and the comparisons, and these differences were not considered to be indicators of dioxin-related disease. Mortality reports were published in 1983, 1984, 1985, 1986, and 1989. Morbidity assessments were released in 1984, 1987, and 1990. This research project is expected to continue into the twenty-first century.

**CDC Birth Defects Study (Vietnam Veterans' Risks for Fathering Babies with Birth Defects)**—This study, conducted by the Centers for Disease Control with funding from VA, Department of Defense, and the Department of Health and Human Services, assessed Vietnam veterans' risks for fathering babies with major structural birth defects. Information regarding military service in Vietnam was obtained from interviews with mothers and fathers of babies in case and control groups and from review of military records. Vietnam veterans did not have an increased risk of fathering babies with defects. Vietnam veterans who had greater estimated opportunities for Agent Orange exposure were not at greater risk for fathering babies with all types of defects combined. The study results were published in the *Journal of the American Medical Association* in August 1984. CDC published a comprehensive report of the study findings in August 1984.

**Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma**—This population-based case-control study of soft-tissue sarcoma, Hodgkin's disease, and non-Hodgkin's lymphoma in Kansas found farm herbicide use to be associated with non-Hodgkin's lymphoma. This National Cancer Institute study indicated that the relative risk of non-Hodgkin's increased significantly with number of days of herbicide exposure per year and latency. Men exposed to herbicides more than 20 days per year (regardless of the number of years of herbicide use) had a 6-fold increased risk of non-Hodgkin's lymphoma relative to nonfarmers. Excess risk was associated primarily with long-term use of the herbicide 2,4-D, one of the ingredients of Agent Orange. (This ingredient did not contain the contaminant of Agent Orange known as TCDD or dioxin which has caused a variety of illnesses in laboratory animals.) Soft tissue sarcomas were not associated with herbicide exposure. This study supports findings from Sweden and the U.S. that suggest non-Hodgkin's lymphoma is associated with farm herbicide use. The results of the study were published in the *Journal of the American Medical Association* in September 1986.

**Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington**—This National Cancer Institute-funded population-based case-control study was conducted in western Washington State to evaluate the relationship between occupational exposure of men aged 20-79 to certain herbicides and other chemicals and the risks of developing soft tissue sarcoma and non-Hodgkin's lymphoma. Occupational histories and other information were obtained by personal interviews for 128 soft tissue sarcoma cases and 576 non-Hodgkin's lymphoma cases, diagnosed between 1981 and 1984, for 694 randomly selected controls without cancer. The results demonstrated small but significantly increased risks of developing non-Hodgkin's lymphoma in association with some occupational activities where certain herbicides have been used in combination

with other types of chemicals, particularly for prolonged periods. They do not demonstrate a positive association between increased cancer risks and exposure to any specific herbicide alone. Moreover, these findings provide no evidence of increased risks of developing non-Hodgkin's lymphoma associated with chlorinated phenol exposure or of developing soft tissue sarcoma associated with exposure to either class of chemical. The results were published in the *Journal of the National Cancer Institute* in May 1987.

To date, scientific investigative efforts, including the exhaustive study conducted by the Centers for Disease Control [CDC] in Atlanta, have not established a causal link between exposure to agent orange in Vietnam and any disease in humans other than chloracne, a skin condition.

Just last Thursday, the *Washington Post* reported the results of one of the most comprehensive epidemiological studies of dioxin—an agent orange contaminant—ever conducted. This study of 5,000 chemical industry workers, workers who are among the most highly exposed groups in the world with exposure far greater than that documented for ground troops who served in Vietnam, was conducted by the National Institute for Occupational Safety and Health Study and the results were published in the *New England Journal of Medicine*. As for the findings, allow me to quote from the *Post* article: " \* \* \* the scientists concluded that only those exposed to massive amounts of dioxin suffered any ill effects, and those effects formed only a modest indictment against the chemical." More than two-thirds of these workers had, on average, 90 times the normal—background—level of dioxin exposure, yet no increased risk for cancer was found.

Mr. Speaker, the pattern is consistent. Reputable studies of groups with documented exposure have invariably supported the conclusion that exposure to herbicides in Vietnam is not responsible for the health effects now experienced by Vietnam veterans. The more we see, the more science reveals, the clearer this picture becomes.

If those who doubt the scientific findings we have already received believe further review of the evidence by the academy is the way to go, then it has my wholehearted support. If this good-faith compromise can help curtail the rancor and heal the wounds of mistrust, then it most certainly has my unequivocal support. I trust all of us will abide by the academy's findings.

The question of whether compensation should be paid for disabilities allegedly related to exposure to herbicides has gone on for much too long. It has been debated, explored, explained, studied, defined, and deliberated. It has received an inordinate amount of attention and energy. It is time to move on and, in doing so, to leave in place a mechanism for continuing scientific scrutiny which, if allowed to work, can

assuage the remaining concerns of affected veterans.

I want to give credit to my distinguished colleague for their contributions to this long sought agreement, in particular, Representative BOB STUMP of Arizona, Representative TIM PENNY of Minnesota, Representative LANE EVANS of Illinois, and Representative DOUG APPELGATE, of Ohio.

TIM PENNY deserves much of the credit for this agreement. Last year, he offered the first compromise that was adopted by the Veterans' Affairs Subcommittee on Compensation, Pension and Insurance. Although final committee action on last year's bill, H.R. 5326, did not reflect this, many of the principles set forth in the Penny amendment are embodied in the compromise we now consider.

I also want to thank Members of the other body, Senators ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee, TOM DASCHLE of South Dakota, ALAN SIMPSON of Wyoming, and FRANK MURKOWSKI of Alaska, for their roles in the development of this agreement. I want to give special thanks to Ed Scott, staff director and chief counsel of the Senate Veterans' Affairs Committee, for the leadership he provided in working with our committee staff. Mack Fleming, the staff director and chief counsel of our committee, also deserves our gratitude for the hard work he put into helping work out this compromise.

Senator DASCHLE has introduced identical legislation in the other body. He and I have long been on opposite sides of the fence on the agent orange compensation issue, and I was particularly pleased to read his comments in the *Washington Post* when the compromise was announced. He said: "I am confident that this legislation will be successful." I hope that its enactment will mean that, for many Vietnam veterans, the battle with the Federal Government over the effects of agent orange exposure is finally coming to an end.

I share his sentiments and hope he is right. Perhaps, with the passage of this compromise, we are at long last witnessing the epilogue of an exhaustive labor.

On one can legitimately say that the Congress has not been responsive to the concerns of our Vietnam veterans who believe their medical conditions are related to herbicide exposure in Vietnam. Our committee alone has conducted 17 hearings on the matter. The following is a list of hearings held by the House committee on agent orange issues since 1978:

10/11/78—Subcommittee on Medical Facilities & Benefits Herbicide "Agent Orange".

2/25/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

7/22/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

9/16/80—Subcommittee on Medical Facilities & Benefits, Scientific Community Report on Agent Orange.

4/28/81—Subcommittee on Hospitals & Health Care, Legislation to Improve Medical Programs Administered by the VA. (H.R. 2157, H.R. 2953, H.R. 2999). Serial No. 97-21.

5/6/81—Subcommittee on Oversight & Investigations, Current Status of Agent Orange Studies. Serial No. 97-22.

7/16/81—Select Subcommittee, Issues Concerning Vietnam Veterans. Serial No. 97-32.

9/15/82—Subcommittee on Oversight & Investigations, Federal Agent Orange Activities and the Vet Center Program. Serial No. 97-78.

4/26 & 4/27/83—Subcommittee on Compensation, Pension and Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98-18.

5/3/83—Subcommittee on Oversight & Investigations, Status of Federally Conducted Agent Orange Studies. Serial No. 98-19.

5/24/83—Subcommittee on Oversight & Investigations, Review of Federal Studies on Health Effects of Low-Level Radiation Exposure & Implementation of Public Law 97-72. Serial No. 98-20.

7/12/83—Subcommittee on Compensation, Pension & Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98-23.

10/3/84—Subcommittee on Hospitals & Health Care, Centers for Disease Control Birth Defects Study. Serial No. 98-60.

7/31/86—Subcommittee on Hospitals and Health Care, Status of Agent Orange Studies. Serial No. 99-58.

6/8/88—Subcommittee on Hospitals and Health Care, Review of Agent Orange Studies. Serial No. 100-51.

7/10/89—Subcommittee on Hospitals and Health Care, Agent Orange Studies. Serial No. 101-21.

4/4/90—Full Committee, Centers for Disease Control Selected Cancers Study and Scientific Reviews of the Study. Serial No. 101-44.

5/2/90—Subcommittee on Compensation, Pension and Insurance, H.R. 3004—Veterans Agent Orange Exposure and Vietnam Service and Benefits Act of 1989. Serial No. 101-44.

All we have said during this entire scientific investigative process is, "Let's have the best available facts in hand before rendering judgment on compensation for herbicide exposure."

The Congress commissioned a broad, multimillion-dollar epidemiological study which, to the applause of veterans' organizations, it later took from the VA and placed in the hands of the Centers for Disease Control [CDC], generally accepted as the experts. Further, we've mandated independent reviews of CDC findings.

The Congress in 1984 told the Department of Veterans Affairs that we want compensation for disabilities related to agent orange exposure to be made on the basis of sound scientific and medical evidence. We directed the Department, through an advisory committee, to review, compile and apply the best available evidence to decisions regarding service-connected compensable conditions.

In 1986, the Congress established an entitlement to hospital care for any veteran who might have been exposed to agent orange while serving in Viet-

nam, unless the VA finds his disability resulted from a cause other than herbicide exposure. The compromise we consider today would extend this entitlement through 1993. The House also passed during the 101st Congress legislation which would expand this entitlement to outpatient care.

Today, we continue to respond by taking perhaps the most significant step of all.

It is time to put the matter of agent orange behind us and to rest once and for all. In an effort to do so, I and others who share my views have been willing to compromise, as have the proponents of a more liberal approach. The result is, in my opinion, feasible and responsible.

H.R. 556, the Agent Orange Act of 1991, would:

Establish a statutory presumption of service connection for three conditions: First, non-Hodgkin's lymphoma; second, soft-tissue sarcomas; and third, chloracne if manifested within 1 year from last date of service in Vietnam, and

Establish a mechanism by which the Secretary of Veterans Affairs can, by regulation, presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of disease in humans. For purposes of the Secretary's determination, an association would be considered positive if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

The Secretary would make his decisions based on reports and recommendations received from the National Academy of Sciences [NAS], with whom he would be required to enter into a contract for a comprehensive review of the scientific evidence pertaining to herbicide exposure, as well as all other valid medical and scientific information and analyses available to the Secretary.

The Secretary would be required to make a determination with respect to each disease entity covered in each NAS report within 60 days after receiving the report and, if a presumption is granted, the Secretary would be required to publish proposed regulations within 60 days thereafter. He would have an additional 60 days to issue final regulations. The Secretary would be empowered to remove diseases from such regulations if, in the future, it is determined that a presumption is not warranted; veterans or survivors receiving compensation or DIC would not be affected by any such removal.

H.R. 556 also would:

Require the Secretary, within 2 months after the enactment of this act, to seek to enter into an agreement with the NAS to review the scientific evidence and to make periodic reports

to the Secretary. This section also provides that NAS reports shall include determinations with respect to each disease considered: First, whether a statistical association with herbicide exposure exists; second, whether there is an increased risk of the disease among those who were exposed while in Vietnam; and third, whether a plausible biological mechanism exists or whether there is evidence of a causal relationship between herbicide exposure and the disease. The NAS would transmit its first report within 18 months from the date of enactment of the act. The NAS would also make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty and include these recommendations in its reports.

Expand the Secretary's outreach activities required under Public Law 100-687 and require that updated information be provided on an annual basis to affected Vietnam-era veterans.

Require the Secretary to compile and analyze clinical data obtained by the VA in connection with examinations and treatment furnished to veterans suffering from herbicide related disabilities and to report to the Committees on Veterans' Affairs on an annual basis. This requirement would be subject to the appropriation of specific funding and would not take effect until after the Secretary has received a report from the NAS which contains its recommendation as to the feasibility or scientific value of such action.

Require the Secretary to establish and maintain a system for the collection and storage of blood and tissue samples received from veterans who served in Vietnam. This requirement is also subject to the availability of specific appropriations and also would not take effect until after the Secretary received a report from the NAS as described above.

Require the Secretary to establish, in consultation with the National Academy of Sciences, a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from dioxin exposure, exposure to toxic agents in herbicides in Vietnam, or health hazards resulting from Vietnam service. Again, the conduct of such a program would be subject to specific appropriations and NAS recommendations as to its scientific value.

Require the Secretary to test the blood of any veteran who served in Vietnam during the Vietnam era who is eligible for health care from the Department under section 610(e) of title 38 or who has filed a claim for disability compensation for a disability alleged to be related to herbicide exposure to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin [TCDD] which may be present in the veteran's

body. This section is also subject to specific appropriations and NAS recommendations as to its scientific value.

Make conforming amendments to Public Law 98-542 to change the mission and makeup of the Advisory Committee on Environmental Hazards, to limit it to considerations regarding ionizing radiation only.

There follows a more detailed statement of the compromise agreement reached with the other body on H.R. 556:

#### EXPLANATORY STATEMENT ON THE AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 (H.R. 556 as passed by the House of Representatives on January 29, 1991) was derived, with modifications, from bills considered by the Senate and the House of Representatives, but not enacted, during the 101st Congress. These include S. 1153, which the Senate passed on August 3, 1989; title VIII of S. 13, which the Senate passed as part of a substitute amendment to H.R. 901 on October 3, 1989; part C of title I of S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and H.R. 5326, which the House of Representatives passed on October 15, 1990. H.R. 556 as passed by the House is substantively identical to S. 238, which was introduced in the Senate on the same date that H.R. 556 was introduced in the House.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 556 (hereinafter referred to as "the bill").

#### PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES

Section 2(a) of the bill would (1) codify decisions the Secretary of Veterans Affairs has announced to grant presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma in veterans who served in Vietnam; and (2) codify and expand current VA regulations providing a presumption of service connection for chloracne becoming manifest within three months after completion of the veteran's service in Vietnam by expanding the manifestation period to one year.

Section 2(a) also would create a procedure requiring the Secretary to establish in regulations a presumption of service connection for other diseases that the Secretary determines to have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The determinations as to whether such associations exist would be required to be based on sound medical and scientific evidence, taking into account (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

The Committees note that the Secretary already has authority to apply any presumption established under new section 316(b) of title 38, United States Code (as added by section 2(a) of the bill), to veterans exposed outside Vietnam to the same herbicide agent on which the presumption is based.

#### INDEPENDENT SCIENTIFIC STUDY OF HERBICIDES

Section 3 would require the Secretary to seek to enter into a contract with the Na-

tional Academy of Sciences (NAS), within 60 days after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. If VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would include in its reports any recommendations it has for further studies to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents.

The first report by NAS, due not later than 18 months after the date of enactment, would include the Academy's recommendations as to whether the programs under sections 6-9, discussed below, should be implemented.

The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

The Committees expect that NAS will identify the specific herbicide agent responsible for each of the Academy's determinations under section 3(d) of the bill.

#### EXPANSION OF OUTREACH ACTIVITIES

Section 4 would expand the outreach activities required under Public Law 100-687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

#### EXTENSION OF SPECIAL HEALTH-CARE ELIGIBILITY

Section 5 would extend from December 31, 1990, to December 31, 1993, priority eligibility for VA health care based on possible exposure to Agent Orange or radiation.

#### COMPILATION AND ANALYSIS OF DATA FROM VA EXAMINATIONS AND TREATMENT

Section 6 would require VA, effective 90 days after VA receives the first NAS report, to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment provided after November 3, 1981, to Vietnam veterans who sought VA health care under section 610(e) of title 38 based on exposure to Agent Orange or radiation. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

#### BLOOD AND TISSUE ARCHIVING

Section 7 would require VA, effective 90 days after VA receives the first NAS report, to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans, for the purpose of facilitating scientific research on the effects of veterans' exposure to dioxin and other agents in herbicides. The program would be subject to specific appropriations being made

to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

#### SCIENTIFIC RESEARCH FEASIBILITY STUDIES

Section 8 would require VA, effective 90 days after VA receives the first NAS report, to establish in consultation with NAS a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

#### BLOOD TESTING

Section 9 would require VA, effective 90 days after VA receives the first NAS report, to test for TCDD in any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would be required to provide tested veterans with the results of the test and an explanation of the meaning of the results. The program would be subject to specific appropriations being made to carry it out, not to exceed \$4 million a year, and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

The Committees expect NAS to include in its recommendations under section 3 the Academy's recommendations as to what, if anything, the results of the blood tests might indicate regarding the likelihood that a veteran was exposed to 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). If section 9 of the bill is implemented, the Committees further expect the Secretary, in explaining these blood-test results to veterans, to give great weight to the NAS recommendations in that regard.

#### MODIFICATION OF FUNCTIONS OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

Section 10 would eliminate the Agent Orange functions of VA's Advisory Committee on Environmental Hazards six months after the date of enactment or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer v. Department of Veterans Affairs*, No. C-86-6160 TEH (N.D. Calif.), whichever occurs first.

VA has advised the Committees that it expects the Advisory Committee to complete these responsibilities by the end of May 1991. The Committees thus fully expect the Advisory Committee and the Secretary to carry out those responsibilities by the end of the six-month period following the enactment of this measure.

The Congressional Budget Office has furnished the following estimate of cost on H.R. 556 in a letter dated January 23, 1991:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 25, 1991.

Hon. G. V. MONTGOMERY,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 556, the Agent Orange Act of 1991, as introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.

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

Sincerely,

ROBERT D. REISCHAUER.

#### CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE, JANUARY 24, 1991

1. Bill Number: H.R. 556.
2. Bill Title: Agent Orange Act of 1991.
3. Bill Status: As introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.
4. Bill Purpose: To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.
5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Direct Spending:						
Budget authority .....	0	0	0	0	0	0
Outlays .....	0	0	0	0	0	0
Authorization:						
Authorization level .....	13	17	9	4	4	4
Outlays .....	11	17	11	4	4	4

The costs of this bill fall within budget function 700.

#### BASIS OF ESTIMATE

The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 2. This section establishes a presumption of service-connection for certain diseases of veterans who served in the Republic of Vietnam during the Vietnam Era. The diseases covered by this section are non-Hodgkin's lymphoma (NHL), soft-tissue sarcoma (excluding osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma), and chloracne. In October 1990, the Department of Veterans Affairs (VA) published final regulations to pay compensation benefits to Vietnam Era veterans with non-Hodgkin's lymphoma. The VA has also announced that compensation benefits would be paid to Vietnam-service veterans with soft-tissue sarcoma. The VA has paid compensation benefits for chloracne for several years.

Because the effects of the Administration's actions to extend compensation benefits to veterans with NHL, soft-tissue sarcoma, and chloracne are reflected in the CBO baseline, Section 2 has no cost when scored against it.

In addition, Section 2 requires the Secretary of Veterans Affairs to prescribe regulations establishing a presumption of service-connection for diseases of Vietnam-service veterans for which a positive relationship with Agent Orange exposure is determined by the Secretary based on medical and sci-

entific evidence. There is no way of estimating in advance which, if any, diseases may be determined to be positively associated with Agent Orange exposure. This estimate, therefore, does not include any costs that may result from future extensions of compensation coverage to Agent Orange-exposed veterans.

**Section 3.** This section provides for the National Academy of Sciences (NAS) to review and evaluate available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides. The NAS is also required to submit, at least biennially, reports of the findings to the Senate and House Committees on Veterans Affairs. The first report is required within 18 months following the enactment of this Act. CBO assumes a February 1, 1991 enactment date. All surveys after the first would be updates of the initial survey. The following estimate is based on the cost of similar studies; outlays are projected according to historical spending patterns.

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	1	*	*	*	*	*
Outlays	1	*	*	*	*	*

**Section 5.** This section extends from December 31, 1990 to December 31, 1993, the authority of the VA to provide medical care to veterans for conditions possibly related to exposure to Agent Orange or ionizing radiation during military service.

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	12	17	5	0	0	0
Outlays	10	17	7	0	0	0

During fiscal year 1989, the VA treated more than 130,000 veterans on an outpatient basis for conditions possibly related to Agent Orange and radiation exposure, and nearly 300 veterans were treated on an inpatient basis. The above estimate assumes that the demand for care from this group would continue to grow slowly, according to historical trends. Average cost data for this care were not available from the VA. The cost of care, therefore, was assumed to be the same as the overall average cost for outpatient or short-term inpatient care in VA facilities. These costs were increased in the out-years for anticipated inflation.

**Section 6.** This section requires the VA to compile and analyze all clinical data obtained from examinations and treatment of Vietnam veterans for conditions that are suspected to be related to Agent Orange exposure.

The VA currently maintains in the Agent Orange registry clinical data from the initial and first follow-up examinations of all Vietnam-service veterans who are willing to participate in the registry. Under this provision, any further examinations or treatments after the first follow-up visit would have to be recorded as well. Adding this information to the registry should not have a significant cost.

**Section 7.** This section requires the VA to establish and maintain a system for the collection and storage of blood and tissue samples voluntarily contributed by veterans with Vietnam service. The specimens would be available for future scientific research on the health effects of dioxin and other toxic agents in herbicides used in Vietnam.

According to the Centers for Disease Control (CDC), the sterility requirements for obtaining blood and tissue samples from Agent Orange-exposed veterans must be extremely stringent, because such low concentrations of dioxin (a few parts per billion) are suspected of being potentially toxic. Therefore, acceptable samples could not be collected by a veteran's personal physician or even by the average physician in a VA hospital, unless they are trained in the necessary procedures. The CDC recommends that one or two special facilities be established and maintained by the VA for the sole purpose of collecting and storing the specimens.

If the CDC's recommendations were followed, the number of voluntary contributions by veterans would probably be fairly small, because veterans would have to travel to the special facilities to donate samples. This estimate assumes that 1,000-2,000 blood samples would be contributed over a five-year period to one or two repositories established in existing VA medical facilities. It was assumed that the VA would not reimburse the travel costs of volunteer tissue donors.

If a larger number of veterans are willing to travel to the collection centers to donate samples or to have the tests performed, greater storage space would be needed than is assumed here. Under these circumstances, the cost could exceed \$1 million a year. These estimates are based on the costs experienced by specimen repositories operated by the National Bureau of Standards, the National Cancer Institute, and the CDC. This section is effective 90 days following the submission of the NAS report described in section 3.

**Section 9.** This section authorizes the appropriation of amounts not to exceed \$4 million to provide for testing of blood serum to ascertain the levels of dioxin in veterans who served in Vietnam and who may have been exposed to Agent Orange. Under this section, this test would be performed on veterans who applied for medical care from the Department of Veterans Affairs or who filed a claim for disability compensation. This section also requires the Secretary to notify the veteran of test results and to maintain the sample and results in the tissue archive established in section 7 of this bill.

(By fiscal years, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	0	0	4	4	4	4
Outlays	0	0	4	4	4	4

According to the CDC, the costs to draw and test the blood serum is approximately \$1,500 per test. The costs to conduct the test on all veterans covered by the provision would far exceed \$4 million. CBO estimates that the full amount authorized would be spent in each fiscal year. This section would take effect six months following the submission of the first NAS report described in section 3. Therefore, there is no effect in 1992.

The CBO assumes that all authorizations are fully appropriated at the beginning of each fiscal year.

**6. Pay-as-you-go considerations:** The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The benchmark against which changes in direct spending or receipts are measured is the baseline as described in the Act. The direct spending increases in Section 2 of this bill are included in that baseline. For this reason, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.  
9. Previous CBO estimate: None.  
10. Estimate prepared by: Sandra Clark (226-2820).

11. Estimate approved by:  
JAMES L. BLUM,  
Assistant Director  
for Budget Analysis.

Mr. Speaker, in approving this measure, Congress does not make any scientific judgment. With this bill, we take no position as to whether there is either a link or a significant statistical association regarding exposure to agent orange and adverse long-term health effects. That is a matter for the experts, for science.

With enactment of this compromise, we are giving veterans the benefit of the doubt and attempting to settle one of the most complex and contentious veterans' issue ever brought before this body for consideration.

I hope each of my colleagues will support the bill.

□ 1230

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], the vice chairman of the Committee on Veterans' Affairs.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act.

For years, many veterans of the Vietnam war have believed our Government has failed them by neglecting to address adequately health problems arising from their exposure to agent orange during that war.

H.R. 556 remedies that situation. By providing permanent disability benefits for certain conditions deemed related to exposure to agent orange and providing a mechanism for addition of other conditions to that list in the future, passage of this legislation will assure that this group of veterans receives appropriate compensation.

Congressman MONTGOMERY of Mississippi, the distinguished chairman of the Veterans' Affairs Committee, and Congressman EVANS of Illinois, a distinguished senior member of the committee, deserve great credit for developing such a compromise. I congratulate both of them for bringing this fine product to the floor today.

I also want to point out that, during this time of great conflict in the Persian Gulf—with American men and women again risking their lives and limbs in a war zone far from home—we need to assure them and the American people that those who answer the call of this Nation will be taken care of by this Nation.

By fairly putting to rest one of the remaining controversial issues of the

Vietnam era, we give that assurance. I urge my colleagues to vote "aye" on H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield myself just 20 seconds to answer the gentleman from California [Mr. EDWARDS].

Mr. Speaker, I want to thank the gentleman from California for his help. I called him when I thought we had worked out this compromise. I asked the gentleman from California to look at this compromise. He agreed with it, and we all got together, and I say to the gentleman, "Thanks again, DON."

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

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

Mr. Speaker, I rise in support of H.R. 556, as amended, the Agent Orange Act of 1991. This measure represents a bipartisan compromise on a most divisive and controversial issue. This bill has been unanimously cosponsored by committee members on both sides of the aisle.

I want to commend the chairman of our committee, SONNY MONTGOMERY, for his bipartisan leadership on an issue that was born in an atmosphere of mistrust and suspicion.

It is time to let the best scientific minds in the country review the existing studies and recommend further action. An independent review by the National Academy of Science would do just that, and bring with it integrity, objectivity, and credibility.

I look forward to the NAS report, authorized by H.R. 556, as amended, and I urge unanimous support of the bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 556, the Agent Orange Act of 1991. As an original cosponsor of the legislation, I believe the bill represents a good compromise that will benefit Vietnam veterans and helps to mitigate the controversy which has long surrounded this issue.

H.R. 556 codifies current VA policy regarding agent orange compensation by establishing in statute a presumption of service-connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne. Thus this bill will guarantee VA compensation for certain veterans developing these diseases subsequent to service in Vietnam.

In order to maintain an up-to-date understanding of agent orange and its effects, the legislation also requires the National Academy of Sciences [NAS] to review the diverse and sometimes contradictory scientific evidence pertaining to agent orange exposure. The NAS is required to report to the Secretary of the Department of Veterans Affairs information regarding the association between agent orange exposure and manifestations of disease.

Upon review of NAS reports, the Secretary is given the authority by this legislation to expand the list of compensable diseases and compensate veterans accordingly.

Mr. Speaker, H.R. 556 also directs the VA to intensify its outreach activities to Vietnam veterans in order to keep veterans apprised of new benefits or developments in the study of agent orange. The VA is also encouraged to maintain a system to collect and analyze clinical data from Vietnam veterans and report to Congress regarding the findings.

Mr. Speaker, this bill deals with the agent orange issue in a broad-based, comprehensive manner. It addresses several concerns from both sides of the issue and ensures that some tangible progress will be made regarding the questions surrounding agent orange. I am very pleased to be a cosponsor of the bill and encourage my colleagues to join members of our committee in supporting this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPELATE], chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPELATE. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for giving me the opportunity to rise and talk a little bit about this legislation. I say to my colleagues, "You don't know how happy I am that this day has arrived and that we have this legislation before us."

Mr. Speaker, this is momentous legislation that potentially will have an effect on many thousands upon thousands of Vietnam-era victims, or their spouses, or survivors, and this is a fight that these veterans have fought since 1975. I believe we have finally in place the necessary legislation to assess and respond to many of the unanswered questions that have permeated this issue since the potential hazards of exposure to herbicides and other toxic agents which were first reported back in the mid-1970's. It leaves ultimate decisions regarding the addition of new disabilities for which presumptions of service connection may be granted to the Secretary of Veterans Affairs. However the advice upon which the Secretary will act will be coming from the highly respected National Academy of Sciences. This legislation gives the academy the freedom to do its job without outside influence or pressure, and I am proud to be an original cosponsor with all of my Committee on Veterans' Affairs colleagues, and, as the chairman has indicated, the compromise reflects the efforts and many concerns of the Members of Congress.

□ 1240

Mr. Speaker, I want to commend our chairman, the gentleman from Mis-

issippi, Mr. SONNY MONTGOMERY, and the ranking minority member, the gentleman from Arizona, Mr. BOB STUMP, for their strong leadership and their willingness to work toward a reasonable compromise. I also want to commend especially the gentleman from Illinois, Mr. LANE EVANS, for his dedication and dogged determination as the original sponsor of this legislation back over a couple of sessions. I also want to thank some of the national veterans' organizations, with particular thanks to the American Legion, the VFW, and the Vietnam Veterans of America.

The gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], and all of us in fact know that we went through quite a battle last year to push this legislation through the subcommittee and get it out onto the floor. Then it got stuck out here because of problems that we had with the other body. But it is here today, and it has been agreed upon by the Members of the other body. I want to commend the leadership of the Committee on Veterans' Affairs of the Senate, particularly Senator TOM DASCHLE, for his very strong efforts on behalf of this legislation.

That is the way we get legislation in this body. It all has to come together, and we all have to work together. I urge my colleagues to give their strong support to this bill.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

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

Mr. Speaker, I join my colleagues today in support of H.R. 556, the Agent Orange Act of 1991.

Many Members have been involved in this effort for a long, long time, and we have had a lot of hearings. The chairman of our committee, the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the subcommittee, the gentleman from Ohio [Mr. APPELATE], the gentleman from Ohio [Mr. MCEWEN], who was formerly on our committee, the gentleman from Illinois [Mr. EVANS], the gentleman from Georgia [Mr. ROWLAND], and many others on the committee have been involved in this effort.

Mr. Speaker, since the late 1970's, there has been a divisive and contentious debate over the issue of compensation for disabilities attributed to exposure to agent orange. We finally have before us a compromise agent orange bill which is supported by both the House and Senate Committees on Veterans' Affairs.

H.R. 556 codifies decisions made by the DVA to recognize non-Hodgkin's lymphoma, soft-tissue sarcomas, and

chloracne as diseases which warrant a presumption of service-connection by reason of having a positive association with exposure to a herbicide agent, and thus eligible for compensation.

Most importantly, H.R. 556 requires the Secretary to contract with the National Academy of Sciences [NAS], a prestigious, non-governmental organization, to conduct a comprehensive review of scientific evidence in order to make regular recommendations to the DVA on the possible health effects resulting from exposure to agent orange. Subsequently, the Secretary would have 60 days from the time he receives such a recommendation to determine whether a presumption of service-connection is warranted for each disease covered by the report.

Finally, this legislation would extend health care eligibility for veterans who suffer from disabilities alleged to be related to herbicide exposure or ionizing radiation exposure until December 31, 1991.

I urge my colleagues to support H.R. 556, a compromise agent orange bill.

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

Mr. Speaker, the gentleman from Illinois, Mr. LANE EVANS, is chairman of the Subcommittee on Oversight and Investigations of our committee, and I would like to commend him for the work he has done on agent orange. The gentleman from Illinois has sponsored this legislation for a number of years. He has worked hard, he has been cooperative, and this is a compromise. We all gave on this compromise. I want to thank the gentleman from Illinois publicly for the help he has given us in bringing this bill to the floor today.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a number of people deserve credit for their help in working out this compromise starting with Chairman MONTGOMERY and Ranking Minority BOB STUMP.

DOUG APPLIGATE, a persistent and strong advocate of agent orange victims was behind this legislation from the start to the finish.

Chief Deputy Whip DAVE BONIOR, the founder of the Vietnam-era Veterans in Congress [VVIC], and the current cochair of the caucus MARTIN LANCASTER and all caucus members worked hard in moving this bill through the process.

Senators TOM DASCHLE and JOHN KERRY deserve thanks for moving the bill through the Senate. In addition, Secretary Derwinski should be recognized for his efforts regarding agent orange compensation.

The veterans service organizations, most notably the Vietnam Veterans of America [VVA], the American Legion, and the Veterans of Foreign Wars [VFW], put innumerable hours in pushing this bill.

But as we take action to address the problems of agent orange victims, we should also face the fact that our Government's efforts to deal with the issue have been a woeful tale of footdragging and unmet obligations.

Some 11 million gallons of agent orange and other herbicides were sprayed over Southeast Asia. Since the war veterans have suspected their exposure to these herbicides caused cancers and other illnesses.

Three vets from my district, Bruce Craddock, Duane Winkler, and Jim Simpson died in recent years from what their doctors believed were illnesses caused by agent orange exposure.

Yet Congress had to take the responsibility of studying this problem away from an unsympathetic Veterans' Administration [VA] in 1979 when they transferred the responsibility to the Centers for Disease Control [CDC].

The CDC was no better. They spent 8 years and 63 million taxpayers dollars to say in effect they could not come up with a proper methodology.

Agent orange victims owe a special debt of gratitude to Congressman TED WEISS whose hearings by the Government Operations Subcommittee clearly documented this disgraceful foot-dragging.

The Weiss hearings demonstrated the necessity of taking further review of the issue from governmental agencies and giving it to an independent non-governmental organization, the National Academy of Sciences [NAS]—as set up in this bill.

So this is a long overdue step for those who responded to our country's call in our most unpopular war.

They were there when we needed. Now is the time to recognize their contributions and the obligation we owe them.

As war rages in the Middle East, we today take a big step in putting the Vietnam war behind us.

Let us never again neglect our veterans the way agent orange veterans were neglected.

Mr. Speaker, as the primary author of agent orange legislation from the past two Congresses and a sponsor of H.R. 556, the Agent Orange Act, I would like to discuss a number of issues regarding the legislation we are voting on today.

First, it should be clear that section 3 of H.R. 556 relating to recommendations of the National Academy of Sciences for additional studies and section 8 relating to the feasibility of conducting additional scientific research would not amend or repeal Public Law 96-151. Under Public Law 96-151 the Secretary of Veterans Affairs is obligated to conduct an epidemiological study of any long-term adverse health effects in humans of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to phenoxy herbicides, including the herbicide known as agent or-

ange. The question of whether the Secretary has fulfilled his obligations under that law is the subject of consolidated lawsuits currently pending in Federal court (*The American Legion v. Derwinski*, Civ. No. 90-1808 SSH (D.D.C.), and *Vietnam Veterans of America v. Derwinski*, Civ. No. 90-1809 SSH (D.D.C.)). In addition, H.R. 556 does not include in section 10, which contains conforming amendments to Public Law 98-542, any amendment to section 8 of Public Law 98-542. That section of Public Law 98-542 amended those obligations of the Secretary under Public Law 96-151 that are the subject of the aforementioned lawsuit.

On another subject, section 305(a) of H.R. 5326 in the 101st Congress contained a congressional finding that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection for purposes of veterans disability compensation law. The pending measure does not expressly address whether a scientific conclusion of causation is required for justification of a presumption of service connection for disease associated with exposure to herbicides during service in Vietnam.

I accepted the omission of such a finding in this compromise legislation because I believe that, in light of other provisions in this bill and other provisions of law, the matter is self-evident and the finding is thus unnecessary. For example, enactment of the provisions of this legislation requiring a presumption of service connection upon a determination that there is a positive association between exposure and disease, as well as the provisions enacted in Public Law 98-542, and the decision in *Nehmer v. U.S. Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989)—make clear beyond dispute the congressional view that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection, for purposes of veterans disability compensation, based on exposure during military service to herbicides. To use the higher standard of proof required for a scientific conclusion of causation in deciding whether to establish presumptions of service connection would place a heavy burden of scientific uncertainty totally upon the veteran. This would be inconsistent with the approach that Congress has followed in creating presumptions of service connection and providing for the creation of presumptions.

Section 305(b) of H.R. 5326 in the 101st Congress specifically required a survey and evaluation of scientific evidence or information regarding the effects "that herbicide agents have on humans and other animals." This language is not included in the compromise measure. As the author of the House agent orange legislation, I do not view the omission of that wording as changing the scope of the scientific review. Rather, it is my intention that the requirement for the National Academy of Sciences [NAS] to "review and summarize the scientific evidence \* \* \* concerning the association between exposure to an herbicide used in \* \* \* Vietnam \* \* \* and each disease suspected to be associated with such exposure" requires the review of scientific studies of the association between exposure of animals to the extent that such studies are relevant to the

question of association between exposure of humans and the occurrence of disease. Likewise, it is my intention that the requirements for the Secretary to base his determinations on "sound medical and scientific evidence" and to take into account the NAS reports and all other sound medical and scientific information would entail the consideration of animal studies that bear on the issues related to human exposure. I believe the language in section 3(a) of H.R. 556 stating that it is the purpose of section 3 to provide for a review and evaluation of "the available scientific evidence regarding associations and exposure to dioxin" and that this reflects the intent to provide for a comprehensive review and certainly not to exclude any category of potentially useful scientific information. Thus, it is my understanding that, to perform properly their duties, the Secretary and NAS would necessarily consider scientific studies regarding the effects of herbicide exposure on animals.

Additionally, section 2 of H.R. 556 requires the Secretary, in evaluating studies on the effects of dioxin, to take into consideration such factors as statistical significance, replicability, and peer review. I want to make clear that it is not my intention that, in making determinations under section 2 of the legislation, that the Secretary is required or intended to refuse to rely upon studies that he considers not to be statistically significant or capable of replication or able to withstand peer review. Rather, as the language indicates, these factors are intended to guide the Secretary in weighing these studies that must be included in the universe of information an analyses upon which his determinations must be based.

If the Secretary determines that a presumption of service connection is warranted for a particular disease, he is required by section 2 of the bill to conduct a rulemaking proceeding, involving notice to the public and the opportunity to comment. On the other hand, if the Secretary determines that a presumption of service connection is not warranted for a particular disease, he is required to publish this determination, as well as an explanation of the basis for the determination, in the Federal Register, without conducting a public rulemaking proceeding. In my opinion, the Secretary's determination that a particular disease does not warrant a presumption of service connection would be reviewable.

The previous agent orange legislation, H.R. 5326, contained language specifying that the National Academy of Sciences should review scientific evidence relevant to the health effects of exposure, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects. In redrafting the language outlining the Academy's responsibilities, we attempted to make the instructions more concise, but not to exclude any diseases from the Academy's consideration. I also expect that the Academy will review any evidence related to a possible connection between exposure to herbicides used in Vietnam and the soft-tissue sarcomas excluded from presumptive disability compensation under section 2 of H.R. 556: osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma. The exclusion of these diseases from the presumption is not in-

tended to suggest that they should be excluded from the scientific review.

Section 9 would establish a voluntary blood testing program to be implemented by the Secretary unless he determines, after receiving recommendations from the National Academy of Sciences that such a program would not be feasible or would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. It is my intention that the blood testing program, if implemented, be used only to further scientific research efforts, not to affect either an individual veteran's eligibility for disability compensation or the presumption of exposure in new section 316(a)(3) of title 38, as added by section 2(a) of the bill. I believe section 9(e)(1)(A) supports that view by providing that the program would not be implemented if the Secretary determines that it would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. This clearly is a reference to the value of the program to achieving research goals.

Finally, I would like to address the impact of the changes to Public Law 98-542 made by section 10 of the legislation on the rulemaking proceeding currently being conducted pursuant to the Court's decision in *Nehmer v. U.S. Veterans Administration*, Civ. No. C-86-6160 (N.D. Cal.).

The delayed effective date of the changes to Public Law 98-542 in section 10 of this legislation allows for the orderly completion of the rulemaking proceeding required by Public Law 98-542. In setting this delayed effective date, the sponsors of this legislation relied on the fact that the VA has been working for over 21 months to complete the rulemaking proceeding required by the Nehmer decision, and on the VA's representations that by May of this year its Advisory Committee on Environmental Hazards will complete its deliberations and make recommendations to the Secretary of Veterans' Affairs concerning those diseases alleged to be associated with herbicides containing dioxin that it has yet to review. The legislation therefore contemplates that on or before the delayed effective date of section 10, the advisory committee will have taken these actions.

The premise of Public Law 98-542 and the court orders in *Nehmer* is that is the recommendations of the Advisory Committee on Environmental Hazards, the studies and analyses the advisory committee reviewed, and any other pertinent scientific information available to the Secretary provide a basis for accorded a presumption of service connection to certain diseases, the Secretary would immediately promulgate regulations adding a presumption. By allowing for the orderly completion of the rulemaking proceeding required by Public Law 98-542, this legislation keeps this process intact. Thus, the Secretary may act to add disease immediately after the advisory committee makes its recommendations. After the National Academy of Sciences transmits its first report pursuant to section 3 of this legislation, the Secretary will then have additional information upon which to add or subtract diseases from the list of those to which a presumption of service connection attaches.

The sponsors of this compromise legislation are aware that the Secretary is required by the Court's orders in *Nehmer* to adjudicate pending agent orange claims and to readjudicate certain agent orange claims denied in the past, based on the regulations the Secretary ultimately adopts. By allowing for the orderly completion of the rulemaking required by *Nehmer*, this legislation allows the Secretary to handle these claims in a manner consistent with the many adjudicatory provisions of title 38 that favor and are solicitous to VA claimants. We expect the Secretary to grant benefits to those who should prevail under the regulations he ultimately adopts after the advisory committee completes its work. With regard to those claimants who would not prevail under these regulations, the Secretary has authority under title 38 to delay the final resolution of these claims until he obtains additional information from the National Academy of Sciences pursuant to section 3 of this legislation. We encourage the Secretary to delay final resolution of these latter claims until after he receives at least the first report from the National Academy of Sciences and makes the determinations required by section 2 of this legislation.

Mr. WEISS. Mr. Speaker, today the House of Representatives considers legislation to compensate Vietnam veterans for certain rare diseases associated with exposure to agent orange, and to require that a new, objective study be conducted of the herbicide and its connection to other illnesses suffered by veterans of the Vietnam war. I welcome this overdue measure, and I commend the chairman of the House Veterans' Affairs Committee for his efforts to facilitate a compromise on a controversial issue.

Although the bill falls short of addressing all the problems I believe are connected to agent orange, such as birth defects and certain neurological disorders, it is a good compromise and interim solution. For the first time, the House has recognized the suffering of Vietnam veterans who had been exposed to the toxic herbicide.

A similar agent orange bill was passed by the House last year as part of a veterans benefits package that included a cost-of-living allowance for disabled veterans. That bill was held up by the other body because of the agent orange provisions. In the waning hours of the 101st Congress, the agent orange section was stripped from the legislation, and a COLA bill was brought to the House floor, to be considered without debate or perusal.

Knowing that we would pass the COLA bill this month, with retroactive benefits, and knowing that the agent orange bill would not be easily resurrected in the new Congress, I objected to stripping of the agent orange provisions from the COLA measure. I objected because, as chairman of the Human Resources and Intergovernmental Relations Subcommittee, I had learned after a 2-year investigation that the Federal Government had manipulated and covered up its studies of agent orange exposure. Evidence that the chemicals contained in the herbicide, such as dioxin and 2,4-D, were causing illnesses in Vietnam veterans had been ignored or swept under the carpet. I did not want this injustice to continue.

I objected to the stripping of the agent orange bill on the last day of the 101st Congress to give the House more time to resolve differences with the other body on the legislation's most controversial provisions. The passage of the Agent Orange Act of 1991 is exactly what I had hoped would be accomplished so that all our veterans would receive just compensation in return for their service to our country.

Now the National Academy of Sciences will conduct a thorough and objective study of illnesses related to agent orange exposure. The Secretary of Veterans Affairs is empowered to compensate veterans suffering from illnesses positively associated with exposure to the herbicide. The Department of Veterans Affairs will be required to analyze veterans treated by its hospitals to determine if their diseases are related to agent orange exposure, and to see if a pattern of illness exists among the veterans. Finally, the legislation establishes a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne, the first time Congress has officially recognized the relation of any diseases to agent orange exposure.

I am grateful to the American Legion and Vietnam Veterans of America for their support and diligence in keeping a spotlight on the agent orange issue. They fought courageously to make America recognize the debt we owe to Vietnam veterans. This legislation would not have passed without their efforts.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of H.R. 556.

Mr. Speaker, I would like to take this opportunity to voice my strong support for H.R. 556, the Agent Orange Act of 1991. This bill represents years of hard work and compromise within the Veterans' Affairs Committee—a committee I am honored to serve on under the leadership of G.V. "SONNY" MONTGOMERY, the chief sponsor of this measure.

As we are all well aware, there are differing opinions on how the U.S. Government should proceed with agent orange compensation. It is an emotional issue and one that had reached a stalemate after years of research and study. For this reason, I am especially proud of the bill brought to the floor today. H.R. 556 is a tremendous first step toward clarifying what effect agent orange had on service men and women in Vietnam and what conditions should be compensated. It codifies the three diseases already compensated as a service-connected disability by the Veterans' Administration [VA]—non-Hodgkins lymphoma, soft-tissue sarcoma, and chloracne. In addition, it requires the VA to decide whether permanent disability benefits should be given to veterans suffering from other diseases, based on the objective, scientific review of the National Academy of Sciences—the first non-Government entity charged with making such recommendations.

I would be remiss if I did not recognize the tireless efforts of my friend and colleague on the Veterans' Affairs Committee, LANE EVANS.

For years, LANE has led the charge on behalf of Vietnam veterans and their concerns relating to agent orange exposure. His leadership in the Veterans' Affairs Committee yielded similar agent orange provisions which passed the House last year but were not considered by the Senate. There is no doubt his work helped set the stage for the bill we are considering today.

Again, I rise to offer my strong support for H.R. 556 and commend Chairman MONTGOMERY for making this issue a top priority for the 102d Congress.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in strong support of H.R. 556.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES], a member of the Committee on Veterans' Affairs.

Mr. JAMES. Mr. Speaker, today this House has the chance to correct a grave inequity that Vietnam veterans have faced for many years. Agent orange defoliant, which was used extensively in the war in Vietnam, has long been a source of controversy. Many veterans have been convinced that this herbicide has been the cause of serious illnesses such as cancer, and many scientific studies have lent credence to their arguments, but until recently the Government has refused to face that possibility. Today, with the passage of H.R. 556, we can take that first step toward redressing this error.

Make no mistake about it, this issue has been very contentious over the years. All of us remember the obstacles that this problem put up last year when the controversy prevented the passage of other vital veterans legislation. However, thanks to the efforts of everyone involved, we have been able to reach a satisfactory compromise. As a member of the Veterans' Affairs Committee, I am proud of our work toward resolving this concern, and I urge my colleagues in the House to pass this legislation today.

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

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Illinois [Mr. PENNY], but let me say first that the gentleman introduced a compromise amendment last year that was partially adopted this year and is in the bill we are working on today. I want to thank the gentleman from Minnesota for his help and his cooperation. He has been a valued member of our committee, and he is chairman of the Subcommittee on Education, Training, and Employment.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

□ 1250

Mr. PENNY. Mr. Speaker, today is a day that many thought might never ar-

rive—a day when a bipartisan, bicameral agreement on agent orange is before this House. I am pleased to be here in strong support of this bill, H.R. 556. Much credit for our being here today goes to our colleague, Mr. EVANS and our former colleague Mr. DASCHLE. To you—you persevered and made a difference. To our colleagues—the chairman and ranking member of the House Veterans Affairs' Committee, Mr. MONTGOMERY and Mr. STUMP—you finally found the way through the agent orange impasse. As a result of your leadership, I believe we have produced better legislation and better policy.

It's a day we can celebrate not in a self-gratulatory way, but with a continuing compassion for veterans and their families. What has bothered me most in the time that we have debated this issue is: What do we tell veterans? What do we tell families? Who has the correct information about agent orange and when will we know its effects for sure? On the issue of agent orange we've always been long on questions and short on answers.

One of the most nagging questions for lawmakers was how we could do what was right and fair for veterans and still be consistent with our obligations to enact right and fair public policy. To that end, I have searched repeatedly and with great frustration for a conclusive, scientific answer to this emotionally charged and sensitive issue.

The amendment I offered last summer in subcommittee was offered in a sincere attempt to get those answers. This legislation before us today is similar to that amendment. I wanted then, as I want now, to sort out the conflicting evidence. I believed the National Academies of Science to be the appropriate arbiter of this dispute, going outside the Government for the first time to get an independent scientific review.

Unlike previous bills, this legislation gives the NAS great latitude in setting up their studies. Once they have reached a decision regarding the positive correlation of a condition to agent orange exposure, they will convey that finding to the Secretary. Appropriately, it removes Congress as the middleman. We're not scientists so we should put the mechanism in place for granting compensation where compensation is justly due and then step back. If NAS finds that certain conditions are not related to agent orange exposure then they are obligated to convey that finding as well.

I am pleased that the legislation also includes provisions allowing NAS to conduct, in addition to the initial study, ongoing review and to avail itself of clinical data, blood and tissue samples, which could be collected through the VA. Of immediate significance is the continuation of VA medical care eligibility for veterans suffer-

ing from possible agent orange related conditions. I was also pleased to have included the provision allowing Vietnam veterans to request blood tests to determine serum dioxin levels.

As I said last July, the issue before us is not cost. If the diseases suffered by these veterans were caused by agent orange, then we need to pay the cost. The issue is what is right and what is fair. It is right to pay compensation where it is warranted. It is fair to all veterans to base that decision on the best scientific evidence available. By passing this legislation we have the opportunity to be both right and fair. We also have the opportunity, at long last, to get some real answers for Vietnam veterans and their families.

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

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Minnesota [Mr. PENNY] and commend him for the hard work he has done on behalf of this bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act of 1991.

First, I would like to commend the distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, and the ranking minority member, BOB STUMP, for bringing this important legislation to the floor in a timely manner. I would also like to recognize DOUG APPELEGATE and LANE EVANS for their diligent efforts to reach a compromise on this critical issue.

Controversy has surrounded the agent orange issue for years. Despite exhaustive studies on the subject, researchers have not been able to conclusively link agent orange exposure to the development of rare diseases such as soft-tissue sarcoma and melanoma. In fact, the various studies which have been conducted have oftentimes contradicted one another.

Consequently, the debate over providing a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam and exposure to certain toxic herbicide agents used in Vietnam has remained unresolved.

In the past, I was reluctant to codify any presumption of service connection for cancers and other rare physical problems which have been diagnosed at higher frequency rates for individuals exposed to dioxins because of the lack of scientific evidence. However, after careful reexamination of the issue, it seems to me that we have lost sight of the real issue—the veterans suffering from the debilitating ailments associated with herbicide exposure.

Last year, Secretary Derwinski announced his decision to compensate victims of non-Hodgkins lymphoma

and soft-tissue sarcoma. I applaud the Secretary's decision. However, I also believe that if we are prepared to compensate veterans suffering from these two forms of cancer without a definitive answer to the health effects of agent orange, we should also provide the same consideration to those veterans suffering from other severe medical maladies believed to be the result of exposure to agent orange or other defoliates used in Vietnam.

During the 101st Congress, I supported legislation which codified the Secretary's action on non-Hodgkin's lymphoma and soft-tissue sarcoma. Unfortunately, that legislation was the victim of last minute political wrangling and was not enacted into law.

I am pleased to have the opportunity to be an original cosponsor of the legislation before us today. I am hopeful that this compromise which codifies Secretary Derwinski's decision and calls on the National Academy of Science to conduct an ongoing review of all scientific and medical evidence on the long-term health effects of herbicide exposure, will move us one step closer to resolving the controversy surrounding agent orange.

I have said repeatedly that veterans are a patient group of individuals who are willing to wait as long as necessary to accomplish their goals, but our Vietnam veterans have waited long enough. I urge my fellow Members to support H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS], a member of the Committee on Veterans' Affairs and the chairman of the Subcommittee on Housing and Memorial Affairs. Mr. Speaker, I would say that all four of our subcommittee chairmen have now spoken in support of this legislation.

Mr. STAGGERS. Mr. Speaker, let me thank the gentleman from Mississippi [Mr. MONTGOMERY] for bringing this legislation to the floor. I, as a longtime advocate of the need for the Congress to recognize and compensate victims of agent orange, am very pleased to see H.R. 556 come to the floor so early in the 102d session of Congress.

Let me further state my pleasure in working with the distinguished chairman of the full committee, SONNY MONTGOMERY. He is to be commended for bringing this legislation forward. The road to this Chamber has been rough, twisting, and sometimes at a dead end.

Mr. Speaker, I am sure others will devote their remarks to the more technical side of how this legislation creates a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. However, I would like to confine my remarks to what I think this action means to hundreds of veter-

ans I have met during my tenure in Congress.

The action we are taking today is the fulfillment to the veterans of America's last sustained war, Vietnam. Mr. Speaker, to many of us it is regrettable that it has taken this long. Today, the people's House, the U.S. House of Representatives, fulfills its commitment to millions of veterans to heal the suffering and compensate those who have answered America's call to serve.

It is an ironic situation we face today. Today, we will provide benefits to veterans who suffered under the last war America fought, while we prepare to go to war in the Arabian Peninsula. We should remember that fact and, for those of us very concerned with veterans benefits and health care, renew our commitment to caring for those who have fought the battles that have given our people the freedoms we in America enjoy.

The effort made to bring us to this day has been brought about in large measure by the efforts of a number of Members but I would particularly like to mention, LANE EVANS, DOUG APPELEGATE, DAVE BONIOR, and MARTIN LANCASTER. These Members, as well as others, have provided valuable service to helping America's veterans and helping to get a good bill to the floor.

Mr. Speaker, I proudly cosponsor this legislation and urge all Members to support this substantial improvement for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JONES], a member of the Committee on Veterans' Affairs.

Mr. JONES of Georgia. Mr. Speaker, I rise in very strong support of H.R. 556. I rise with a great deal of pride in a generation of Americans who served their country unselfishly and heroically in the jungles of Vietnam.

Mr. Speaker, I would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking member, the gentleman from Arizona [Mr. STUMP], the gentleman from Ohio [Mr. APPELEGATE], the gentleman from Minnesota [Mr. PENNY], and, most particularly, the gentleman from Illinois [Mr. EVANS], for their dogged determination and their work to find a compromise which has enabled us to facilitate this vital piece of legislation. But I think the real credit belongs to those same men and women who risked so much in Southeast Asia, because they never gave up the right for what they believed in. They never let us forget what happened there. They never once turned their backs on their buddies.

Mr. Speaker, as we once again see the cream of our American youth stand courageously and vigilantly for the cause of international freedom, it is appropriate that today, through this legislation, we recognize once again the sacrifices of our veterans of Vietnam. This legislation is a testimony to

their perseverance and their compassion.

Mr. Speaker, I urge Members to support this long overdue measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG]. I am proud to say the gentlewoman is also a member of the Committee on Veterans' Affairs.

Ms. LONG. Mr. Speaker, there is no question about it, this really is a significant day. For years, agent orange issues have been the subject of considerable debate, but the Congress has been unable to pass legislation. Today, we have the opportunity to support a bill which, in all likelihood, will become law. I congratulate those who played a role in developing this measure. In particular, I commend the gentleman from Mississippi, the chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, for bringing the Agent Orange Act of 1991 to the floor.

Veterans of each of our Nation's wars have made grave sacrifices, some unique, some common to war. These sacrifices should never go unnoticed, and yet, sometimes they do. While we have attempted in many ways to assist our veterans, we have been slow to respond to the special needs of some of our Vietnam-era veterans.

Perhaps this is the case because veterans of that war came home with problems that health care professionals and the public at large had never encountered. Problems like post-traumatic stress disorder [PTSD], problems associated with exposure to the herbicide agent orange, and others were unheard of prior to the return of our Vietnam veterans.

Since Vietnam-era veterans were the first to experience widespread exposure to agent orange, some of these veterans now have rare forms of cancer like non-Hodgkins lymphoma, soft-tissue sarcoma, and certain types of chloracne. The evidence linking these diseases and agent orange exposure is so strong that this legislation establishes a new category of service-connected disability.

Still, there are other diseases present in Vietnam veterans who were exposed to agent orange which are not presently covered in this legislation. Perhaps the correlation between the two phenomena is purely coincidental, but the limited statistical evidence that does exist tells a somewhat different story. The evidence, at the very least, tells us that we need to look further. In order to measure any correlation, this bill calls for a critical and comprehensive study. If this study determines that there is a link between agent orange and other forms of cancer, fairness mandates, and our policies must reflect that those other veterans exposed must also be compensated.

I strongly urge passage of the Agent Orange Act so that we may more fairly

begin paying the debt we owe to our Vietnam veterans and their families.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, [Mr. PAYNE], also a member of our committee.

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong support of H.R. 556 to compensate Vietnam veterans for specific diseases resulting from exposure to agent orange. As a veteran, I am very sensitive to the suffering that Vietnam veterans have experienced. It is our responsibility to the veterans who have served our Nation to ensure that they all receive fair and equitable compensation and health care for any physical disabilities that they develop in the service of their Nation. It is the least that we can do for our veterans.

The issue as to whether or not certain cancers can be attributed to exposure to dioxin has been greatly debated. Numerous studies have been performed in an effort to establish this medical association. However, it has not been conclusively demonstrated that exposure to dioxin can result in the development of certain cancers.

Under this bill, Vietnam veterans suffering from non-Hodgkin's lymphoma, soft-tissue sarcoma and chloracne will receive, by law, compensation. The Secretary of the Department of Veterans Affairs had previously made an administrative decision to provide compensation for these diseases to Vietnam veterans. As far as adding the list of compensable diseases, the Secretary of Veterans Affairs could do so after weighing the recommendations of the National Academy of Sciences. A great deal of the past controversy has revolved around the body performing scientific evaluations. The National Academy of Sciences is a highly respected, non-profit, nongovernmental organization. The academy will review all of the scientific and medical evidence on the long-term health effects of exposure to the herbicide and report its findings to the Secretary.

I believe that this compromise legislation is a fair and equitable agreement among the various groups interested in this issue. I want to thank Chairman MONTGOMERY, Congressmen STUMP, EVANS, and APPLIGATE for their leadership in working out this compromise, and I urge my colleagues to pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of our committee who has been very, very helpful on health care and other matters in working with our committee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, like many of the issues we deal with in Congress, the debate over health care eligibility for Viet-

nam veterans exposed to agent orange has not been easy to resolve. While I, personally, believe a connection potentially exists between exposure and certain diseases, the scientific data is still not perfectly clear out. We still do not have all the answers.

However, this legislation represents a big step toward dealing with this issue in a fair and reasonable way.

The Department of Veterans Affairs already recognizes the eligibility of veterans exposed to agent orange who have subsequently suffered from chloracne and from non-Hodgkin's lymphoma and soft-tissue sarcomas.

Congress should do no less. This bill makes that administrative decision a matter of law.

The measure also empowers the Secretary of Veterans Affairs to add other diseases to the list. It calls on the Secretary to base his decisions on recommendations of the National Academy of Sciences, which is expected to conduct a long-term review of the scientific and medical evidence of the health effects of exposure to agent orange.

Mr. Speaker, I congratulate our chairman, SONNY MONTGOMERY, the ranking member, BOB STUMP, and LANE EVANS who has taken the lead on this issue, as well as DOUG APPLIGATE, who has been out in the forefront, as well as everyone on the Veterans' Affairs Committee who has helped to put this compromise together. I hope we now have an opportunity to resolve this issue and provide needed help to many veterans and their families.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY], another member of the committee.

Mr. KENNEDY. Mr. Speaker, first of all let me commend the chairman of the Committee on Veterans' Affairs, Mr. SONNY MONTGOMERY, and the ranking minority member, Mr. BOB STUMP, for their ability to reach consensus between the Members of Congress and the organizations on the issue of agent orange.

I also want to pay particular thanks and gratitude to LANE EVANS of the committee whose hard work and true dedication on this issue over a period of years enabled this compromise to be worked out. I know that this and other issues on the committee have faced difficult times in the past, and it is through the dedication of individuals like LANE EVANS and their willingness to work out the specifics on the part of the chairman and his staff that the bill has finally come forward, and I want to congratulate both of them for the work that they have done.

Let me say that I fully support H.R. 556, the Agent Orange Act. The bill will provide disability compensation for, what I think, are the two disabilities that cause the most concern to Vietnam veterans—non-Hodgkins'

lymphoma and soft tissue sarcoma. But the most important aspect of this bill is the fact that a system will be set up, so that the National Academy of Sciences will be able to make recommendations to the Department of Veterans Affairs for compensation of other disabilities.

I think this bill is an important first step in resolving an injustice that has affected so many Vietnam veterans. Passage of this legislation will set an important precedence not only for Vietnam veterans but for the veterans of the current war in the gulf who could potentially be exposed to God only knows what kind of chemicals.

I would like to commend again Congressman LANE EVANS for championing this and other tough issues and again thank Chairman MONTGOMERY and the ranking minority member BOB STUMP for bringing this bill to a vote. I urge my colleagues to vote yes for H.R. 556.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will announce that the gentleman from Mississippi [Mr. MONTGOMERY] has 2½ minutes remaining and the gentleman from Arizona [Mr. STUMP] has 21½ minutes remaining.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], and that he be allowed to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 12½ minutes.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY], also a member of our committee.

Mr. SLATTERY. Mr. Speaker, I will not use the 2 minutes that the chairman has so generously allotted, but I just wanted to rise and express my support for this legislation, and also join my colleagues in expressing my gratitude to Mr. LANE EVANS and Mr. DOUG APPLIGATE and Mr. BOB STUMP as well as the chairman of the committee for bringing this legislation before us today. Certainly LANE EVANS has worked tirelessly on this since we came in together 8 years ago, and today his efforts are coming to fruition. So he should be commended for his tenacity and his sticking to the effort.

Mr. Speaker, the Second District of Kansas, which I have the honor of representing here in Washington, is home to Fort Riley and to 15,000 troops currently involved in Operation Desert Storm.

They, their families, and all others who have served our country in times of war or peace deserve to know that this country is committed to honoring their service. Their sacrifices demand no less.

The Agent Orange Act codifies recent VA decisions to compensate Vietnam veterans for non-Hodgkin's lymphoma, soft-tissue sarcomas, and a skin condition known as chloracne, all of which are believed to have been caused by the use of agent orange during the Vietnam War.

Furthermore, the legislation requires the National Academy of Sciences to review all scientific and medical evidence on the long-term health effects of agent orange and other herbicides and report its finding to the Secretary of Veterans Affairs.

H.R. 556 will enable us to unravel the many controversial issues surrounding agent orange and give disabled veterans the treatment and compensation they are entitled to receive.

I urge my colleagues to recognize the importance of this issue to so many Americans, and to pass this legislation today.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE], the ranking Republican on the Committee on Appropriations.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 556.

Mr. Speaker, this bill endeavors to right an old wrong. During the Vietnam war, we exposed our troops to tremendous quantities of a toxic herbicide mixture known as agent orange. Agent orange contains dioxin, the most toxic chemical known to man. A tiny amount of dioxin causes cancer, immune system depression, and birth defects in laboratory animals.

Mr. Speaker, our efforts to compensate veterans who may have been harmed by agent orange have been complicated by scientific uncertainty. Conclusive findings on the relationship between agent orange exposure and health ailments have eluded us. Prior agent orange studies have been criticized as inconclusive or politically motivated.

The legislation before us today directs the Department of Veterans Affairs to commission an independent study by the prestigious National Academy of Sciences to determine the probable effects of agent orange exposure. This independent review will be presented to the Secretary of Veterans Affairs. If he finds that a presumption of service connection is warranted with respect to certain diseases, he will provide for the payment of compensation to eligible veterans.

This proposal is a vehicle to break the gridlock that has stalled progress on the agent orange issue for years. I commend my dear friend and chairman of the House Committee on Veterans' Affairs, the Honorable SONNY MONTGOMERY, for his successful and good faith efforts to reach a fair compromise on this issue. I am also indebted to my wise colleague, the ranking minority member of the Veterans' Affairs Com-

mittee, the Honorable BOB STUMP, for his devoted work on this legislation.

Mr. Speaker, I would also note that the bill establishes a presumption of service connection for three diseases: chloracne, non-Hodgkins lymphoma, and soft-tissue sarcomas. The Secretary of the Department of Veterans Affairs, my good friend, the Honorable Edward Derwinski, was widely praised when he took administrative action last spring to provide benefits for veterans with these diseases. The legislation before us is a congressional affirmation of his action and a tribute to his good judgment.

Mr. Speaker, I urge my colleagues to vote "aye."

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I appreciate the chairman of the committee yielding me this time. I rise in support of the bill and commend the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], the gentleman from Arizona [Mr. STUMP] and the others who have worked so hard on this much needed legislation.

Mr. Speaker, I rise in support of H.R. 556, legislation that will establish a process requiring the VA to determine whether certain diseases of Vietnam veterans should be presumed to be service-connected based on exposure to agent orange.

I would like to commend Chairman MONTGOMERY and Representative LANE EVANS for working together to forge this compromise which I believe is acceptable to all parties.

Over the course of the 12 years since this issue was first raised, there have been concerns that before providing compensation to veterans, there should first be some scientific evidence suggesting a reasonable connection between disease and exposure. To ensure a resolution so that agent orange-exposed veterans receive compensation, I cosponsored H.R. 3004 during the 101st Congress.

This measure would put in place a mechanism allowing an unbiased independent scientific agency to offer future guidance to the Department of Veterans Affairs and Congress on additional diseases that can be said to be reasonably associated with exposure to dioxin.

Under the legislation we consider today, a mechanism is initiated to review the health effects of agent orange among the approximately 3 million veterans who have served in Vietnam.

H.R. 556 provides for the VA's determination of whether ailments were caused by agent orange which would be based on a review of relevant scientific information by the National Academy of Sciences.

I support this measure because I believe it is a fair compromise and urge passage of the legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the chairman of the Committee on the Budget [Mr. PANNETTA], who has been very cooperative. We have worked with him this last

year, and look forward to working with him this year. He has had a number of members of our committee temporarily serving with him, and I know he will treat them fairly.

Mr. PANETTA. Mr. Speaker, I am pleased to have representatives from the Committee on Veterans' Affairs on the Committee on Budget.

I rise, really in support of this bill, by putting on two hats. One is as a member of the Vietnam era caucus over the last 10 years, and former vice chairman of that caucus. This is obviously legislation that we have always pursued and have worked on. With the leadership of the gentleman from Illinois [Mr. EVANS] and many others who have worked on this legislation, it finally comes to fruition.

The President has said that we ought not to repeat the mistakes of Vietnam when it comes to the Persian Gulf. One of the mistakes in Vietnam was the way we treated the veterans who returned. This bill, both symbolically and substantively, is a step taken to try to repair the damage that was done to those returning veterans. I think it is a significant step and a worthwhile step. Hopefully, it will be enacted soon with the support of all the Members.

The second hat that I wear today is that of the chairman of the Committee on the Budget. We have been dealing with a series of bills involving both the veterans as well as the fighting men and women who are in the Persian Gulf. I have been asked how these bills relate to both the budget agreement and the pay-as-you-go requirement that is part of the budget agreement. Let me just mention briefly that with regard to the COLA bill that was passed last week, the cost-of-living increases provided to veterans as well as this bill, the agent orange bill, both of these are contained within the baseline that was established by the Congressional Budget Office and was contained in the budget agreement. So they do not involve additional costs above what was prepared in the budget agreement.

Second, with regard to two other bills that will be taken up, the soldiers' and sailors' civil relief bill as well as the physicians' and dentists' relief bill that will be taken up tomorrow, these are authorization bills and obviously have to be covered within the discretionary caps that are presented to the Committee on Appropriations as part of the agreement.

Last, with regard to a bill last week, there was a bill that provided tax relief to our fighting men and women that could involve, and we are now getting the figures, a revenue loss as the result of that, and it is our intent to try to cover the costs of that in the budget resolution that will be presented to the House when we come forward with that.

The Committee on Veterans' Affairs has been, as the chairman pointed out, stalwart in terms of responding to the savings that we have asked of them every time we have developed a budget agreement. They have been always forthcoming and always very helpful in that effort. It is not easy to do. It is tough. We recognize that. It is in the spirit of that agreement that we now say that we do have obligations to meet here with regard to the veterans and the fighting men and women who are part of the Persian Gulf. That is understandable. However, we also have to implement the discipline that was part of that budget agreement to pay for these costs. In that way, not only do we serve the interests of those who are there and who are fighting, and those who will return as veterans to this society, but we also ensure that we will protect the quality of society that we will be able to return back to.

Therefore, for all of those reasons, I commend the chairman and commend the committee for bringing this legislation forward.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume to say to the chairman of the Committee on the Budget that we have tried to work with him.

I agree, we are making savings. We have to see that we carry out these agreements if we are ever going to get this budget under control. That is basically what we have done in our committee, and we did have to cut back some programs on veterans. However, we picked the programs we thought would affect the veterans least.

I thank the chairman of the Budget Committee for speaking on this bill.

Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, as a Vietnam era veteran and cochair of the Vietnam veterans in Congress, I join with my colleagues in today supporting H.R. 556, the Agent Orange Act of 1991. I want to commend my colleagues, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] in introducing bipartisan, compromise legislation that would make into law administrative decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers, non-Hodgkin's lymphoma and soft-tissue sarcomas, and chloracne, a skin condition. In addition the Secretary of Veterans Affairs can presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of the disease in humans. The National Academy of Sciences will conduct scientific reviews and report to the Secretary its findings. My colleague and chair of the Vietnam veterans in Congress, the gen-

tleman from Illinois, [Mr. EVANS] should be recognized for his tenacity in continuously pushing to bring agent orange legislation before the House for consideration.

This compromise is one born out of conflict and controversy, much like the Vietnam war itself. The veterans of this conflict have waited for years in hope of congressional action that would mandate service-connected disability benefits for the diseases that have ravaged their bodies as a result of their exposure to the herbicide. In my meeting with individual veterans and veterans groups of the Vietnam era, many feel that they and their needs have been neglected and all too often forgotten. While this legislation is the result of many months of efforts, it is but a beginning in addressing the ongoing issue of agent orange. There have been studies upon studies and reviews of those studies and still the concerns persist. I think it is significant that today we unite in a bipartisan effort to recognize that the time has long since come to recognize in a tangible way, through legislation and compensation, our veterans who are victims of agent orange.

As we speak, a war is being waged in the Persian Gulf. Who knows at this time what the needs of the young men and women who come home from this war will be. My friend and colleague from Mississippi, who is chairman of the Committee on Veterans' Affairs, will continue to be attuned to the special needs of these veterans.

We in Congress serve the veteran and the veteran's family. As we continue each day to serve our Nation's veterans, we must keep constantly in mind the words of Lincoln that appear now on the the Department of Veterans Affairs building: "To care for those who have borne the battle and for his widow, and his orphan." It is correct and appropriate that this legislation receive the full support of all present today to show our veterans that we continue to care for the veteran once the battle has been fought.

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Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Speaker, I am proud to support this bill to assist Vietnam veterans with cancers linked to war-time exposure to agent orange.

A year and a half ago, I joined other Vietnam veterans in Congress to announce the introduction of similar agent orange legislation, which served as the starting point for the bill before us today. During that year and a half, we worked to prove our case that this is the most responsible way to settle the issue. This approach treats both

the exposed veteran and the taxpayer with respect.

We should pass this legislation today and the President should sign it, so that we can get on with the job of providing help and healing for Vietnam veterans who suffer from the aftereffects of agent orange. This debt to many Vietnam veterans is long overdue.

The legislation would establish a presumption that certain diseases are related to a veteran's exposure to agent orange while serving in Vietnam. In doing this, it also establishes that these illnesses and diseases are our country's responsibility—not a burden of that conflict to be borne in tragic isolation by the veteran.

The bill would provide permanent disability benefits for veterans who currently suffer from non-Hodgkin's lymphoma or soft-tissue sarcoma. The legislation would also provide benefits for survivors. In addition, the bill commissions the prestigious National Academy of Sciences [NAS] to make a scientific determination about whether other diseases may have been caused by agent orange exposure. If the NAS determined a disease is related to agent orange, the Veterans Department would be required to accept that determination within 60 days and begin paying benefits, or, if it rejected that determination, provide a clear justification.

As a Vietnam veteran myself, I am particularly sensitive to the long anguish of those veterans who were made ill by agent orange. Out of deep respect for them, I urge my colleagues to support this bill.

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

Mr. Speaker, may I say to the gentleman from Colorado, the President has agreed that he will sign this legislation.

I have one more speaker, and he is a very active member of our committee. I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

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

Mr. Speaker, I rise today to urge my colleagues to support passage of H.R. 556.

H.R. 556 represents compromise legislation to provide disability payments for Vietnam veterans who were exposed to agent orange, a chemical sprayed in Vietnam to defoliate the jungles. Veterans who develop non-Hodgkin's lymphoma and soft tissue sarcoma will be presumed to have service-connected disabilities. In addition, their survivors can also apply for these benefits. The bill also provides service-connected disability for veterans who suffered from chloracne, within 1 year of their service in Vietnam. Medical care will continue to be guaranteed for veterans

who were exposed to agent orange or ionizing radiation in the military service.

The second part of H.R. 556 requires the National Academy of Sciences [NAS] to examine all of the scientific data about agent orange and make recommendations to the Department of Veterans Affairs [DVA]. The Secretary of the DVA will consider these recommendations and may list additional service-connected disabilities as he deems warranted.

I would also like to thank chairman MONTGOMERY, Congressman STUMP and Congressman LANE EVANS for acting quickly on these issues of vital importance to our veterans. It is a tribute to their leadership that this compromise bill will be considered so early in the 102d Congress under the suspension calendar. I urge my colleagues to support this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I rise in support of H.R. 556, a bill to provide permanent compensation for Vietnam veterans suffering the effects of agent orange exposure.

As one of nearly 16,000 Vietnam era veterans in the 16th Congressional District of Illinois, I strongly support this legislation. We must not delay mandating compensation for those veterans exposed to agent orange. This legislation provides permanent disability for Vietnam veterans that suffer from diseases which are said to be related to agent orange exposure. Additionally, it authorizes an ongoing comprehensive review of all scientific and medical evidence on the long-term health effects of herbicide exposure. This legislation is long overdue.

In the days since January 16, the pictures from the Persian Gulf have reminded us of the horrors of war, and the commitment and sacrifice of those who answer the call to serve our country. Let us not forget, then, our responsibility to provide benefits and support to all of our Nations veterans.

Finally, I would like to thank the gentleman from Illinois [Mr. EVANS], for his efforts on behalf of our veterans. I would particularly like to commend him for his work on this legislation.

I urge my colleagues to support this bill.

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

Mr. Speaker, before we close this debate, there are two other Members I would like to recognize. One is the gentleman from Ohio [Mr. MCEWEN] who is the ranking member of the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veterans' Affairs who I would like to thank for his hard work in resolving this agent orange compromise.

I would also like to recognize the gentleman from Texas [Mr. ARMEY] whose Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations held hearings on this issue, and I thank the gentleman for his very valuable contribution.

Mr. GOSS. Mr. Speaker, I would like to commend the distinguished gentleman from Mississippi, Chairman MONTGOMERY, for bringing this important legislation back to the floor so quickly—this is another piece of unfinished business from the last Congress that deserves our immediate attention. I also wish to thank Mr. STUMP from Arizona and Mr. EVANS from Illinois for their hard work on behalf of our veterans.

Today we have the opportunity to address the very real suffering and needs of agent orange victims and their families—who for too many years have had to fight for recognition of their ailments and compensation from their Government.

Certainly this bill deserves our full support and rapid consideration in the other body. As our troops continue their brave service in the Persian Gulf, it is only fitting that we make good on our commitment to another generation of service members.

But Mr. Speaker, there is yet another group—a smaller group—of veterans who still cry out for recognition and assistance from the Government they so loyally served in World War II.

I am speaking of the mustard gas victims, men who were used as human guinea pigs by the U.S. Government to test the effects of lethal chemical gases and the effectiveness of protective clothing.

Today, more than 45 years later, the few participants of these secret experiments who are still alive, fight for their ailing health while they continue to fight for disability compensation. They are sick and they are unable to provide for themselves in some instances.

Since the last time I spoke about this tragic situation, progress has been made and the VA is now reevaluating its previous denials of assistance. In addition, I have reintroduced private relief legislation—H.R. 456—to provide compensation to the four known survivors of these grisly tests who have literally nowhere to turn.

Any veteran who suffers as a result of service to this great country has a right to expect compassion and caring. As we correct the longstanding injustice to victims of agent orange, it is my hope that soon we will do the same for the victims of mustard gas.

Ms. SNOWE. Mr. Speaker, I would like to express my support for H.R. 556, the Agent Orange Act of 1991. I would also like to congratulate my colleagues on the Veterans' Affairs Committee for producing a workable compromise on the issue of how future decisions on the question of service connection will be made. It is my hope that passage of this bill today, 11 years after Congress first requested a study of the health effects of this herbicide, will help lay to rest the fractious dispute over agent orange benefits and provide our veterans with the help they need.

I was a cosponsor of the agent orange bill in the 98th Congress which provided a tem-

porary presumption of service connection for these conditions while studies continued. During the 101st Congress, I cosponsored the Veterans Agent Orange Exposure and Vietnam Service Benefits Act which sought to provide permanent presumption of service connection for specified health conditions. H.R. 556 will formally acknowledge the link between certain medical conditions and exposure to agent orange. In particular, non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne will be considered as service-connected disabilities for the purposes of receiving benefits and services from the Department of Veterans Affairs. It will also establish a system for determining what other conditions may or may not be related to agent orange.

I have spoken with numerous veterans in Maine over the years about this issue. It has been difficult to explain to those veterans exposed to agent orange why, 20 years after the spraying stopped, they are still fighting for access to the benefits they earned and deserve. Steven Bentley, chairman of the Maine State Council of Vietnam Veterans of America, Inc., expressed the frustration of our veterans in these words:

And I know this above all: that the very government that sent me to Vietnam has concluded via its Centers for Disease Control that it will not bother to even look at a possible connection because it has concluded that my dioxin level and my problems, as well as those of my brother-in-arms, are statistically insignificant.

Today, in passing this bill, we are finally doing right by these veterans.

Mr. GEPHARDT. Mr. Speaker, last week this body overwhelmingly approved H.R. 3 which provides a 5.4-percent cost-of-living adjustment in compensation to our Nation's 2.2 million veterans with service-connected disabilities and to 300,000 widows and children of veterans who died of service-connected causes.

Today we are considering another bill of great importance to the Nation's veterans, H.R. 556, the Agent Orange Act of 1991. For years, many of us have been concerned by the effects of exposure to dioxin on the health of veterans who served in Vietnam. Earlier this month, a historic compromise was reached to ensure that the Vietnam veterans injured by agent orange receive the health care and compensation they deserve.

H.R. 556 enacts into law the Veterans' Administration's decisions to compensate Vietnam veterans for soft-tissue sarcoma, non-Hodgkin's lymphoma, and chloracne. In addition, the act calls on the National Academy of Sciences to conduct an impartial and exhaustive review of all previous studies of agent orange diseases. The academy will report its findings to the Secretary of Veterans Affairs who must act upon the academy's recommendations within 60 days. This process will ensure that bureaucratic disagreements will not delay the compensation justly deserved by these veterans.

We have a national obligation to recognize the courage and sacrifices of our veterans. I commend the chairman and the many Members who have worked on this issue to ensure that veterans injured by agent orange receive the compensation and support they are justly

entitled to. I rise in strong support of H.R. 556, and urge my colleagues to do the same.

Mr. McGRATH. Mr. Speaker, I rise today in strong support of H.R. 556, a bill to codify decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and a skin condition, chloracne. This measure is a well-crafted compromise between Members of both the House and the Senate and a shining illustration of bipartisanship after last year's version of this legislation resulted in controversy and a hold-up of cost-of-living allowances [COLA's] for disabled veterans.

The agent orange issue is perhaps one of the most hapless byproducts of the Vietnam war. Conflicting scientific studies of the defoliant's effects have resulted in verbal and legal warfare between veteran's groups and Government agencies. In 1987, for example, the Centers for Disease Control in Atlanta announced that agent orange had virtually no effect on military personnel stationed in Vietnam. However, a report later that year by the Veteran's Administration concluded that those subject to the herbicide stood a better chance in developing several forms of cancer.

It is truly unfortunate that the agent orange issue has turned into a political fiasco—with veterans emerging as the victims. It is for that reason that I strongly support H.R. 556. Briefly, the bill would provide permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma, and soft-tissue sarcomas. In addition, the bill would establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within 1 year of their service in Vietnam. The legislation also requires the DVA to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

The time for rhetoric is over. I urge my colleague to join me in support of H.R. 556. It is now time to realize the effects of agent orange and act to mend the veterans who have been afflicted.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of this bill to compensate Vietnam veterans for illnesses linked to agent orange.

The battle we fought in Vietnam has long since ended, but the sacrifices made by thousands of veterans who participated in that war linger on.

Each year as many as 2,300 of our 3.1 million Vietnam-era veterans come down with cancers that may stem from their exposure to agent orange.

This bill will enable the victims of that war's silent killer to get the disability benefits they deserve.

Under this bill, the National Academy of Sciences will review the cases of veterans affected by other illnesses linked to agent orange.

The bill also authorizes more research on Vietnam-era veterans to advance our knowledge of service-related illnesses.

It's sad to say our military personnel who risked their lives in Vietnam must now risk death from illnesses linked to agent orange. We can't change the past, but we can begin

to address today's problems. To that end, I urge my colleagues to support House Resolution 556.

Mr. BONIOR. Mr. Speaker, I rise in strong support of the legislation being considered by the U.S. House of Representatives today which greatly benefits our Nation's veterans. This legislation is truly of monumental importance to veterans, their families, and our country.

I wholeheartedly endorse the Agent Orange Act, H.R. 556, which provides compensation for veterans affected by their service-connected disabilities. This legislation helps end the nightmare of agent orange by bringing relief to the thousands of Vietnam veterans who suffer from the effects of agent orange. Like no other wartime illness, agent orange represents for many of us the lingering horror of Vietnam.

The Agent Orange Act will provide permanent disability benefits to Vietnam veterans who suffer from diseases that have been irrefutably linked to the powerful defoliant, agent orange. With the passage of this legislation, we put behind us the years of controversy over agent orange. We put behind us allegations of fraudulent studies and botched research to finally come to grips with the total impact of the agent orange tragedy.

As the founder of the Vietnam-era Veterans in Congress, I have worked for the full compensation of all veterans affected by exposure to agent orange. I am very proud that the passage of H.R. 556 sends a strong message that the time for more studies and more talk is over—agent orange victims must be treated for their suffering.

At a time when we are facing the prospect of a bloody war in the Persian Gulf, we must demonstrate our national resolve by showing that we will take care of all of our veterans. The men and women serving in the Persian Gulf are being asked to sacrifice for their country—just as young Americans did in the Second World War, the Korean war, and in Vietnam.

This bill we are considering today is truly of great national significance for veterans and will help us to close the book on the lingering scars of the Vietnam war and better provide for all veterans. I strongly support the passage of this landmark legislation.

Mr. RICHARDSON. Mr. Speaker, last week the Congress finally saw fit to grant our veterans their well-deserved cost-of-living increase. Now it is time for us to formally recognize and compensate those veterans who became disabled from exposure to agent orange, dioxin, and other debilitating chemicals while serving us so well in Vietnam.

Too many of our veterans are living with diseases that are the result of this exposure, and none are receiving disability compensation. This disability is no different than any other; we must compensate our veterans justly by passing the Agent Orange Act.

The cooperation of many Members of Congress resulted in this compromise bill which provides permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma and soft-tissue sarcoma, as well as for veterans who developed chloracne within 1 year of their service in Vietnam.

It is time for us to stop the political debates that prevented us from moving forward on this and other important veterans' legislation during the last Congress. This bill is a vote for our veterans.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to register my unequivocal support for the legislation before us. The Agent Orange Act of 1991, H.R. 556, finally codifies that Vietnam veterans who suffer from non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne are eligible for VA disability benefits. Perhaps even more important is that the Agent Orange Act of 1991 holds out the promise of answers to Vietnam veterans suffering other conditions whose relation to agent orange exposure remains a mystery. By directing the National Academy of Sciences to conduct a comprehensive review of all scientific and medical evidence relating to agent orange exposure, the legislation before us takes an important and long overdue step toward unlocking the mysteries of herbicide exposure and finding long-term solutions to the agent orange problem.

I am proud to have cosponsored the predecessor to this legislation in the 101st Congress. The brave men and women who served the United States in Vietnam deserve no less. Isn't it enough that they have had to suffer the loss of comrades, the horrifying memories of combat, and their own lasting disabilities? How much longer can we ask them to continue suffering the mysteries of agent orange—the uncertainties of the herbicide's true effect not only on their own health but on the health of their children?

By approving the Agent Orange Act of 1991, we answer, "No longer." No longer will the serious health concerns of Vietnam veterans exposed to agent orange be embroiled in politics. No longer will we, as a Nation, rest content with the inconclusive findings of previous agent orange studies. No longer will we ignore that agent orange turned out to be more than just a means of defoliation. Our Vietnam veterans have served too valiantly to allow the 12-year debate on agent orange to continue.

As a child of World War II, I remember well the homecoming and victory parades of our Armed Forces. From those memories, I've gained a tremendous respect and appreciation for those who have bravely fought for freedom. For me, this profound appreciation has translated into an unwavering commitment to the health care, housing, and other quality of life interests of our Nation's veterans. In the 101st Congress, I supported legislation to improve the quality of health care personnel in veterans' hospitals, provide rehabilitation services to incarcerated veterans, counsel victims of post-traumatic stress disorder, and provide other necessary services.

Today, as the House votes to pass H.R. 556, I reaffirm my own personal commitment to the interests of those men and women who served the United States Armed Forces in Vietnam. I extend this same commitment to the more than 400,000 future veterans now serving in the Persian Gulf. I salute their courage and their professionalism and I pledge that once Operation Desert Storm has been committed to the history books, their service will not be forgotten. I am proud of each and

every one of our Nation's veterans and I will never let their needs be ignored.

Mr. ESPY. Mr. Speaker, I want to commend Chairman SONNY MONTGOMERY for his outstanding leadership on behalf of the men and women who have served and who continue to serve our Nation in times of war. I also commend my colleagues on both sides of the aisle who have worked so hard to fashion a compromise in this longstanding issue.

Mr. Speaker, by passing H.R. 556, this Congress is acting to reassure the men and women who defend our freedom that our Nation appreciates their sacrifices, and most importantly, that we will honor the commitments we have made to them and their families.

Mr. Speaker, I want to express my total support for H.R. 556. Those Vietnam veterans who have suffered from the effects of agent orange have suffered long enough. Their bodies have been wounded, but so has their spirit. Disability compensation for them is long overdue.

Mr. Speaker, our support for H.R. 556 will also send a strong signal of support for men and women serving in the Persian Gulf. It will serve to ensure them that this Nation will provide for their war-related needs once this conflict is over.

Again, I thank the distinguished chairman of the Veterans Affairs Committee for his leadership in this area. And I pledge my continue support for the courageous men and women who make our freedom possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 556, The Agent Orange Act of 1991. Agent orange has been of primary concern to our Nation's veterans since the Vietnam era. And yet, 18 years after the Vietnam conflict, questions about association between disease and exposure remain unanswered. This bill seeks to find those answers. While the Agent Orange Act would provide disability benefits for those veterans suffering from certain established conditions, it also commissions the National Academy of Sciences to review and evaluate available scientific evidence regarding diseases and exposure to dioxins; and make recommendations to the Veterans Affairs Department regarding other possible diseases related to agent orange exposure. This in turn may help other veterans still suffering.

Long-term effects of exposure to this herbicide should be studied and must be evaluated. Last year agent orange passed in the House but went no further. We can no longer sit still. It is time to help those who are suffering and pursue answers to those questions still remaining.

In the past weeks, we have pledged our support for our soldiers fighting in the gulf. Let us not forget the pledge made to those who fought in the past. I urge my colleagues to join me in supporting the Agent Orange Act of 1991.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 556, a measure to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONT-

GOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nation's veterans.

H.R. 556 establishes, for Vietnam veterans, a statutory presumption of service connection to non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne. In addition, this measure requires the Department of Veterans Affairs to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

Mr. Speaker, our Vietnam veterans continue to fight for benefits due to them because of their exposure to agent orange. The Department of Veterans Affairs has taken steps to compensate veterans who were exposed to agent orange by awarding service-connected disability benefits to veterans suffering from non-Hodgkin's lymphoma.

Due to this important measure, the Department of Veterans Affairs will be required to: Compile and analyze clinical data collected from examinations and treatment of veterans suffering from herbicide-related disabilities, establish a system for collecting and storing blood and urine samples from Vietnam veterans, establish a program to study the feasibility of future scientific research on health hazards resulting from exposure to toxic agents in herbicides in Vietnam, and test the blood of any Vietnam veteran who has filed a disability-compensation claim for a disability allegedly related to herbicide exposure.

Mr. Speaker, many of our Nation's veterans are suffering each day due to their exposure to agent orange. Secretary Derwinski has taken the first step to compensate those who were exposed. It is time for Congress to continue to take important and necessary steps in providing compensation and medical care for those who were exposed to agent orange.

Accordingly, I fully support H.R. 556, and urge my colleagues to vote in favor of it.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the agent orange bill to provide for the Secretary of Veterans Affairs to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds, H.R. 556, and the bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act, H.R. 555.

At this time in our Nation's history, with our troops in the Persian Gulf, we need to especially show our support for our veterans more than ever. These amendments to the Soldiers' and Sailors' Relief Act will provide reservists on active duty and regulars in the military with certain protections. These protections are to help members of the military service who have financial obligations that have accumulated before they began their active duty and who cannot meet those obligations due to their participation in the Persian Gulf. These include protection in court proceedings and protection from action by creditors as well as protection for their dependents from eviction. Also included is personal liability protection for certain military personnel.

My State of Alaska has more veterans per capita than most States in the Union. The citi-

zens of Alaska have done their fair share to protect and preserve our liberties. Veterans in my State and indeed veterans throughout the Nation have been willing to stand in harms way for our benefit and for the benefit of freedom loving people throughout the world. Because these veterans have been prepared to make supreme sacrifices, we can do nothing less than show our gratitude and appreciation for their brave efforts. Mr. Speaker, I am proud to vote in favor of these two bills today.

Mr. POSHARD. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act, a bill which I am honored to cosponsor.

This is a practical step toward assisting with medical problems suffered by Vietnam veterans and a symbolic salute to a group of Americans long ignored and unappreciated.

This legislation provides permanent disability benefits for Vietnam veterans who suffer from exposure to agent orange, the chemical used to eradicate parts of the jungle environment our troops fought in. Some of the benefits are immediate, while in other cases the bill calls for more study and scientific examination. It is my sincere hope and desire that we will address the medical needs of these specific cases as a Nation that appreciates the sacrifice made by our men and women in the armed services.

I am pleased to see that through the great leadership and membership of the Veterans' Committee we are able to provide both a cost-of-living adjustment and compensation for agent orange exposure only days apart. This represents a hard fought compromise that combines scientific data with a realization of our obligation not to forget the hardships faced by those affected by combat action. I congratulate the committee for its fine work at compromise, and urge my colleagues to continue to work for compassionate treatment of American veterans.

As we are once again engaged in battle, with a new generation of war veterans to be created, we must always be mindful of the obligation we owe to those who serve us and preserve our freedoms. And in this particular instance, for the Vietnam veteran who did not receive the kind of welcome home they deserved, this is perhaps a long overdue but significant thank you for all of their efforts.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to offer my support for House Resolution 556, the Agent Orange Act of 1991. This bill will give Congress the opportunity to address the often forgotten needs of thousands of veterans who served in Vietnam. The effects of agent orange on the Vietnam veteran are painful not only to the veteran but also to his family.

Mr. Speaker, I would like to thank the members of the House Committee on Veterans' Affairs for bringing this valuable legislation to the floor early in this session of Congress. I especially would like to commend Chairman MONTGOMERY, the ranking minority member Mr. STUMP, Representative PENNY, Representative EVANS, and Representative APPLIGATE for their leadership.

Mr. Speaker, I would also like to recognize the leading role played by Representative TED WEISS, chairman of the House Government Operations' Subcommittee on Human Re-

sources and Intergovernmental Relations, on which I serve. Chairman WEISS' subcommittee has oversight responsibility for the Department of Veterans Affairs. He has worked tirelessly to address the concerns of Vietnam veterans and their families.

This legislation authorizes compensation to Vietnam veterans for two forms of cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and chloracne, a skin condition often found in Vietnam veterans exposed to agent orange and other herbicides.

Mr. Speaker, we now have the opportunity to show our support for the men and women who have given so much to this country. So, I urge my colleagues to vote in favor of House Resolution 556. Again, I commend the members of the House Committee on Veterans' Affairs for bringing this legislation to the floor.

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 556, the Agent Orange Act of 1991. Unfortunately, I was unavoidably detained by engine trouble of the Amtrak train I was traveling on and did not register my vote in support of H.R. 556. Had I been in the Chamber at the time, Mr. Speaker, I would have voted aye on this bill.

H.R. 556 will provide for the healing of the many Vietnam veterans who were affected by agent orange—a healing not only of the body, but of the spirit. H.R. 556 will provide the desperately needed benefits for those veterans who have suffered from certain conditions due to exposure to agent orange. But just as important, Mr. Speaker, this bill will help heal the spirit of the Vietnam veterans which has been discouraged by years of neglect and indifference by our Nation and Government.

The passage of H.R. 556 will make permanent the disability benefits veterans may receive for non-Hodgkin's lymphoma and soft-tissue sarcoma, and just as important it sets procedures to determine whether other conditions are also related to agent orange exposure. This will enable even more veterans to receive disability compensation, which in many cases is needed to help sustain a decent standard of living for veterans and their families.

The passage of this bill is important, not only to compensate for the sacrifices these veterans have made, but also to show them and the Nation, that the U.S. Congress is willing to give them what they deserve. I commend Chairman MONTGOMERY and the members of the Veterans' Affairs Committee who have brought this bill swiftly to the floor this year. This issue has been addressed in other pieces of legislation, of which I am a cosponsor. I am pleased that the sponsors of such legislation were able to work with Chairman MONTGOMERY and others on the committee to bring this bill forth today. I would also like to recognize recent efforts by the Department of Veterans Affairs to provide compensation for agent orange related conditions.

In recent years this Nation has been on the road to recovery, mending the divisions created by the Vietnam war. Recognizing and providing for the needs of the Vietnam veterans will help to continue this process. Mr. Speaker, I am pleased H.R. 556 has passed and I commend my colleagues for voting for this important bill.

Mr. INHOFE. Mr. Speaker, finally there is a bill to protect service veterans of the Vietnam war. This bill establishes permanent disability benefits for veterans who suffer from diseases like non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. It establishes a sturdy agenda for determining whether other symptoms and conditions are related to exposure from agent orange. This bill is a good, strong bill and one that is long overdue. We, as citizens of the United States, owe this to our veterans.

As I speak, we have entered into another war. A war that will produce an entirely new generation of veterans. These men and women are in the Persian Gulf defending the interests of this country and its allies. They are risking their lives for us. Passing this bill is the least we can do for them in return.

We are all hoping that the day will soon arrive when they will come home from the Persian Gulf. And when they do, they should not have to worry and wonder if they are eligible for the many disability benefits that aide in protecting them from the diseases that result from war. It should be understood by all veterans of the United States that we are protecting their best interests in every respect. And, by passing this legislation, we have made this clear.

Ms. MOLINARI. Mr. Speaker, I rise today to say that I am pleased that Congress is finally taking a responsible step toward addressing the controversies surrounding exposure to agent orange. Let me commend the chairman and ranking minority member of the Committee on Veterans' Affairs, as well as the efforts of Congressman EVANS and others to bring H.R. 556 forward for consideration on the floor today.

For 12 years, Congress has struggled with the issue of agent orange exposure. Passage of today's bill will mark the first meaningful action by Congress toward allocating Federal medical benefits to the veterans who suffer from resulting diseases. This legislation will provide compensation for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne, which many believe are related to exposure to the defoliant agent orange.

This legislation also coordinates the efforts of an independent scientific entity, the National Academy of Sciences, and the Administration of Veterans' Affairs. Together, the findings of these two will hopefully result in a comprehensive set of regulations so that ailing veterans will receive the compensation that they deserve.

I think it important to underline that thousands of veterans who served in Vietnam have suffered with diseases and ailing conditions associated with exposure to the dioxins of agent orange for over 20 years now. One must remember that our responsibility to these people is not just to study these problems, but rather to address them. We must continue to abide by the principle of taking care of those that served our country, regardless of the cause or responsibility of their possible injuries.

As this generation's active military continues to fight for us in the Persian Gulf, today's legislation may begin to assure them that their sacrifices will not go unnoticed upon their return home.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act. I commend Chairman MONTGOMERY, Congressman STUMP, the ranking minority member, and Congressmen EVANS, PENNY, and APPLGATE for their leadership in forging the compromise which allowed us to consider this measure and H.R. 3, the disabled veterans COLA bill, which the House and Senate unanimously passed last week. Together, these two bills reaffirm our commitment to the Nation's disabled veterans.

Vietnam veterans exposed to agent orange have been forced to cope with both life-threatening illness and the belief that they had served a government which had not fulfilled its obligation to the Nation's veterans. These veterans demand and deserve the support of Congress.

This bill would provide permanent disability compensation to Vietnam veterans who suffer from cancers currently known to be a result of exposure to agent orange. The bill would also direct the National Academy of Sciences to conduct a comprehensive review of the long-term health effects of herbicide exposure so that additional agent orange-related diseases can be identified.

I once again thank the Veterans' Affairs Committee for their work in bringing this bill to the floor. We must also thank the thousands of Vietnam veterans for their patience and perseverance in seeking these overdue benefits. I urge my colleagues to honor the Nation's commitment to all of its veterans and support this important legislation.

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

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes as amended.

The Clerk read as follows:

H.R. 555

*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 "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

#### SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) INCREASED MAXIMUM RENTAL AMOUNT FOR APPLICABILITY OF STAY.—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "\$150" in subsection (1) and inserting in lieu thereof "\$1,200".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

#### SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990."

#### SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act is amended by adding at the end the following new section:

"Sec. 702. (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

"(2) immediately before receiving the order to active duty—

"(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

"(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

"(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

"(2) A professional liability insurance carrier—

"(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

"(B) shall refund any amount paid for coverage for the period of such suspension or,

upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

"(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

"(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

"(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium for such insurance. Such premium shall be paid by the person within 30 days of receipt of that notice.

"(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

"(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

"(e) This section does not—

"(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

"(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

"(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

"(A) the action was commenced during that period;

"(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

"(C) the suspended professional liability insurance would, except for the suspension,

on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

"(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

"(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

"(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

"(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

"(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

"(4) In this section:

"(1) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code.

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational."

#### SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(i) the condition arose before or during that person's period of training or service in the Armed Forces;

"(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(iii) the condition of such person has not been determined by the Secretary to be service-connected."

(b) AMENDMENT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to rein-

statement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

"(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(1) the condition arose before or during that person's period of training or service in the Armed Forces;

"(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

"(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

#### SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgement is entered, stay the action or proceeding until a date after June 30, 1991.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

#### SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

"SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

"(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

"(2) With respect to a credit transaction between a creditor and such person in military service—

"(A) a denial or revocation of credit by the creditor;

"(B) a change by the creditor in the terms of an existing credit arrangement; or

"(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

"(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

"(4) A refusal by an insurer to insure such person."

#### SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) IN GENERAL.—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out "active duty for not more than 90 days" and inserting in lieu thereof "active duty (other than for training)"; and

(B) by inserting ", including any period of extension of active duty under section 673b of title 10" before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) TECHNICAL AMENDMENT.—(1) Subsection (a) of such section is amended by striking out "provided for by this section" and inserting in lieu thereof "provided for by this chapter".

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

#### SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps."; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States."

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "\$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "\$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and".

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before".

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary".

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary".

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary".

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary".

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or".

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out "inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: *Provided*, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: *Provided*, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: *Provided*, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out "thereafter: *Provided* further, That whenever" and inserting in lieu thereof "thereafter. Whenever".

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in strong support today of H.R. 555, amendments to the Soldiers' and Sailors' Civil Relief Act of 1940. This legislation was developed as a result of hearings held last fall by the House Veterans' Affairs Committee to determine what modifications were needed in the act to meet the needs of the service personnel called to active duty today. The provisions of the legislation will allay some of the stateside concerns of men and women currently serving in the Persian Gulf.

The provision suspending premium payments on professional liability insurance is a significant help to the large numbers of physicians and others recently called up. Guaranteed reinstatement of private health insurance for service members and their families upon their return from active duty will ensure that no individual or family will go without health insurance coverage as a result of service. Increasing the protection against eviction for families paying rent up to \$1,200 per month reflects the dramatic change in housing costs over the years and should give this protection to most individuals. The protections against adverse action and pending lawsuits will allow service members further peace of mind.

Finally, the clear statement of veterans' reemployment rights is the most basic assurance we can give these service members that their jobs will be there for them when they return.

Passage of this legislation is but one more way we can demonstrate our support for the men and women who are voluntarily serving on our behalf in Operation Desert Storm. I urged its adoption.

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

Mr. Speaker, it gives me great pleasure to bring this measure, H.R. 555, to the House on behalf of the Committee on Veterans' Affairs. It is very fitting that the Congress address the needs of the members of our Armed Forces, many of whom are serving in the Middle East as we speak. Before I go into the details of this legislation, I would like to inform my colleagues about the

two laws which this bill would amend, the Soldiers' and Sailors' Civil Relief Act of 1940 and the veterans reemployment rights law.

Let me briefly explain how the Soldiers' and Sailors' Civil Relief Act works.

First, the act provides legal and economic protection to people who have been called to active duty. This means members of the Guard and Reserve, as well as persons who enlist or are drafted. The act generally provides relief to persons who are significantly affected by being called to active duty, or who are suddenly assigned to a location far from their home, such as Saudi Arabia.

Second, the act was not designed to relieve a person of a debt owed, nor was it designed to permit persons to avoid valid obligations. What the act is intended to do is assure fair treatment to persons who suddenly find their personal lives changed by the country's call to duty.

Third, the act's important provisions are as follows: A lender may not charge interest or more than 6 percent a year on a debt incurred before the person went on active duty. A service member who has dependents can ask a court to delay eviction proceedings. Mortgage foreclosure proceedings must be approved by a court or be agreed to by the service member. The act protects service members from having their property sold to pay taxes that are due.

The other important law we are considering is the veterans reemployment rights law [VRR]. This law protects the civilian jobs of those who join the Armed Forces. It also protects the civilian jobs of members of the Guard and Reserve who are called to active duty. When they leave active duty, their employer must give them their jobs back and all benefits as if they had never left. The Department of Labor monitors compliance with this law.

In September 1990, our committee held a joint hearing with the Senate Committee on Veterans' Affairs on these two laws. At that hearing, the Department of Defense recommended a number of changes to these laws, and those changes are reflected in this bill. Since that hearing, we have received a lot of calls about problems that are not specifically addressed by the act. We will hold additional hearings in March and April on legislation to strengthen and clarify these laws.

I want to commend Representative TIM PENNY, the chairman of our Subcommittee on Education, Training, and Employment, and CHRIS SMITH, the ranking minority member of that subcommittee, for their efforts to bring these laws up to date.

The change in the approach to meeting our military obligations which has taken place over the last 15 years—the total force policy—has not been reflected in these two laws. The increased reliance on our Reserve and

Guard units to perform essential defense functions has meant the callup of around 170,000 men and women in the past 5 months. Almost 100,000 are now serving in the Middle East. This legislation will address some of their needs.

H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and health-care professionals now serving in the Armed Forces.

For example, a surgeon might be paying \$50,000 a year for malpractice insurance even while he is on active duty. This bill would allow him to suspend payments and reinstate the coverage when he leaves active duty.

H.R. 555 would guarantee reinstatement of health insurance for service members and their families when they leave active duty as if they had never been called. This means no waiting periods and no exclusions for conditions which arise while the person is on active duty.

For example, while he is serving on active duty, a service member's child might get a disease that will require medical care for many years. For example, diabetes. When the service member leaves active duty, he needs health insurance for that child, and this bill will help him get the same coverage he had before he went on active duty.

The bill would also broaden the protection against eviction to families paying rents up to \$1,200 a month.

Finally, it would require courts to suspend further action on any pending lawsuits at the request of the service member until at least July 1, 1991.

The bill also makes a number of clarifying amendments to the act.

For the benefit of my colleagues, I'd like to include additional background and information on this legislation and these two laws, along with some practical advice on dealing with questions about the laws that may arise. If any of my colleagues are contacted by constituents who have a specific problem that might be covered by the act, the first thing the constituent should do is to seek advice from the base legal assistance officer. These officers are trained to offer assistance to service members and their families. They're very good at what they do. I've talked personally to some of these officers, and they are very knowledgeable.

Additional information about the Soldiers' and Sailors' Civil Relief Act is available to members' offices from the Congressional Research Service of the Library of Congress. It has prepared a summary of the act in plain English, and I highly recommend it as a basic explanation of what the act is intended to do.

The Department of Labor has prepared several factsheets which summarize the law on job rights for reservists and members of the National Guard

and reemployment rights for returning veterans.

Now, I'd like to provide detailed information on the bill we are considering, H.R. 555. On September 12, 1990, the committee held a joint hearing with the Senate Committee on Veterans' Affairs on the provisions and protections afforded by the Soldiers' and Sailors' Civil Relief Act and the veterans reemployment rights provisions codified in title 38, United States Code, to persons called to active duty in the Armed Forces. Witnessed at the hearing included Members of Congress, representatives of the Department of Defense, the Department of Veterans Affairs, and the Department of Labor, veteran and military service organizations, and representatives of the banking and home mortgage industry. Subsequently, the committee ordered H.R. 5814 reported to the House on October 12, 1990, and the House passed the measure on October 15. H.R. 555 is virtually identical to H.R. 5814 with certain additional provisions described hereafter.

#### BACKGROUND AND DISCUSSION OF H.R. 555

The Congress and State legislatures have long recognized the need for legislation to protect the legal rights of service members called to active duty. In addition, the Congress has similarly recognized that the nature of military service often compromises the ability of service members to fulfill their financial obligations. The Soldiers' and Sailors' Civil Relief Act of 1940—SSCRA, 50 U.S.C. App. 500 et seq.—is essentially a reenactment of legislation enacted during World War I. It was subsequently amended in 1942, in part to override court decisions that in some instances had led to restrictive interpretations of the act, defeating its purposes. Congress has subsequently provided for the continuation of the act's protections during peacetime. Minor amendments to the act were made in 1966 and 1972.

Since 1940, protection has been extended to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by preserving the former service member's right to return to his or her preservice employment. Subsequent to the enactment of legislation pertaining to veterans of active duty service, employment protection was established for members of the National Guard and Reserves. Since the establishment of the All Volunteer Force and the development of the total force policy, there has been increasing emphasis on the Selected Reserve as an effective means of providing a significant portion of our Nation's defense.

The President's recent activation of a significant number of Reserve Forces has caused the Congress and the administration to reexamine the provisions of existing law providing employment and other protections for such persons. Subsequent to the September 12 hearing, the Department of Defense

transmitted two proposals to the Congress advocating changes in existing law. I have attached copies of those two letters, dated September 21, 1990, and October 9, 1990, to my written remarks for inclusion in the RECORD on this legislation. A number of other witnesses at the September 12 hearing made suggestions for updating or modifying existing law. This legislation represents the committee's response to the Department of Defense's request for legislative modifications. The committee expects to hold additional hearings in March or April to determine the need for any further legislation.

#### EVICTED AND DISTRESS DURING MILITARY SERVICE

The SSCRA provides protection against eviction or distress of a service member's family except upon the express order of a court. The original 1940 act applied only to leases where the monthly payment was less than \$80 per month. In 1966, this figure was amended to \$150. In today's real estate market, it is not unusual for a service member to pay as much as \$1,000 or more to house his or her family in a single family home in certain areas. Thus, the committee believes that it is appropriate to extend the protection against eviction to service members residing in these parts of the country. Accordingly, section 2 of H.R. 555 would change the current \$150 ceiling to \$1,200.

#### EXTENSION OF POWER OF ATTORNEY PROTECTION

In 1972, Congress added a provision to the act which provided that a power of attorney executed by a service member who is in a missing status would be automatically extended for the period the person is in a missing status. This section only applied to persons serving during the Vietnam era. Section 3 of the bill would extend this protection to any person in military service after August 2, 1990.

#### PROFESSIONAL LIABILITY PROTECTION

As noted in the September 21, 1990, letter from the Department of Defense transmitting proposed legislation to provide professional liability protection for military members ordered to active duty, the President's recent activation of a significant number of physicians in the Reserve components has focused attention on the problem of medical malpractice insurance for these physicians. The Department states that 60 percent of the total force medical capability is in the Reserve components. Unlike casualty insurance policies with which most Americans are familiar, most malpractice insurance provides coverage for a period of time against claims made during that period, rather than for a period during which an event which led to the claim actually occurred. Because of high premium costs, many physicians who must continue to pay for malpractice insurance during the period of their

Reserve service are placed under a serious financial burden.

Under section 4 of H.R. 555, Reserve component health care professionals—and potentially other categories of personnel—called to active duty in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated. During the period the professional liability insurance policy is suspended, the reported bill would stay court actions for damages on the basis of alleged professional negligence or other actions covered by the policy. The stay would end when the policy is reinstated. A service member must request reinstatement within 30 days after release from active duty. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim in a civil or administrative action will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This legislation does not specifically address how claims made during the period of suspension should be handled by insurers. The committee believes that the nature of individual claims and the differences in procedures which various insurers utilize to handle such claims makes it unwise to prescribe a hard and fast rule for treatment of such claims. It is clear, however, that it would be inconsistent with the intent of this legislation if a claim made during a period of suspension resulted in any individual liability on the part of the insured, when an administrative or civil action based on the same treatment and brought during the same period would not result in such liability.

The committee notes that a number of insurance carriers who underwrite physician malpractice insurance have recently established policies which accomplish the same objectives as the reported bill. The committee commends the public spirit and patriotism that led to these voluntary actions, which provide much needed relief to health care professionals who are already serving in the Persian Gulf theater of operations and elsewhere. The committee believes legislation is warranted to assure those contemplating an assignment to a Reserve component that they will not be penalized financially for serving their country when called. The legislation will also help to assure the medical capabilities of the Reserve components in the future.

#### HEALTH INSURANCE REINSTATEMENT RIGHTS

The high cost of health care is of concern to many people, and it presents a particular problem to members of the

selected Reserve who have been or may be called to active duty. Testimony presented to the committee expressed the apprehension of service members for the continuity of health care for themselves and their families. Employers and insurers are also concerned and confused about their obligations to provide health insurance benefits. The critical role of the Guard and Reserve requires that service members and their families be able to maintain adequate health care insurance. It is also appropriate that employers and insurers be made aware of their specific responsibilities regarding the benefits offered to persons who are called to active duty.

Chapter 43, title 38, United States Code, currently provides that a service member whose employment has been restored is entitled to participate in insurance and benefits offered by an employer pursuant to the employer's established rules and practices pertaining to employees on furlough or leave of absence. However, the type and extent of health insurance benefits to which a reemployed service member is entitled remain unclear. Section 5 of H.R. 555 would amend section 2021(b), title 38, United States Code, to clarify that a reemployed service member is entitled to the health insurance benefits provided by an employer as if he or she had never been called to active duty and his or her employment had not been interrupted.

The Soldiers' and Sailors' Civil Relief Act is silent on the issue of health insurance coverage. Section 5 would also amend article VII of the act to require insurers, upon the release of a service member from military service, to reinstate the health insurance coverage of the service member and of his or her family which was in effect on the day before the military service began and which was terminated during the period of such service. The amendment would also provide that such person and his or her family are entitled to the health insurance coverage which would have been provided if no period of military service had occurred.

#### CLARIFICATION OF REEMPLOYMENT RIGHTS

Section 8 of the reported bill would amend section 2024(g), title 38, United States Code, to clarify that members of the Selected Reserve called to active duty for 90 days or longer under section 673b, title 10, United States Code, are entitled to the reemployment rights and benefits provided under chapter 43, title 38, United States Code.

By way of background prior to the enactment of Public Law 99-661, the President was authorized to call 50,000 members of the Selected Reserve to active duty for a 90-day period under the provisions of section 673b, title 10, United States Code. Public Law 99-661, however, amended this section to provide for the callup of 200,000 selected reservists for an initial 90-day period

which, under certain circumstances, can be extended for an additional 90 days.

Section 2024(g) of title 38, United States Code, currently provides reemployment rights coverage for individuals serving on active duty for up to 90 days under section 673b, title 10. Section 2024(g) was not amended following the enactment of Public Law 99-661, however, and selected reservists serving for longer than 90 days, are not protected under this section.

Although the Department of Labor has determined that other sections of chapter 43 provide reemployment rights coverage for these individuals, it is the committee's view that further clarification, by way of an amendment to section 2024(g), is advisable. Accordingly, the committee bill would provide entitlement to reemployment rights and benefits for selected reservists called to active duty—other than for training—including any period of extension of active duty under section 673b of title 10, United States Code.

#### STAY OF JUDICIAL PROCEEDINGS

Section 2 of H.R. 5814 contained a provision intended to clarify what actions would constitute a court appearance for the purposes of the Soldiers' and Sailors' Civil Relief Act. Since the time that this legislation was reported, questions have arisen as to whether a service member should be entitled to apply for a stay of proceeding while remaining technically outside of a court's jurisdiction. Indeed, one author has suggested that the provisions providing for a stay of civil proceedings cannot be construed to achieve such a result, and were not intended to do so. See Chandler, "The Impact of a Request for a Stay of Proceedings Under the Soldiers' and Sailors' Civil Relief Act," 102 Military Law Review 168—fall 1983. There remains some concern, however, that service members now serving during the Persian Gulf war may be disadvantaged by courts who are unwilling to grant stays as contemplated by section 201 of the act, 50 U.S.C. App. 521. Accordingly, H.R. 555 would require courts to grant an application for a stay in any judicial action or proceeding at any stage before final judgment is entered until at least July 1, 1991.

#### PROHIBITED ADVERSE ACTIONS

In its letter of October 9, 1990, transmitting proposed legislation, the Department of Defense noted that "there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act." Section 7 of H.R. 555 prohibits such actions, along with any other denial of credit of insurance based solely on the fact that a service member has applied for benefits authorized by the act. This would not prohibit an insurer or lender from making decisions based on its usual

qualifying criteria related to the credit or insurance being sought.

For the benefit of my colleagues, I will insert the two letters from the Department of Defense regarding this subject at the end of my statement.

In closing, I want to say that our committee will be taking a closer look at the situations of the service members who are now serving their country. As my colleagues know, I will not hesitate to recommend whatever is needed to meet the real needs of our Armed Forces, particularly the many persons in the Guard and Reserve who have left families and jobs behind.

I want to thank BOB STUMP for his help in bringing this legislation before the House today. I also want to acknowledge the leadership of the Senate Veterans' Affairs Committee for their efforts to address the needs of our Armed Forces.

I urge my colleagues to support this legislation.

GENERAL COUNSEL OF THE  
DEPARTMENT OF DEFENSE,  
Washington, DC, September 21, 1990.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is a draft of legislation "To provide professional liability protection for certain military members ordered to active duty during military operations".

This proposal is part of the Department of Defense legislative program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for the consideration of Congress.

#### PURPOSE OF THE LEGISLATION

The President's recent activation of a significant number of physicians in the reserve components has focused urgent attention on the problem of medical malpractice liability insurance for these physicians. The potential effects of this problem are underscored by the fact that 60% of the total force medical capability of the armed forces is in the reserve components.

The medical malpractice insurance problem for these physicians relates to two key developments in recent years in the malpractice liability insurance industry: (1) malpractice insurance liability premiums have skyrocketed; and (2) there has been a strong shift toward "claims-made" policies. Under these policies, insurance coverage relates to the date a malpractice claim was filed, rather than the date the event on which the claim is based actually occurred. As a result, even when the physician stops or suspends his or her medical practice, the physician must continue to purchase liability insurance, either by continuing the regular policy or by purchasing "tail insurance" to cover lingering potential liabilities—claims that may be filed in the future for acts that occurred in the past. For reserve component physicians, this means they must continue to pay for malpractice liability insurance relating to their suspended civilian practice while they are serving exclusively in an active duty status. In some medical specialties, the malpractice premium charges actually exceed the total military pay and allowances the medical officers will receive while serving on active duty.

To assure the ability of the armed forces to respond to possible contingencies during the coming year in connection with Operation Desert Shield, as well as similar future urgent operational missions, the Department believes it necessary to establish special authority to protect health care professionals (and other professional personnel with similar liability problems) called to active duty from severe financial burdens associated with liability insurance.

Under the proposed bill, reserve component health care professionals (and potentially other categories of personnel) voluntarily or involuntarily called to active duty (or retired members recalled to duty) in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated.

During the period the professional liability insurance policy is suspended, in the case of a "claims-made" policy, the proposed bill would suspend court action on any claim made after the professional was called to active duty. The period of suspension would last no longer than 30 days after release from active duty of the member. In no case would the suspension last longer than one year except in case of a declaration of war or national emergency declared by the President. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This proposed legislation provides much needed relief to some reserve component health care professionals already activated in connection with the current military operations, and is needed to assure the medical capabilities of the reserve components to respond to requirements that may arise in the coming year. The Department of Defense recommends that Congress enact this proposed legislation.

#### COST AND BUDGET DATA

This proposed bill requires no DoD expenditures and has no federal budget impact.

Sincerely,

TERRENCE O'DONNELL.

GENERAL COUNSEL OF THE  
DEPARTMENT OF DEFENSE,  
Washington, DC, October 9, 1990.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is draft legislation "To amend the Soldiers' and Sailors' Civil Relief Act of 1990."

This proposal is part of the Department of Defense Legislative Program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for consideration of the Congress.

#### PURPOSE OF LEGISLATION

The President's recent activation of Reserve Forces for Operation Desert Shield has demonstrated a need to clarify and update certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 501 et. seq.). This proposal will address three major areas of concern: problems regarding military members informal communication with the courts, inadequacies in

protection from eviction, and protection from adverse actions by creditors.

#### LEGAL PROCEEDINGS

Current law permits members to reopen default judgments under certain circumstances. These remedies are limited to judgments where members on active duty have not made an appearance. The Act also permits members to petition courts for a stay of civil proceedings. Where a stay is requested, it is granted unless the court finds that the member's ability to prosecute or defend an action is not materially affected by the member's military service.

The problem arises when a member receives notice of a pending action but is unable to make an appearance. Frequently, members will communicate with the court and request a stay of proceedings pursuant to the Act. Some courts have determined that the member's military service did not materially affect the member's ability to participate, and proceeded to judgment, often without the member's presence. In at least one reported case, the court considered a request for a stay of proceedings as an appearance depriving the member the opportunity to reopen the de facto default.

To resolve this problem, the proposal would amend current law to prevent an application for a stay of proceedings to be construed as an appearance for any purpose.

#### RENT LEVELS FOR EVICTION PROTECTION

Current law provides protection from eviction of dependents if the rent does not exceed \$150. If the rent is in excess of this amount, there is no protection. This amount was last revised in 1966 and is no longer adequate to provide meaningful protection.

This legislative proposal would increase the amount to \$750 and require the Secretaries concerned to annually promulgate adjustments after considering the Consumer Price Index—Urban for rental expenses, as promulgated by the Bureau of Labor Statistics. Seven hundred fifty dollars represents the rental expense of most enlisted members and junior officers with dependents. The current rate of Basic Allowance for Quarters (BAQ) for an E-8 with dependents (i.e., \$468.30) as increased by the average Variable Housing Allowance (VHA) paid to those with dependents (i.e., \$145.02) is \$613.32. Recognizing that these allowances are approximately 81 percent of rental expenses, the \$750 amount reflects the additional amount of rent not reimbursed by BAQ and VHA.

#### PROHIBITED ADVERSE ACTIONS

Current law provides protections and procedures to assist members experiencing financial difficulties as a result of their military service. Notwithstanding current law, there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act.

This legislation prevents a member's reliance on financial remedies, safeguards, and limitations from being considered adversely on a member's ability to satisfy just debts. Adverse reports to credit agencies are also prohibited.

#### MAXIMUM RATE OF INTEREST

This draft bill does not amend the section in current law that establishes a maximum rate of interest of 6 percent for all obligations and liabilities of a service member, as long as they were undertaken before entering military service, and as long as the service member's ability to pay a higher interest rate is materially affected by military serv-

ice. Questions have arisen concerning the 6 percent interest rate. For example, is the unpaid interest forgiven or merely postponed until after completion of military service? Whether the 6 percent interest rate is compound or simple interest is also not addressed in current law. Finally, there is some concern as to the appropriateness of a 6 percent interest rate cap, which was established in 1942, at a time when mortgage interest rates were about 4 to 5 percent and the prime lending rate was 1.5 percent. Obviously, interest rates were significantly lower than they are today.

We will study these issues to determine if the interest rate cap should be changed to provide the intended protection within the context of current market conditions, along with studying the other issues related to the 6 percent rate. We will submit legislation to address these issues.

#### COST AND BUDGET DATA

This proposal requires no DoD expenditures and has no impact on the federal budget.

The Department of Defense strongly recommends that Congress enact this proposed legislation.

Sincerely,

TERRENCE O'DONNELL.

□ 1330

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

Mr. BONIOR. I thank the chairman for yielding.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP] as well as the gentleman from Mississippi [Mr. MONTGOMERY] for this bill and for the previous bill, H.R. 556. As we all know, they are both so important to the veterans community.

Mr. MONTGOMERY. Mr. Speaker, I would like to say that the gentleman from Michigan [Mr. BONIOR], one of the leaders of this House, has been very active in the Vietnam veterans legislation and worked very hard on the agent orange provision.

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

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

Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

H.R. 555 is a very important bill because it is for the men and women in the Reserve and Guard forces fighting in the Persian Gulf war.

The Soldiers' and Sailors' Civil Relief Act and the veterans' reemployment rights law have been on the statute books for many years and are fundamentally sound provisions of law. However, they need to be updated, clarified, and expanded to meet the legal needs of military men and women.

This bill contains a number of provisions which are immediately needed quick fixes to the act, identified as a result of the Persian Gulf crisis. The House Veterans' Affairs Committee intends to develop another comprehensive group of amendments later in the

session after the opportunity for hearings and further consideration.

An extensive consultation process for H.R. 555 has included the Department of Defense, which initially suggested several of the provisions. Our distinguished chairman, SONNY MONTGOMERY, has amply explained the provisions in the bill, so I won't discuss them more.

Mr. Speaker, Chairman MONTGOMERY has long been known as the champion of veterans and our men and women in military service, and I commend him once again for advancing highly beneficial legislation.

Also, TIM PENNY and CHRIS SMITH of the Subcommittee on Education deserve recognition for their contributions to the bill as the chairman and ranking Republican of the subcommittee. CHRIS SMITH, in particular, was instrumental in advancing section 5 of the bill on health insurance reinstatement upon reemployment.

I urge my colleagues to unanimously support H.R. 555, a bill which helps the personal legal situations of many soldiers, sailors, airmen, marines, and Coast Guardsmen participating in Operation Desert Storm.

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

Mr. MONTGOMERY. Mr. Speaker, I yield such time as she may consume to the gentleman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to commend the gentleman from Mississippi [Mr. MONTGOMERY], and the other members of the Committee on Veterans' Affairs for the wonderful work they are doing in expediting the bills that were left over from the 101st Congress that would take care of our veterans.

Mr. Speaker, I rise in support of the Agent Orange Act. I commend the chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, for his leadership on issues which affect the lives of veterans.

This day has been a long time coming. American involvement in the Vietnam war ended in 1973. As early as 1978, there were reports of a connection between exposure to agent orange and health risks. Thus, 18 years have passed while thousands of sick and disabled veterans—veterans with no questions about the risks of exposure—have awaited assistance. This bill takes steps to help these veterans.

This issue has been studied over and over again. Unfortunately, while the Government has haggled over jurisdiction, data, and procedure, victims have suffered. So, I hope our feelings of satisfaction today are tempered by the realization that we are late. In the future, I hope we will work out a way to protect victims while we decide what we are going to do for them.

It is certainly an odd coincidence that today we consider this type of legislation. American

force are presently engaged in conflict with an opponent who, as recently as yesterday, has warned that he will use chemical and biological agents. Eerily, our troops are once again vulnerable to the type of agent which caused such harm during the war in Vietnam.

I hope we have learned from the past. The brave men and women who have been committed to the Persian Gulf should not have to worry about how they will be treated when they return home—by the very government that has sent them into combat. We as a Congress should state clearly now, that is, before the fact, that we are prepared to assist any victims of chemical exposure at the soonest possible time, in whatever ways they need.

I appreciate the swiftness with which this legislation has been brought to the floor in this Congress. However, I would have hoped that some provision could have been contained for those Americans who are at risk in the Persian Gulf. In any case, this issue is not over. Veterans of all wars deserve prompt, compassionate treatment in compensation for the tremendous sacrifices they must endure.

Mr. MONTGOMERY. Mr. Speaker, I would make mention of the fact that the gentleman is a member of our committee also.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPELEGATE].

Mr. APPELEGATE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I appreciate, again, the opportunity to be up here for the second time to talk about some veterans legislation.

Mr. Speaker, I think it is a great day for this Congress and all of our veterans. First, the agent orange legislation, now the amendments to the Soldiers' and Sailors' Civil Relief Act.

Mr. Speaker, H.R. 555 will clarify, update and add to the existing protections afforded under the Soldiers' and Sailors' Relief Act of 1940 and the veterans reemployment rights law to members of our Armed Forces who are serving on active duty.

This is the first major change that we have had in this legislation since World War II. I think it is particularly important today because of the veterans who will evolve from the Persian Gulf war.

Mr. Speaker, I would note that this is another of the many veterans bills that were not enacted at the end of the last session due to the problems within the other body.

There are some slight differences, but for the most part the bill accomplishes the same goals as H.R. 5184, which passed the House on October 15 of last year.

As long as we have men and women serving their country in the Armed Forces, we must continue to recognize the difficulties that they and their loved ones face when they go off to defend this country.

□ 1340

While a great deal of attention is focused on the thousands of reservists and guardsmen who have been acti-

vated during the crisis in the Persian Gulf, it is important to note the laws we are amending today cover all active duty personnel.

Mr. Speaker, we owe all members of our Armed Forces and their families the greatest amount of support that we can muster. It is due to their sacrifices that we are here as a free nation.

I want to once again commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, and the ranking member, the gentleman from Arizona [Mr. STUMP], as well as the very distinguished chairman of the subcommittee, the gentleman from Minnesota [Mr. PENNY], for their strong leadership in getting this bill on the fast track and for their tireless efforts on behalf of our veterans and their active duty counterparts.

These measures really and truly are little enough to do for the sacrifices that American veterans have made that we, as a nation and a people, have been able to remain free. Thank God that we have them, that they have done what they have done, and I think it behooves all of us, either in the Congress or as a people throughout the United States, to support our men and women in the Armed Forces, particularly as they need this support today.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 [SSCRA]. This important piece of legislation amends this act in order to clarify veterans' reemployment rights, provide for reinstatement of health insurance, and for other purposes.

The Soldiers' and Sailors' Civil Relief Act was first passed in 1940 to provide certain civil and financial protection for those called up to active duty. Once again as reservists respond to the Nation's call to duty, many are faced with a drastic pay cut as they leave their civilian jobs and responsibilities behind. While this law does not forgive any debts or other financial obligations incurred prior to being activated, it does provide reservists with certain special rights and other types of legal protection, as they honor their commitment to our Nation now that their ability to pay has been curtailed.

The SSCRA has not been amended in nearly 50 years and while it is still an appropriate piece of legislation, it is certainly not applicable to today's economy. In particular, H.R. 555 increases the maximum rental delinquency prior to eviction from \$150 to \$1,200, extends power-of-attorney protection to post-Vietnam era veterans,

and provides professional liability protection for those ordered to active duty, such as physicians and dentists.

I urge my colleagues to support H.R. 555. With the first call up of reservists and the National Guard to active duty since the Vietnam era, it is imperative that we provide for those who are leaving behind, a variety of careers and private practices to serve their country at considerable personal sacrifice.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise to urge my colleagues to support an important piece of legislation that is being considered today, H.R. 555. This bill will help our future veterans, the troops in the Persian Gulf.

H.R. 555 is a bill to amend the Soldiers' and Sailors' Civil Relief Act. The measure protects today's soldiers and sailors by suspending tenant evictions, requiring automatic reinstatement of health insurance, suspending civil actions against service men and women, and protecting physicians who are serving in the Persian Gulf by suspending their medical malpractice insurance premium payments until their return to the United States. I am particularly pleased that the bill includes the provision that requires all health insurance providers to reinstate coverage without waiting periods or exclusion of coverage for a preexisting condition. If a member of a soldier's family develops a condition such as diabetes, his or her health insurance coverage should not be adversely affected by his or her service. This will protect our citizen-soldiers in the gulf who have left jobs and family on short notice to serve our Nation.

I urge my colleagues to support the passage of this measure.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], the ranking member of the Subcommittee on Education, Training and Employment.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. As the vice chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I believe that it is critical that we update current law in order to meet the needs of guards and reservists called to active duty in Operation Desert Storm.

Legislation I introduced last session, and again on January 24 of this year, set out to accomplish objectives similar to H.R. 555. I am pleased that H.R. 555 contains a provision which, like the earlier bill I introduced, assures selected reservists and their families that they will not lose eligibility for health insurance as a result of their service in Operation Desert Storm.

Mr. Speaker, provisions in H.R. 555 stipulate that selected reservists and

their dependents cannot be refused health care coverage upon return to their civilian jobs following active duty. In some instances, an illness developed during active duty service might be considered a preexisting illness, thereby rendering reservists or their dependents ineligible for coverage by some health insurance policies. This bill would safeguard families from loss of coverage in these cases.

Additionally, Mr. Speaker, H.R. 555 makes appropriate adjustments in current law by extending legal protections to Desert Storm reservists. The bill protects against evictions for the families of reservists renting homes up to a monthly rate of \$1,200 and stipulates that legal steps cannot be taken against reservists while they are away from home serving on active duty. The bill also provides relief for professionals—particularly physicians—who are making payments on liability insurance by requiring that coverage and the payment of premiums can be suspended upon request of the reservist called to active duty.

Mr. Speaker, H.R. 555 is a good first step in making life more manageable for the thousands of Americans directly affected by Operation Desert Storm. There remains, however, much that can be done to help our Nation's reservists and their families. I am hopeful that further portions of legislation I drafted, the Operation Desert Storm Health Care Act of 1991, will be adopted in the near future. I trust that with the leadership of Representatives SONNY MONTGOMERY and BOB STUMP, we can continue work on the committee to see that the needed changes are made.

Mr. Speaker, I encourage my colleagues to support H.R. 555 and the reservists sacrificing for our country.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for yielding this time to me.

Mr. Speaker, the invasion of Kuwait triggered for thousands of Iraqi families horror and devastation. The invasion of Kuwait by the Iraqis also triggered for American families tumult, upheaval, and concern. Thousands of husbands and wives have been separated from one another, thousands of mothers and fathers have been separated from their children, and thousands of productive members of our civilian work force have been separated from their jobs and, in many cases, from their paychecks, a paycheck that is oftentimes more ample than the paycheck that they are currently receiving.

Just as our military commanders are endeavoring to limit casualties to the American men and women that are

serving in the Persian Gulf, this Congress is endeavoring, last week and this week, to limit the casualties to the American families that are affected by this war. Last week it was with the passage of tax legislation designed to ensure that those men and women serving in the Persian Gulf receive special, special dispensation in the payment of their Federal taxes, not only with regard to what they have to pay, but also with the filing, with regard to the filing of their taxes. This week the focus is a bit different, but nonetheless important.

Mr. Speaker, we are saying with the adoption of this legislation today that a person called up onto active duty will have their job protected, that that person called to active duty as a reservist will have their benefits protected. We are saying to the family whose home may be somehow threatened by virtue of the service of one or more members of their family abroad in the Persian Gulf that they do not have to worry about being evicted, they do not have to worry about becoming homeless. We are saying with this legislation, "If you're a doctor, or dentist, or other health care provider, that we're not going to make it so onerous that you lose your medical malpractice insurance, that you can go back when this fighting is over, you can go back and pick up your malpractice insurance, pick up your practice." That is what we are saying with this legislation.

Let me conclude by simply adding that, when this war is over, there are going to be certain truths we are going to face again. First, our defense budget will be coming down in the years ahead. Second, we are going to continue to rely on an all-volunteer military. Third, we are going to continue to rely more and more in the future on reserve force.

Having said that, reservists now being called up or contemplating a call to active duty—

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

Mr. CARPER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I am just going to say to the gentleman from Delaware [Mr. CARPER], "You mentioned about the All-Volunteer Force. I think it's working so well that it should be made a matter of record."

Mr. Speaker, years back I thought we would have to have a draft, but I do not think we have to have a draft in this situation we are in now where the volunteer service is working well, for the Active Forces as well as the National Guard and Reserve.

Mr. CARPER. Mr. Speaker, reclaiming my time, the third point that I wanted to again reiterate is, when the war is over and the reservists are serving on active duty, they are going to face two choices. First, do I stay in; or, second, do I get out? With the adoption

of this legislation today, we encourage them to stay in and to continue to meet a reserve commitment in the years ahead. We also send a second important message to those that are on active duty, who maybe contemplating becoming a reservist at some point in time.

□ 1350

And the message that we send to those active duty personnel is, "If you are ever called up, we will not forget you and we will not forget your family. We will look after both you and your family during the tough days that may someday lie ahead."

The SPEAKER pro tempore. (Mr. MAZZOLI). The time of the gentleman from Delaware [Mr. CARPER] has again expired.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 additional minute to the gentleman from Delaware [Mr. CARPER].

Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I think it is very important that we talk about this issue. When the reservists come back home, we certainly hope that if any problems have developed, we can help them solve their problems. So far the reservists and the National Guard have really done the job, from the airlift, from the tankers, from the support units, and from the callup of the Marine Corps Reserve, the Naval Reserve, and the Coast Guard Reserve, on down. They have really come through for us.

When they come back home, I hope they will take a good look at when their enlistment time runs out and they will not get out of the Reserve or the National Guard. That is going to be very, very important. This legislation that we are passing today—and we will update it some more in March and April—will make it easier for these National Guardsmen and reservists when they come home.

We hope that we might even set up some type of small business loans for them and give them additional educational benefits that would show that our country does care. It will not cost the taxpayers a lot of money to take care of these matters that I have mentioned.

Mr. CARPER. Mr. Speaker, I thank the chairman of the committee for bringing this legislation to the floor and also for bringing the Agent Orange Act to the floor. I also want to commend our friends on the Republican side, including the gentleman from New Jersey [Mr. SMITH], for their support, and especially the gentleman from Minnesota [Mr. PENNY] for his leadership on this important issue.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Arizona [Mr. STUMP] has

17 minutes remaining and the gentleman from Mississippi [Mr. MONTGOMERY] has 4 minutes remaining.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS], a member of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, as a cosponsor of H.R. 555, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

Today the brave men and women of our armed services are struggling to preserve the postcold war peace. Their efforts now will save thousands of lives in the long run and make the world a safer place to live for all of us. Serving alongside our regular forces are thousands of reservists and members of the National Guard.

The families of many of these part-time soldiers are facing severe financial hardships while their loved ones are on active duty. When our forces are facing the threat of Scud missile attacks or ground force assault, the last thing these men and women need to worry about is whether or not their families will be evicted from their homes because they cannot afford the rent, or suffer loss of reemployment rights or, in the case of certain professionals, the loss of professional liability protection. Passage of H.R. 555 is one way we can assure these reservists and guardsmen that the Nation will take care of their families while they are fulfilling their responsibilities overseas.

Our Nation has nothing but tremendous pride, admiration, and deep gratitude for the men and women of our Armed Forces who are carrying out their missions with exemplary bravery. Let us support them further by passing this important legislation.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and that he may be permitted to yield portions of that time to other Members.

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

There was no objection.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding this time to me, and rise in strong support of H.R. 555. I also wish to express my support for the Agent Orange Act of 1991, H.R. 556.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Mississippi [Mr. MONTGOMERY] now has 9 minutes remaining.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee for yielding me this time. Mr. Speaker,

let me take the opportunity this afternoon to rise in strong support of not only H.R. 555 but also the bill we previously debated, H.R. 556, dealing with agent orange.

The bill before us does provide some needed changes to the Soldiers' and Sailors' Relief Act as it relates to our guardsmen and our reservists who are serving so valiantly in Desert Storm.

However, Mr. Speaker, there is another problem dealing with these two groups of proud Americans which has been brought to my attention by their families, and that is the fact that if they are not stationed in the theater defined by the Department of Defense, they do not get certain benefits. The situation I will relate to the Members is that of my former Air Guard unit, the Air Refueling Squadron, the 128th National Guard, which is based in Egypt. I am told that because they are not in the defined theater, these guardsmen do not get imminent danger pay, they cannot afford themselves of the free mailing privileges, and they do not get the tax-free military pay.

I bring this issue to the floor and to the attention of the Members today to ask the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] if in fact he is aware of this situation and if he knows of any other units that are in a similar situation and if there is any relief that can be found in his committee or in the Committee on Armed Services.

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

Mr. KLECZKA. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I might say that the gentleman from Arizona [Mr. STUMP] and I are both on the Committee on Armed Services as well as the Committee on Veterans' Affairs. Our jurisdiction overlaps, and we will be glad to look into this matter.

I appreciate the gentleman's bringing this to our attention, and if he will give me a copy of that letter he wrote to Secretary Cheney, I will see how we can help out.

This also brings up another matter. In my home State, I have an airlift unit that has been called to active duty, but they fly out of my congressional district in Mississippi and they spend 10 or 12 days on a mission. So they are on a circuit for 10 or 12 days, and then they come back. Probably they have this same problem even though they spend half their time in the combat area. I am not sure whether they are covered or not.

So we will look into the matter. The gentleman brings up an excellent point. It should be corrected, in my opinion.

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee.

I do intend to share this subject and this problem with Secretary Cheney,

but I will also send a copy of the letter to the committee chairmen.

Basically, the Guard unit is stationed in Egypt. It might not be Saudi Arabia, but through their air refueling missions, they do come into the Desert Storm territory, and I think this is a benefit we can afford to all our guardsmen and all our reservists who are stationed in the Middle East.

Mr. Speaker, let me thank the chairman of the committee for his help.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I would like to commend him, as well as my colleague, the gentleman from Arizona [Mr. STUMP] for their leadership in bringing this bill to the floor.

Mr. Speaker, I do rise in support of H.R. 555, which will amend the Soldiers' and Sailors' Relief Act of 1940. This legislation is certainly needed to ease the financial burdens and uncertainties that face the brave men and women of our Armed Forces as they are called into active duty as a result of Operation Desert Storm.

Mr. Speaker, I know first hand of the need for this legislation. My home town of Chattanooga, TN, has perhaps been the hardest hit of any city in this Nation, with already over 2,000 being called up from our city. Certainly we want to honor them and give them the dignity and the respect they need at this time.

It is vital to the Guard and to our reservists, and really it is a matter of survival for so many of these families. They have been called up to active duty, and they have been forced to take dramatic pay cuts and lose so many of their important benefits, including the health care that is usually provided by their employers.

Also I have seen problems with rents, with those who are not able to make their rent payments or their mortgage payments. We need to make sure that we protect the Guard and the reservists and their families from eviction and foreclosure that might result from a loss of income associated with serving on active duty.

These men and women are serving their country unselfishly. Their dedication, their commitment, and their professionalism are the reasons that we are the best in the world. They responded patriotically to their call.

Mr. Speaker, I want to commend my colleagues for their support of this legislation. Certainly it is the least we can do.

□ 1400

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, there is no time in our history that we should be and are more sensitive to the needs of those who are fighting for our country. I rise in support of H.R. 555 and H.R. 556.

GENERAL LEAVE

Mr. MONTGOMERY. 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 material, on H.R. 555, the bill presently under consideration.

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

There was no objection.

Mr. ESPY. Mr. Speaker, I rise today to express my support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments. Fifty years have passed since the Soldiers' and Sailors' Civil Relief Act was initially enacted in 1940. Today's financial world, with credit cards, home equity loans, and dual-income families, is a very different one from that of 1940. Therefore, an adjustment of the provisions of this law is most appropriate, especially at a time when we have some 480,000 American men and women deployed in the Persian Gulf.

It is imperative that those men and women who already have experienced a major adjustment in their work, home, and family lives not be placed at a disadvantage in legal, personal, or financial matters because of their military status and location due to military orders. The Guard and Reserve unit members activated in the Persian Gulf will make up a part of this country's next generation of veterans. Their futures need to be accorded the benefit and protection available under the laws of this land.

The Soldiers' and Sailors' Civil Relief Act Amendments will protect service men and women from losing their home through foreclosure and from the loss of their personal possessions due to sale or repossession. Additionally, military personnel can rest assured that their family members back home will not find themselves without a roof over their head if their financial situation is a difficult one. Service members would also be protected against untimely civil court actions. Also importantly, physicians called to active duty will be able to gain some reprieve from their practice expenses back home by having their malpractice insurance suspended while they are on active duty.

Mr. Speaker, along with H.R. 555, there are several other important measures of support for our military personnel under consideration by this House, including Federal income tax exemption for those serving in a combat zone, income tax filing extensions, and protection for children of military couples and single parents assigned to the Persian Gulf. There are numerous resolutions calling for varying demonstrations of support, such as displaying the American flag, by American citizens.

H.R. 555 provides for a very basic form of support—protection of the family's homestead and economic status. I am proud to support this legislation.

Mr. ANNUNZIO. Mr. Speaker, I support this bill that is aimed at easing the burdens of our

service men and women who are now on active duty.

The current crisis in the Persian Gulf has forced many brave men and women to set aside their personal lives so they can serve their country. As a result, many must also struggle to support their families.

This bill will strengthen existing laws that protect our service personnel who are sacrificing so much for us.

For example, this bill would forbid landlords from evicting active-duty service personnel or their families if their monthly rent is \$1,200 or less.

Another provision of the bill would require insurance companies to keep up their coverage on all military personnel who are on active duty.

A third provision would delay pending lawsuits against active-duty service men and women until July 1.

Mr. Speaker, by calling up our military reservists, we have asked thousands of men and women to disrupt their lives and put their country first.

Anything we can do to ease their burdens back home merits the full support of this Congress.

Therefore, I urge my colleagues to support House Resolution 555, which amends the Soldiers' and Sailors' Relief Act.

Mr. MILLER of Ohio. Mr. Speaker, I rise in strong support of this bill—H.R. 555—as a necessary tool to improve and clarify certain provisions of the Soldiers' and Sailors' Relief Act of 1940. This measure was prompted by the current crisis in the Persian Gulf region, and I commend the House Veterans' Affairs Committee for its action on behalf of our Armed Forces in the war zone.

In summary, this important bill gives the necessary protection from certain financial obligations incurred by military service members who are now on active duty. This bill is especially important to reservists who incurred financial obligations prior to being called to duty in the Gulf and who can no longer meet those obligations because their ability to pay has been affected by their military service requirements.

The specific provisions addressed in H.R. 555 are in direct response to the situation now facing many of our reservists now on active duty in the Persian Gulf region. The bill has been drafted to get our forces through a difficult time. It gives the forces assistance and it gives their families peace of mind.

Clarifying the act in this manner is an excellent and necessary way to support those who are serving us.

Mr. MCGRATH. Mr. Speaker, it is with great pride that I rise today in strong support of H.R. 555, legislation to bring the 1940 Soldiers' and Sailors' Civil Relief Act up to date. I would like to thank Chairman MONTGOMERY and his fine committee for again bringing needed legislation to the House floor in a very timely manner. In recent days, we have seen the House Veterans' Affairs Committee act expeditiously, once again proving their commitment to America's Armed Forces and veterans.

Originally enacted before World War II, the Soldiers' and Sailors' Civil Relief Act is designed to assist military personnel and reserves who have incurred financial obligations

prior to starting active duty and can no longer meet those obligations because their ability to pay has been curtailed due to military service.

The legislation we are debating today is indeed timely due to the current situation in the Persian Gulf. Many reservists who were called to active duty were forced to give up pay and allowances greater than they are now earning on active service. H.R. 555 would protect reservists on active duty from adverse action by creditors. I believe many of my colleagues would join me in stating that no service member of the U.S. Armed Forces should be financially penalized for serving their country—many have bought homes, cars, even started families, with no way to predict the situation they are now facing in the Middle East.

Briefly, H.R. 555 will bring the Soldiers' and Sailors' Civil Relief Act up to 1991 standards. The bill amends the 1940 law to specify that persons called to active duty do not have to appear in person to file an application for a stay of proceedings. Also, the legislation increases the maximum rental delinquency permitted before eviction occurs from \$150 to \$1,200. In addition, the measure extends power-of-attorney protection to post-Vietnam era veterans.

I invite my colleagues to join me in voting for H.R. 555. It is now time to update a 50-year-old law and exhibit an additional show of support for our troops braving the conditions in the Middle East.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This legislation will correct several gaps in our current policy that could leave a member of the military without health insurance benefits or their loved ones without a roof over their heads. Passage of this bill will provide a psychological and material safety net that our troops and their families deserve.

Can you imagine spending 12 long months in the desert, away from friends and family, only to discover upon your return trip home that your employer-provided or individual health insurance policy will no longer provide full coverage to you or your family? The Soldiers' and Sailors' Relief Act will remedy this dangerous oversight by providing automatic health insurance reinstatement without waiting periods or an exclusion of coverage for pre-existing conditions. In addition, this bill will prohibit landlords from evicting the families of service personnel so long as their monthly rent is less than \$1,200. Without these kinds of minimum protections our troops could find themselves in unimaginable predicaments resulting from active duty service on behalf of the United States.

It is my deepest hope that the war in the Persian Gulf will end soon. While no one knows for certain how long this crisis will last, my thoughts and prayers are with our brave troops and their loyal families. Passage of this legislation sends a strong signal of support to the people whose lives are most affected by this military deployment. For these individuals, who dedicate lives in service to our country, deserve the security of knowing that they and their families are not in jeopardy of losing basic protections.

Mr. RICHARDSON. Mr. Speaker, the Soldiers' and Sailors' Civil Rights Act amend-

ments are a critical show of support for our service members in the Persian Gulf.

As our service members risk their lives to protect our interests in Operation Desert Storm, we must protect their interests here at home.

H.R. 555 does just that: it protects the members of our Armed Forces and their families from eviction and from civil actions being filed against them. It also assists them when they return home by mandating automatic health insurance reinstatement.

We must show our great support for the efforts of the individuals in our armed services by passing H.R. 555. It will protect their families at home and make their return easier.

Mr. GEJDENSON. Mr. Speaker, during these tense days of the Persian Gulf crisis, when the eyes of all Americans are on the brave men and women in Saudi Arabia, I find it particularly appropriate that we in the Congress should be considering legislation of such importance to the veterans of past foreign conflicts.

These initiatives, the restoration of cost-of-living increases to disabled veterans, a full investigation by the National Academy of Sciences of the deleterious effects of agent orange, as well as efforts to increase the capability of the Department of Veterans Affairs to recruit and maintain doctors and dentists in the armed services are indicative of our support for our troops, past and present. In addition, H.R. 555 makes changes in the way in which persons called up for active duty are treated upon their arrival home after serving their country, including provisions to suspend certain tenant evictions, to require a smooth transition in health insurance coverage and other measures.

Mr. Speaker, I hope that these efforts to support our Nation's veterans is to be the new trend of the future. I hope that after the current war in the Persian Gulf, when the more than 400,000 courageous men and women return to this country, that we move to alleviate their problems and the unique circumstances that they face as quickly and as humanely as possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. This bill seeks to clarify and improve specific protections for veterans, for those returning from active military service.

Importantly, this legislation provides for automatic reinstatement of health insurance for men and women called to active duty. This applies not only to individual health insurance policies but also for employer-provided health plans. There are no waiting periods. There is no exclusion of coverage for preexisting conditions. These and other insurance measures will make the transition to and from active military service a little easier.

This bill also raises the rent suspension limit for tenant evictions and delays civil actions pending against a servicemember until July of this year. Medical malpractice insurance premiums will also be suspended for those doctors called to service. So much is asked of those who have been called to active duty. Certain protections should be extended in the tragic occurrence of war.

Mr. Speaker, as we support our men and women called to active duty, those who are fighting over in the Persian Gulf, we must assure that their rights are protected for when they return home.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nations veterans.

H.R. 555 is designed to assist military service members on active duty who incurred financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service.

Mr. Speaker, many years ago, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the reservists' interests when they were called into active duty. Currently, many of our service people are experiencing financial hardships.

This important legislation will suspend professional liability insurance for those called to active duty, provide that professional liability insurance carriers may not require the payment of premiums for coverage during the period of active duty, require insurers to refund any premiums paid by those called to active duty, require reinstatement by the insurance carrier, prohibit discriminatory rate increases, and stay any civil and administrative actions for damages brought against persons serving on active duty.

Additionally, H.R. 555 provides for automatic health-insurance reinstatement for those returning from active duty, and clarifies existing reemployment rights for reservists ordered to active duty.

Mr. Speaker, under the present laws, Reservists are experiencing difficulty in meeting high rent payments. H.R. 555 protects reservists from being evicted by increasing the maximum rental delinquency from \$150 to \$1,200.

As you may know, I have introduced H.R. 102, legislation that would protect reservists who cannot make the high rent payments by placing a stay on their leases, as long as the reservist is in active duty for more than 30 days. During the period that the stay is placed upon the lease, the reservist would have to pay an amount agreed upon by the reservist and the landlord, which will correspond to the sum of any basic allowance for quarters and variable housing to which the reservist is entitled to while he or she is on active duty.

Mr. Speaker, I fully support H.R. 555, and urge my colleagues to send a clear message to our Nation's military service members that their services have not gone unnoticed, by voting in favor of this important measure.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 555, legislation to ensure that Americans serving in Operation Desert Storm are able to do so free of concerns about their financial affairs here at home.

The 500,000 men and women representing the United States in the International effort to

liberate Kuwait all have volunteered to wear the uniform in the defense of freedom and have been deployed as members of active duty, Reserve, and National Guard units from throughout our Nation. The legislation we consider today sends a message to our troops that we are deeply appreciative of their service and that we are looking out for the needs of their families and businesses that they have left behind.

H.R. 555 amends the Soldiers' and Sailors' Civil Relief Act to assist service members now on active duty who incurred financial obligations prior to being deployed and who can no longer meet those obligations because their ability to pay has been curtailed due to their military service. Specifically this legislation clarifies existing reemployment rights for reservists ordered to active duty, it prevents the eviction of a service member or his family from rental housing, it provides for the automatic reinstatement of health insurance benefits for those returning from active service without waiting periods or coverage exclusion for preexisting conditions, and it provides for the appropriate suspension and reinstatement of expensive professional liability insurance coverage and premium payments during and following active duty service.

This legislation follows actions taken by the House last week to defer the Federal income tax filing deadline for active duty troops and to preclude the payment of Federal Taxes on the salaries of U.S. personnel serving in conflict.

Mr. Speaker, in the first 2 weeks of Operation Desert Storm, our troops have shown the great pride, determination, and skill instilled in them through years of training. They clearly have demonstrated the benefit of an All Volunteer Force in defending freedom throughout the world.

Poll after poll of the American people has expressed respect and the highest esteem for our forces and the support and thanks for their mission. In return, we have an obligation to care and protect the families of those serving abroad. The legislative efforts of the House last week and again today make good on that commitment. They alleviate their financial concerns, allowing our troops to concentrate on the job at hand, knowing full well that the Congress is taking care of their needs, and those of their families, at home.

Mr. LEVIN of Michigan. Mr. Speaker, I want to express my strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act. I am pleased that the Veterans' Committee has made this legislation a priority.

The men and women who have been called up for active duty in Operation Desert Storm have earned our support. As they put their lives on the line in the Persian Gulf, they should not have to worry that their families back home are facing unwarranted financial hardship resulting from their absence.

This legislation will ease the financial burden and uncertainty facing our active duty reservists in the gulf. For example, under current law, evictions of families of active duty personnel are suspended if the rent is less than \$150. Under H.R. 555, the amount would be increased to \$1,200.

In addition, this measure delays civil actions against any active-duty reservist until July 1, 1991. It's enough that our servicemen and

women must contend with the Iraqi Armed Forces without at the same time having to grapple with their creditors 6,000 miles away.

Finally, H.R. 555 provides for automatic health insurance reinstatement for persons called to active duty. No one should have to lose their medical insurance from serving in the U.S. military Reserves. This provision will ensure that a reservist returning from active duty will continue to receive health benefits from their employer-provided and individual policies.

I believe this legislation sends the right signal that our Nation stands behind our men and women in the gulf. I am pleased to support this bill.

Mr. INHOFE. Mr. Speaker, as our soldiers and sailors prepare for yet another day of war in the Persian Gulf, we are working hard to make their return to "every-day-life" an easier one.

This bill makes numerous changes to the Soldiers' and Sailors' Relief Act [SSCRA]. It was originally designed to assist military service members on active duty who incur financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service. In this case, a war.

Those men and women are over there in the Persian Gulf risking their lives on a daily basis fighting this war. They don't have time to worry about who is going to pay their bills, and what will happen if they aren't paid. They don't want to worry about their wives and children being evicted from their homes because the rent wasn't paid on time. And, they shouldn't have to. They should feel secure in knowing that when they return home, things will be as they left them.

That is what this bill does for our service members. They are protected from any type of civil action until July 1, 1991, and our doctors that serve are protected by a suspension of medical malpractice insurance. H.R. 555 makes this clear and legally binding. We have put the minds of our soldiers at ease by passing this legislation here today.

Mr. SLATTERY. Mr. Speaker, I rise today to urge my colleagues to support H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments.

As a member of the Veterans' Affairs Committee and a Congressman from the district in Kansas that includes Fort Riley, I am very familiar with the problems and concerns faced by the members of the Armed Forces and their families.

Today, over 500,000 American men and women are involved in Operation Desert Storm. Many of their families must adjust not only to the emotional hardship of being parted from a loved one but also to the loss of significant family income, health insurance, and other employment benefits.

It is the sacrifices of our Nation's service members that enable us to remain a free nation. It is critical that we send them a message that we will stand by them when they return to civilian life. We owe it to ourselves as a country and as a people to muster every bit of support we can for these brave men and women.

H.R. 555 will go far to provide assistance for the families of persons called up for active duty by:

First, suspending tenant evictions.—Under current law, evictions of families of active duty personnel are suspended if the rent is less than \$150. H.R. 555 will increase that amount to \$1,200 and authorize power of attorney for families of post-Vietnam-era veterans, who are still missing in action;

Second, reinstating health insurance coverage.—H.R. 555 provides automatic health insurance reinstatement—without waiting periods or exclusion of coverage for preexisting conditions for persons called to active duty, both in the case of employer-provided plans and individual policies;

Third, suspending civil actions.—H.R. 555 delays civil actions pending against service members until July 1, 1991. Under the legislation, creditors and insurers are prohibited from taking any adverse action against any service member solely because the service member exercised rights available under the act;

Fourth, suspending medical malpractice insurance.—H.R. 555 requires insurers to suspend medical malpractice insurance for physicians who are called to active duty, once the doctor requests such a suspension. The measure specifies that insurance carriers may not require that premiums be paid during this suspension and that rates cannot be increased when the insurance is reinstated.

I urge my colleagues to support this legislation to ready themselves to pass whatever new legislation may be necessary to respond to our service members' needs as they return from active duty.

Ms. WATERS. Mr. Speaker, I rise in support of the Soldiers' and Sailors' Civil Relief Act. It is certainly an appropriate time to reconsider this law which has been unamended for over 20 years.

I continue to be interested in setting in place laws which will help those Americans who have served this country in wartime, past and present, but with the recognition that we will need even more services as our troops return from their engagements in the Persian Gulf. It is important, therefore, that we act now.

H.R. 555 does several things to assist our National Guard and Reserve personnel with the unplanned financial burdens that they will encounter due to the war in Iraq and their personal displacement. Among the benefits contained in this package is an increase in the maximum rental amounts from \$120 to \$1,200 for the purpose of staying eviction proceedings. Landlords of individuals who pay monthly rent up to this amount would be required to have a court's express permission to evict a tenant.

Another provision would guarantee reinstatement of health insurance for servicemembers and their families when they leave active duty and would prohibit waiting periods and exclusions for conditions which arose while the servicemember was on active duty. In addition, H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and health-care professionals called up to active duty. Also, the bill would prohibit creditors or insurers from taking adverse action against servicemembers who exercise their rights under the act. Finally, this legislation would require courts to stay any pending lawsuits at

the request of the servicemember until at least July 1, 1991.

As I said before, we must not waste any time in enacting the legislation before us. The House passed legislation along the lines of H.R. 555 last year. Unfortunately, it did not become law. Now, with the war already a reality, and reservists being called up every day, there is no more time to wait to see that our servicepeople and their families are attended to. I thank the Veterans' Affairs Committee and the leadership of the House for allowing such expeditious consideration of this legislation.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 556 by the yeas and nays; and  
H.R. 555 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### AGENT ORANGE ACT OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 556, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended, on which the yeas and nays are ordered.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

(Roll No. 16)  
YEAS—412

Abercrombie Downey Jontz  
Ackerman Dreier Kanjorski  
Alexander Duncan Kaptur  
Allard Durbin Kasich  
Anderson Dwyer Kennedy  
Andrews (ME) Dymally Kennelly  
Andrews (NJ) Early Kildee  
Andrews (TX) Eckart Kleczka  
Annunzio Edwards (CA) Klug  
Anthony Edwards (OK) Kolter  
Applegate Edwards (TX) Kopetski  
Archer Emerson Kostmayer  
Army Engel Kyl  
Aspin English LaFalce  
Atkins Erdreich Lagomarsino  
AuCoin Espy Lancaster  
Bacchus Evans LaRocco  
Baker Fascell Laughlin  
Ballenger Fawell Leach  
Barrett Fazio Lehman (CA)  
Bartlett Feighan Lehman (FL)  
Barton Fish Lent  
Bateman Flake Levin (MI)  
Bellenson Foglietta Levine (CA)  
Bennett Ford (MI) Lewis (CA)  
Bentley Ford (TN) Lewis (FL)  
Bereuter Frank (MA) Lewis (GA)  
Berman Frost Lightfoot  
Bevill Gallegly Lipinski  
Billray Gallo Livingston  
Billrakis Gaydos Lloyd  
Billey Gejdenson Long  
Boehlert Gekas Lowery (CA)  
Bonior Gephardt Lowey (NY)  
Borski Geren Luken  
Boucher Gibbons Machtley  
Boxer Gilchrist Madigan  
Brewster Gillmor Manton  
Brooks Gilman Markey  
Broomfield Gingrich Marlenee  
Browder Glickman Martin  
Brown Gonzalez Martinez  
Bruce Goodling Matsui  
Bryant Gordon Mavroules  
Bunning Goss Mazzoli  
Burton Gradison McCandless  
Bustamante Grandy McCloskey  
Byron Gray McCollum  
Callahan Green McCrery  
Camp Guarini McCurdy  
Campbell (CA) Gunderson McDade  
Campbell (CO) Hall (OH) McDermott  
Carper Hall (TX) McEwen  
Carr Hamilton McGrath  
Chandler Hammerschmidt McHugh  
Chapman Hancock McMillan (NC)  
Clay Hansen McMillen (MD)  
Clement Harris McNulty  
Clinger Hastert Meyers  
Coble Hatcher Mfume  
Coleman (MO) Hayes (IL) Michel  
Coleman (TX) Hayes (LA) Miller (CA)  
Collins (IL) Hefley Miller (OH)  
Collins (MI) Hefner Miller (WA)  
Combest Henry Mineta  
Condit Herger Moakley  
Conte Hertel Molinari  
Conyers Hoagland Mollohan  
Cooper Hobson Montgomery  
Costello Hochbrueckner Moody  
Coughlin Holloway Moorhead  
Cox (CA) Hopkins Moran  
Cox (IL) Horn Morella  
Coyne Horton Morrison  
Cramer Houghton Murphy  
Crane Hoyer Murtha  
Cunningham Hubbard Myers  
Dannemeyer Huckaby Nagle  
Darden Hughes Natcher  
Davis Hunter Neal (MA)  
de la Garza Hutto Neal (NC)  
DeFazio Hyde Nichols  
DeLauro Inhofe Nowak  
DeLay Ireland Nussle  
Dellums Jacobs Oakar  
Derrick James Oberstar  
Dickinson Jefferson Obey  
Dicks Jenkins Olin  
Dixon Johnson (CT) Ortiz  
Donnelly Johnson (SD) Orton  
Dooley Johnston Owens (NY)  
Doolittle Jones (GA) Owens (UT)  
Dorgan (ND) Jones (NC) Oxley

Packard Roybal Sundquist  
Pallone Russo Swett  
Panetta Sabo Swift  
Parker Sanders Synar  
Patterson Sangmeister Tallon  
Paxon Santorum Tanner  
Payne (NJ) Sarpalus Taylor (MS)  
Payne (VA) Savage Taylor (NC)  
Pease Sawyer Thomas (CA)  
Pelosi Saxton Thomas (GA)  
Penny Schaefer Thornton  
Perkins Scheuer Torricelli  
Peterson (FL) Schiff Towns  
Peterson (MN) Schulze Traficant  
Petri Schumer Traxler  
Pickett Sensenbrenner Unsoeld  
Pickle Serrano Upton  
Porter Sharp Valentine  
Poshard Shaw Vander Jagt  
Price Shays Vento  
Pursell Shuster Visclosky  
Quillen Sikorski Volkmer  
Rahall Sisisky Vucanovich  
Ramstad Skaggs Walker  
Rangel Skeen Walsh  
Ravenel Skelton Washington  
Ray Slattery Waters  
Reed Slaughter (NY) Waxman  
Regula Slaughter (VA) Weber  
Rhodes Smith (FL) Weldon  
Richardson Smith (NJ) Wheat  
Ridge Smith (OR) Whitten  
Riggs Smith (TX) Williams  
Rinaldo Solarz Wolf  
Ritter Solomon Wolpe  
Roberts Spence Wyden  
Roe Spratt Wylie  
Roemer Staggers Yates  
Rogers Stallings Yatron  
Rohrabacher Stark Young (AK)  
Ros-Lehtinen Stearns Young (FL)  
Rose Stenholm Zeliff  
Roth Stokes Zimmer  
Roukema Studds  
Rowland Stump

suspend the rules on which the Chair has postponed further proceedings.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 555, as amended.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

(Roll No. 17)  
YEAS—414

Abercrombie Collins (MI) Gibbons  
Ackerman Combest Gilchrist  
Alexander Condit Gilmor  
Allard Conte Gilman  
Anderson Conyers Gingrich  
Andrews (ME) Cooper Glickman  
Andrews (NJ) Costello Gonzalez  
Andrews (TX) Coughlin Goodling  
Annunzio Cox (CA) Gordon  
Anthony Cox (IL) Goss  
Applegate Coyne Gradison  
Archer Cramer Grandy  
Army Crane Gray  
Aspin Cunningham Green  
Atkins Dannemeyer Guarini  
AuCoin Darden Gunderson  
Bacchus Davis Hall (OH)  
Baker de la Garza Hall (TX)  
Ballenger DeFazio Hamilton  
Barrett DeLauro Hammerschmidt  
Bartlett DeLay Hancock  
Barton Dellums Hansen  
Bateman Derrick Harris  
Bellenson Dickinson Hastert  
Bennett Dicks Hatcher  
Bentley Dixon Hayes (IL)  
Bereuter Donnelly Hayes (LA)  
Berman Dooley Hefley  
Bevill Doolittle Hefner  
Billray Dorgan (ND) Henry  
Billrakis Downey Herger  
Billey Dreier Hertel  
Boehlert Duncan Hoagland  
Boehner Durbin Hobson  
Bonior Dwyer Hochbrueckner  
Borski Dymally Holloway  
Boucher Early Hopkins  
Boxer Eckart Horn  
Brewster Edwards (CA) Horton  
Brooks Edwards (OK) Houghton  
Broomfield Edwards (TX) Hoyer  
Browder Emerson Hubbard  
Brown Engel Huckaby  
Bruce English Hughes  
Bryant Erdreich Hunter  
Bunning Espy Hutto  
Burton Evans Hyde  
Bustamante Fascell Inhofe  
Byron Fawell Ireland  
Callahan Fazio Jacobs  
Camp Feighan James  
Campbell (CA) Fish Jefferson  
Campbell (CO) Flake Jenkins  
Cardin Foglietta Johnson (CT)  
Carper Ford (MI) Johnson (SD)  
Carr Ford (TN) Johnston  
Chandler Frank (MA) Jones (GA)  
Chapman Frost Jones (NC)  
Clay Gallegly Jontz  
Clement Gallo Kanjorski  
Clinger Gaydos Kaptur  
Coble Gejdenson Kasich  
Coleman (MO) Gekas Kennedy  
Coleman (TX) Gephardt Kennelly  
Collins (IL) Geren Kildee

NAYS—0

NOT VOTING—22

Barnard Lantos Thomas (WY)  
Boehner Mink Torres  
Mrazek Mrazek Udall  
Dingell Rostenkowski Weiss  
Dorman (CA) Schroeder Wilson  
Fields Smith (IA) Wise  
Franks (CT) Snowe  
Kolbe Tauzin

□ 1426

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I just wanted to say that my flight from Denver was canceled this morning so I was late in getting here and missed the first vote. Had I been here, I would have voted "aye." I regret that the airline schedules get more difficult every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to

Klecza	Nichols	Sensenbrenner
Klug	Nowak	Serrano
Kolter	Nussle	Sharp
Kopetski	Oakar	Shaw
Kostmayer	Oberstar	Shays
Kyl	Obey	Shuster
LaFalce	Olin	Sikorski
Lagomarsino	Ortiz	Sisisky
Lancaster	Orton	Skaggs
LaRocco	Owens (NY)	Skeen
Laughlin	Owens (UT)	Skelton
Leach	Oxley	Slattery
Lehman (FL)	Packard	Slaughter (NY)
Lent	Pallone	Slaughter (VA)
Levin (MI)	Panetta	Smith (FL)
Levine (CA)	Parker	Smith (NJ)
Lewis (CA)	Patterson	Smith (OR)
Lewis (FL)	Paxon	Smith (TX)
Lewis (GA)	Payne (NJ)	Solarz
Lightfoot	Payne (VA)	Solomon
Lipinski	Pease	Spence
Livingston	Pelosi	Spratt
Lloyd	Penny	Staggers
Long	Perkins	Stallings
Lowery (CA)	Peterson (FL)	Stark
Lowey (NY)	Peterson (MN)	Stearns
Luken	Petri	Stenholm
Machtley	Pickett	Stokes
Madigan	Pickle	Studds
Manton	Porter	Stump
Markey	Poshard	Sundquist
Marlenee	Price	Swett
Martin	Pursell	Swift
Martinez	Quillen	Synar
Matsui	Rahall	Tallon
Mavroules	Ramstad	Tanner
Mazzoli	Rangel	Taylor (MS)
McCandless	Ravenel	Taylor (NC)
McCloskey	Ray	Thomas (CA)
McCollum	Reed	Thomas (GA)
McCreery	Regula	Thornton
McCurdy	Rhodes	Torricelli
McDade	Richardson	Towns
McDermott	Ridge	Trafficant
McEwen	Riggs	Traxler
McGrath	Rinaldo	Unsoeld
McHugh	Ritter	Upton
McMillan (NC)	Roberts	Valentine
McMillen (MD)	Roe	Vander Jagt
McNulty	Roemer	Vento
Meyers	Rogers	Viscosky
Mfume	Rohrabacher	Volkmer
Michel	Ros-Lehtinen	Vucanovich
Miller (CA)	Rose	Walker
Miller (OH)	Roth	Walsh
Miller (WA)	Roukema	Washington
Mineta	Rowland	Waters
Moakley	Roybal	Waxman
Molinaro	Russo	Weber
Mollohan	Sabo	Weldon
Montgomery	Sanders	Wheat
Moody	Sangmeister	Whitten
Moorhead	Santorum	Williams
Moran	Sarpalius	Wolf
Morella	Savage	Wolpe
Morrison	Sawyer	Wyden
Murphy	Saxton	Wylie
Murtha	Schaefer	Yates
Myers	Scheuer	Yatron
Nagle	Schiff	Young (AK)
Natcher	Schroeder	Young (FL)
Neal (MA)	Schulze	Zeliff
Neal (NC)	Schumer	Zimmer

## NAYS—0

## NOT VOTING—20

Barnard	Lehman (CA)	Thomas (WY)
Dingell	Mink	Torres
Dornan (CA)	Mrazek	Udall
Fields	Rostenkowski	Weiss
Franks (CT)	Smith (IA)	Wilson
Kolbe	Snowe	Wise
Lantos	Tauzin	

□ 1435

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I rise today to express my regret at missing rollcall votes No. 16 and No. 17. I was unable to cast my vote on these important measures because earlier today the bus I was traveling on broke down and the plane I was supposed to fly on was fogged in. Had I been present I would have voted "yea" on H.R. 556, the Agent Orange Act, a measure to provide permanent disability benefits to Vietnam veterans who were exposed to agent orange. I would also have voted "yea" on H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. Mr. Speaker, both of these measures are important to those who put their lives on the line in Vietnam and to those who are at this minute risking their lives for our country.

## PERSONAL EXPLANATION

Mr. FRANKS of Connecticut. Mr. Speaker, I was unavoidably detained in Connecticut due to medical appointment delays associated with my wife's pregnancy. I was, therefore, unable to cast my votes in favor of H.R. 556 and H.R. 555.

Had I been able, I would have voted for both of these important pieces of legislation. I fully support H.R. 556 which at long last addresses veterans' concerns regarding agent orange.

The long-awaited agent orange compromise appears acceptable to the many factions involved in this lengthy and controversial debate. I believe that the Honorable Mr. MONTGOMERY and the Honorable Mr. STUMP as well as many concerned members responsible for achieving this compromise are deserving of our heartfelt congratulations and appreciation. This measure was supported by a vote of 412 to 0.

I find the bill to be particularly worthy of support in placing the responsibility for a fair and impartial review based on science in the hands of the National Academy of Sciences.

Furthermore, I fully support and endorse H.R. 555's improvements to the Soldiers' and Sailors' Civil Relief Act. These amendments are timely and imperative to ensure that our active duty personnel can rest assured that they are protected from obligations they are unable to cover during military service.

This bill protects men and women who have answered their country's call from adverse action by creditors and will also protect their dependents from eviction.

I am particularly pleased this measure was passed by a vote of 414 to 0. I wholeheartedly support the legislative intent and goals of these two important military service-related bills.

## RANKING OF MEMBERS OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in House Resolution 43, adopted by the House on January 24, 1991, electing the gentleman from Hawaii [Mr. ABERCROMBIE] to the Committee on Merchant Marine and

Fisheries, Mr. ABERCROMBIE rank ahead of the gentleman from Rhode Island [Mr. REED].

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Maryland? There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair on behalf of the Speaker announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE RELATIVE TO SPECIAL ORDERS

The SPEAKER pro tempore. The Chair will recognize Members for special orders until 5:30 p.m., at which time the Chair will declare the House in recess.

□ 1440

## DICK CHENEY'S CHESSBOARD

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

Mr. SCHEUER. Mr. Speaker, there was an article about Secretary of Defense Dick Cheney in the Sunday edition of the New York Times magazine section just 2 days ago. It left me in a state of disquietude. It indicated that on several occasions for important military roles Dick Cheney had moved around the chess players on the chessboard to move out people—and I am talking about generals, admirals, and the rest—who might have had reservations about moving into a land war, moving into conflict entirely, who were making independent, thoughtful calculations of risks and benefits, and were moving into their places people who were determined and confirmed hawks.

Now, the article mentioned a number of former Secretaries of Defense, very experienced, able men, the former Chairman of the Joint Chiefs of Staff, and I have talked to several of them. They have told me that they feel that the circle of top-quality military professionals, to whom Mr. Bush is listening, is narrowing and is squeezed and has excluded people who in statements, testimony, and remarks, have indicated a view that advocated patience, that advocated caution, and that this is not part of the mix, the diversity of views of which President Bush is availing himself.

#### DISTURBING EVENTS IN YUGOSLAVIA

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

Mr. ECKART. Mr. Speaker, I rise today to express my concern about another region of the world in which they are experiencing political difficulties. No, I speak not of our Baltic friends in Lithuania or Latvia, but I speak of my relatives and friends in Yugoslavia.

Events of the last several weeks have indicated to us once again that perhaps the forces and opportunities of democracy are being threatened, or at least intimidated, by those who do not respect the will of the people to choose.

Just this last spring the world witnessed elections all over Eastern Europe, including the land of my forebears, Yugoslavia. With these elections came the strong hope of democracy for them and their people. In Yugoslavia in particular, free elections in Slovenia and Croatia demonstrated the desire of those two Republics to establish a democratic society with a market economy. It demonstrated the desire of those peoples to integrate with other capitalist systems and compete in a world at large.

Today, however, a significant political and economic differences among the six Yugoslav Republics have grown more and more profound, the situation more serious.

As we have witnessed among other nations these past 2 years, Poland, Hungary, East Germany, and others, a willingness to shed their failed economic policies of the past and to move their Communist regimes toward more and more democratic and capitalistic systems, we have witnessed the pain that comes with that change. The growing pains of these nations as they have reformed are indeed painful for us to watch; but while reform is not easy and pain is in part necessary, it is a significant and relevant act in a growingly interdependent world.

I applaud the efforts of the people of Slovenia and Croatia to speak their voice, to have their voices heard in a free, democratic society, and in mar-

ket-dominated economies. Their democratic future, their economic liberalization policies, are essential to the success not only of the peoples of these two Republics, but I believe of Yugoslavia at large.

It is important that we not allow the militaristic whims of those who seek to thwart democratic and economic reforms to prevail in that fragile, ethnically diverse country.

We need to allow, indeed even encourage, the pluralism necessary to help Yugoslavia survive and compete in a world that is becoming increasingly entranced with economic and democratic reforms.

We have recognized those similar rights in the Baltic nations today. We are appalled at what violence has been brought to those who seek to repress the free expression of democratic choice in a freely choosing society.

It is my hope that the threat of violence being exercised by those in Yugoslavia will not thwart the free hopes and aspirations of the brave Republics of Croatia and Slovenia. We will not tolerate the use of force against innocent people, whether it be in the Baltics, the Persian Gulf, or my home country as well.

The people of Slovenia and Croatia want a market economy. They espouse freedom. They are walking the extra miles to ensure both. I think they deserve that opportunity to learn and grow.

As the world focuses on war in the Persian Gulf and the threat to those of us in our society here, we must be ever vigilant of oppressive regimes that seek to stifle dissent and to promote old ways and to oppress the new.

We must not permit these regimes of whatever stripe in whatever location to invoke their wills on others using the shadow of this war. The people around the world want freedom. They want a new world order, a democratic order. We need to give them that chance.

#### BIG OIL SITTING ON TOP OF AMERICAN CONSUMER

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

Mr. CONTE. Mr. Speaker, just as Saddam's oil slick sits on top of the Persian Gulf, Big Oil is sitting on top of the American Consumer.

And their dirty truths, their fourth quarter war premiums, are now becoming public.

Chevron made \$633 million, up 860 percent.

Exxon's fourth-quarter profits tripled.

Amoco made \$538 million, up 69 percent.

Mobile made \$651 million, up 46 percent.

Shell made \$446 million, up 69 percent.

And Amerada Hess made \$235.2 million, up 300 percent.

Mr. Speaker, it is a good thing that we have Patriots protecting our troops in Saudi Arabia. Now we need some to protect our consumers.

Their crisis-inspired profits go beyond outrageous. These profits should go toward funding those who have been hardest hit by higher oil prices, the low-income consumer, instead of into the greedy hands of the oil barons.

My windfall profit tax returns funds to the LIHEAP Program, the Low-Income Weatherization Program, and to the Treasury to support the war effort.

Support H.R. 295, and support the American consumer.

#### THE DATA PROTECTION ACT OF 1991

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

Mr. WISE. Mr. Speaker, I am today introducing the Data Protection Act of 1991. This bill would establish a Federal Data Protection Board as a permanent, independent, and non-regulatory Federal agency. The legislation is virtually identical to H.R. 3669 which I introduced in the last Congress.

There are two principal reasons why data protection legislation is needed in the United States. First, Americans are greatly concerned about threats to their personal privacy resulting from the increased use of computers to collect, maintain, and manipulate personal information. Seven of ten Americans agree that consumers have lost control over how personal information about them is circulated and used by companies.

Despite the depth of these concerns, there is no agency in the Federal Government with the responsibility to consider the privacy consequences of modern life. We have agencies that address public health, consumer protection, civil rights, mine safety, battle monuments, and marine mammals. But no agency is devoted to privacy.

Second, foreign data protection activities may have a direct and significant impact on American business interests. Many other countries have passed data protection laws and created governmental institutions with responsibilities to implement and enforce national data protection standards. Nervousness about the transborder flow of personal information had led to the preparation of a draft European Community directive on the protection of individuals in relation to the processing of personal data. Adoption of this directive could make it expensive or impossible for American companies that need to transfer personal data to and from Europe to do business. The result could be a loss of jobs, profits, and business opportunities for America.

I would like to elaborate on each of these reasons.

Interest in privacy is not new in the United States. One of the most enduring American values is the right to privacy. From colonial

times to the present, Americans have sought the right to be left alone and have worried about intrusions into their personal lives, private papers, and homes. The Bill of Rights contains several protections against invasions of personal privacy by the Federal Government.

Today, these traditional concerns about privacy are still vital. Individuals still want to be left alone. Individuals still want to be able to exercise some control over how information about them is used. In the computer age, threats to privacy come not only from the Federal Government but also from the many public and private institutions that maintain records about individuals. Almost 4 out of 5 Americans today agree that privacy should be added to the list of life, liberty, and the pursuit of happiness as a fundamental right in our Declaration of Independence.

The Federal Government is not the only threat to personal privacy. Using the power of modern computers and telecommunications, many private third party recordkeepers have developed the capacity to store detailed information about people's transactions, habits, movements, purchases, and activities. Personal information is routinely maintained by banks, insurance companies, hospitals, schools, credit bureaus, cable television operators, telephone companies, credit card issuers, department stores, supermarkets, catalog merchants, marketers of all types, and others.

Some recent stories illustrate the wide range of threats to personal privacy:

A recent court case held that it was legal for the FBI to go to a photo store and order a copy of film left for developing by a consumer. The photo store employee made a duplicate set of prints for the FBI without a subpoena or warrant. The case raises the possibility that the FBI can routinely get copies of film left for developing at film stores.

Car rental companies are running background checks on drivers without notice to consumers.

Travel agents, airlines, car rental companies, and others in the travel industry are fighting over ownership of information about an individual's travel plans maintained in computer reservation systems. Travelers are not aware of the extent to which the industry is trafficking in their private travel plans.

Some hospitals are using identifiable patient information to compile mailing lists for the purpose of selling services through direct mail.

In the 100th Congress, a bill was enacted to protect the privacy of video rental records. This is popularly known as the Bork bill, named for Supreme Court nominee Robert Bork whose video rental records were published in a newspaper. But while we now have some protection for video rental records, there is no similar protection for records of other consumer transactions and behavior. There are no formal legal protections for records about the purchase of books, music, computer software, mail order merchandise of all sorts, travel services, meals, film developing, and other goods and services purchased by consumers. Companies are able to compile, use, and sell this information without restriction and without notice to consumers.

In the not too distant future, consumers face the prospect that a computer somewhere will

compile a record about everything they purchase, every place they go, and everything they do.

This information may be used by marketing companies to send targeted mail and to make telephone solicitations. If you buy a bag of potting soil, you may start getting seed catalogs in the mail. If you buy peanut butter, you may get coupons from jelly manufacturers. If you buy a pregnancy testing kit, you may get solicitations from diaper service companies. If you take a vacation at the beach, you may get travel brochures from resorts in the mountains. If you go to the hospital for a checkup, you may get an invitation to a diet seminar. If you buy a tube of Preparation H, you could get a telephone call from a proctologist. If you take film to be developed, you might get a visit from the FBI.

I am not sure that this is a vision of the future that will make most Americans feel comfortable.

We need to help consumers, businesses, and government develop policies and practices to distinguish between appropriate and inappropriate uses of personal data. That would be one of the principal functions of the Data Protection Board.

There is a reason why data protection rather than privacy is the focus of the Board's responsibility. In our complex modern world, privacy has evolved as a concept encompassing many different elements. It includes a wide range of issues about intrusive behavior, including wiretapping, surreptitious physical surveillance, and mail interception. The concept of privacy has also been cited in connection with matters as disparate as contraception and confidentiality of bank records. As the need to protect privacy has become more pressing, some aspects of its protection have become more focused. One concept that has emerged since 1970 is data protection, which applies to the control of the collection, use, and dissemination of personal information.

The Data Protection Board that I propose would be an institutional representative for privacy issues relating to the use and misuse of personal information. The Board would be a resource, a consultant, a watchdog, and a facilitator. The Board would not be a regulator. The Board would not be a data protection registrar. European requirements for registration of personal data banks maintained by the private sector have, at best, met with mixed results. In any event, Federal registration of private data banks in the United States is not a goal of my legislation.

We need a Data Protection Board principally because there is no voice in government that represents and articulates data protection concerns on an ongoing basis. In the balancing of interests that shape government policies and actions, data protection needs are frequently ignored because there is no institutional spokesman to represent them. There is no existing organization that accumulates knowledge and experience in the increasingly complicated balancing of privacy interests.

A Data Protection Board could help government and industry do a better job of protecting personal information. A Data Protection Board could, with the cooperation of business, support voluntary data protection codes. A Data Protection Board could help Congress and the

States shape legislation or find alternatives to legislation.

A very recent event underscores how a Data Protection Board might help business and consumers to address privacy concerns in a constructive way. Equifax, a credit company, and Lotus, a computer company, just announced the cancellation of Lotus Marketplace, a planned product that would have distributed names, address, and marketing information on 120 million consumers using CD-ROM disks. The product had come under heavy criticism from privacy advocates. In announcing the cancellation, the companies said that the product resulted in an "emotional firestorm of public concern about consumer privacy."

Equifax and Lotus had invested considerable sums to develop this product. This investment was lost because of high levels of consumer privacy concerns. This is where a Data Protection Board could serve a valuable role that assists both consumers and businesses. A company planning a new information product could ask the Data Protection Board to help identify and address privacy issues before risking millions of dollars that could be lost in a consumer backlash. Businesses benefit by having an opportunity to obtain an independent assessment of the potential impact of new products. Consumers benefit by having suitable privacy protections considered and included as new technologies are used. A Data Protection Board can limit the risks to all.

The need for an independent entity with responsibility for data protection policies has long been recognized. Such an organization was originally proposed during congressional consideration of the Privacy Act of 1974. The Privacy Protection Study Commission recommended in 1977 that such an entity be established to monitor and evaluate privacy laws; to continue research; to issue interpretive rules for the Privacy Act of 1974; and to provide advice to the President, the Congress, and the States. My proposal is a direct descendant of that Privacy Commission recommendation.

Most other Western industrialized nations have already established national data protection agencies. Canada established a privacy commissioner in 1978. Great Britain established a data protection registrar in 1984. The Federal Republic of Germany, 1977; Austria, 1978; France, 1978; Sweden, 1973; Norway, 1978; Isle of Man, 1986; Netherlands, 1988; Australia, 1988; and Ireland, 1988 also have permanent data protection agencies. Many other countries have passed data protection legislation in the last few years.

This brings me back to the second set of reasons supporting the creation of a Data Protection Board. Data protection agencies have been established elsewhere in the world because people everywhere are concerned about how personal information is being used. By 1993, all nations of the European Community are expected to adopt data protection laws. These laws will be supplemented by a European Community directive that will establish more uniform policies for data protection. Uniformity is viewed as essential to the completion of an internal European market that permits the unrestricted transfer of personal

information throughout the European Community.

The proposed directive concerning data protection will establish an equivalent, high level of protection in all European Community member states. This will serve to remove obstacles to data exchanges that are necessary for an internal market to function. Among other things, the directive calls for strict controls over the private use of personal information; restrictions on transfer of personal information to third parties; informed consent as a required element of data collection; rights of access for data subjects; sectoral codes of practice for industries; and the establishment of data protection authority in each member state.

The directive will also have a direct effect on the transfer of personal information to—and perhaps from—the United States. The current draft provides:

That personal data can only be transferred to a third party country if that country guarantees an adequate level of protection for the data;

For notice of and involvement by the European Commission when personal data is transferred to third party countries that do not have adequate protection; and

For exceptions to the strict limitations on export of personal data only after all members of the European Community have been given the opportunity to object.

American companies will be directly affected by European data protection rules in several ways. First, American subsidiaries operating in Europe will be directly subject to the same strict data protection rules that apply to European businesses. Second, corporations in the United States may be required to comply with European data protection standards as a condition of being permitted to transfer personal data from their European subsidiaries. Third, any American company that needs personal data from a source in Europe may be subject to the European requirements for transborder data flow.

American companies that could be affected include banks, insurance companies, credit grantors, computer service bureaus, direct marketers, pharmaceutical companies, and manufacturers. Any company whose business involves the transfer of any type of personal data could become subject to European regulation. Even the simple transfer of internal personnel records from a subsidiary to an American parent company would be regulated.

The United States must prepare for the implementation of the new European data protection rules. Otherwise, American companies face the prospect of having their domestic records management practices reviewed by European bureaucrats and their legal liabilities determined by European courts. As an alternative to a regulatory apparatus controlled in Brussels, we need to formalize the American system of data protection. This could be done through a combination of new industry codes, existing legislation, and participation by a non-regulatory Data Protection Board.

I do not believe that there can be any doubt that the Europeans are serious about data protection. Some restrictions have already been imposed. Recently, the French Data Protection Commission prevented Fiat in France

from transferring information about its employees to Fiat in Italy because Italy has yet to adopt a data protection law. There are rumors that some limitations on the transfer of personal information to the United States may be imposed soon.

I want everyone to understand that the European Community data protection directive is still a draft. Parts of it are unclear, and other parts may be unreasonable or unworkable. We do not know what the final directive will look like or how strong it will be. It seems certain, however, that there will be a directive and that it will have some impact on American business operations.

Further, it remains uncertain how the American system of privacy regulation will be viewed under the new European standards. Many of the modern principles of privacy now being implemented in Europe were actually developed in the United States 20 years ago. These principles have been implemented here in a uniquely American way. The American system is hard to compare directly to more recent data protection laws because we rely on a combination of Federal, State, and local legislation; constitutional protections; and common law. Some of our privacy protections surpass anything found elsewhere in the world. In other areas, the American approach to privacy protection is less formalistic and less bureaucratic than the European approach, but not necessarily less effective. A Data Protection Board could bring a clear message about the American system directly to Europe in a credible way.

At the very least, the U.S. Government needs to do a better job in representing American business interests. This is an immediate need. To date, the Federal Government's response to data protection activities in Europe has been almost nonexistent. For example, there has been no official American representative at the annual meetings of Data Protection Commissioners.

Only the Office of Consumer Affairs has paid much attention to data protection. As welcome as that attention has been, I am not sure that the Office of Consumer Affairs is the best Federal representative for complex international matters with serious implications for American business, trade, and economic interests. The State Department, Commerce Department, and U.S. Trade Representative should be more actively representing American interests.

While I hope that these agencies will become more active soon, it is apparent that the lack of a central data protection authority in the United States has left American industry unrepresented when decisions are made about how multinational companies can use data for transborder purposes. At the very least, we need an American Federal agency to represent American interests in ongoing consultations with other national data protection agencies. The historical record demonstrates that data protection will not receive sufficient attention at any existing agency. The lack of an independent data protection authority also leaves American consumers without a spokesman for their fears about privacy.

A Data Protection Board is the right response to both domestic privacy concerns and international data protection threats to Ameri-

can business. The time has come to take a step that does more than respond to specific problems. We need to look to the future. We need to learn how to identify problems presented by new technology and new business methods before it is too late to react. We need to work together with recordkeepers and with record subjects to find ways to protect legitimate data protection concerns while allowing government and industry to function.

#### MFN STATUS FOR BULGARIA AND ROMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which would grant most-favored-nation status to Bulgaria and Romania.

Mr. Speaker, I stood here a year ago and introduced legislation to grant most-favored-nation status to four nations: Bulgaria, Romania, East Germany, and Czechoslovakia. As you may know, President Bush announced, shortly after meeting with President Havel of Czechoslovakia, that he would grant that nation MFN status. And the question of MFN for East Germany is now a moot question as a result of German reunification. Czechoslovakia and a unified Germany can now begin the long process of sorting through the economic challenges they face.

But what about Bulgaria and Romania? Obviously progress toward true democracy and economic reform in these two nations has not been as rapid as we might like. It is my understanding, however, that the administration is considering granting Bulgaria MFN status in the coming months in light of their progress. I hope that this is the case and that necessary economic and political reforms in that nation can continue so as to make this possible.

That leaves Romania. Without a doubt, Romania lags behind these other three nations on the road to democracy, but one must remember the very real reason why this is so; there was only one Ceausescu. It is my hope that my bill and the promise of MFN when conditions warrant can help affect change in that nation. Should progress toward democracy and economic reform be made, there is no question that MFN would provide vital assistance in rebuilding the Romanian economy.

#### THE BANK ACCOUNT SAFETY AND SOUNDNESS ACT

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

Mr. ANNUNZIO. Mr. Speaker, George Santayana's wisdom that, "those who cannot remember the past are condemned to repeat it," is becoming increasingly applicable in the field of Federal deposit insurance.

On December 17, 1990, the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance held hearings on a report from three prominent economists which concluded that the fund which insures the bank deposits of millions of Ameri-

cans—the Bank Insurance Fund [BIF] of the Federal Deposit Insurance Corporation [FDIC]—is currently teetering on the edge of insolvency. As if that is not enough, the report concludes that BIF could be facing up to \$65 billion in additional losses over the next 3 years.

At these very same hearings, FDIC Chairman William Seidman testified that he expected BIF to lose \$4 billion in 1990, reducing the fund's reserves to \$9.2 billion for a historically low reserve ratio of only 0.47 percent. By the end of 1991, Chairman Seidman predicts—and I should note that his long-term predictions usually prove to be extremely optimistic—that BIF will have only \$4.2 billion in reserves for a reserve ratio of only 0.21 percent.

On September 1990, the General Accounting Office and the Congressional Budget Office reported to Congress that BIF's reserves—which have been dwindling at a rapid pace since 1986—could easily be depleted by any number of plausible events, such as a nationwide recession or one failure of a major bank.

Mr. Speaker, unless quick action is taken, it is becoming increasingly likely that FDIC's Bank Insurance Fund will become insolvent, resulting in another taxpayer bailout of a Federal deposit insurance fund. Without action, history will repeat itself.

Mr. Speaker, the time has come for Congress to take bold yet responsible action in this area. BIF cannot be permitted to become insolvent; the cost of its recapitalization cannot and should not be passed on to the American taxpayers, who have already paid for a similar bailout of FSLIC.

That is why I have reintroduced legislation entitled the Bank Account Safety and Soundness Act—H.R. 31—to recapitalize the Bank Insurance Fund and to address its major flaws.

For some time now, I have been deeply concerned with the deteriorating condition of the Bank Insurance Fund, and have been criticized by banking industry spokesmen and other experts for expressing these concerns. The facts, however, speak for themselves.

Since 1986, the strength of FDIC's Bank Insurance Fund has declined by almost 60 percent. It has lost over \$9 billion in the last 3 years alone, declining from \$18 billion. Today, the fund would have to increase by 250 percent to reach its historic operating level of \$1.25 in reserves for every \$100 in insured accounts.

The Bank Account Safety and Soundness Act addresses not only BIF's funding needs, but its structural failings as well.

Foremost among the fund's flaws is that—like its S&L counterpart—the FDIC's sole safety net is the American taxpayer. If the fund fails, it has nowhere to turn but the U.S. Treasury, which in turn send us the bill.

I believe that the burden of potential bank failures should be lifted from the shoulders of the American taxpayer, and placed it where it belongs—on banks and their shareholders who stand to reap the benefits that deposit insurance provides. My legislation corrects this flaw by requiring federally insured banks to back up the fund themselves.

Just as shareholders are required to subscribe to stock if they choose to reap the benefits of corporate ownership, the Bank Account Safety and Soundness Act would require insured banks to pay into the Bank Insurance Fund an amount equal to 1 percent of their total deposits, which would be adjusted annually. If the FDIC needed to use any of these funds to cover industry losses, banks would be required to replenish their 1-percent deposit—their stock in the fund—up to this 1-percent level. Additionally, the fund would retain all interest earned from these funds, while retaining its current authority to assess annual premiums.

Not only would the Bank Account Safety and Soundness Act result in an immediate inflow of \$25 billion of much needed capital into the fund, but it would make the banking industry itself—not the taxpayer—the first and probably only line of defense to insurance fund losses. Furthermore, since banks would be required to replenish their stock if it is expended to cover losses, this automatic refill feature would never allow the fund's reserves-to-insured deposit ratio to drop below a level of 1 percent, considerably above its current ratio which is hovering at 0.47 percent.

Another flaw in the current system of deposit insurance for banks, nearly all observers agree, is the absence of market discipline. In addition to shifting the taxpayers' burdens to industry and refinancing the Bank Insurance Fund, the Bank Account Safety and Soundness Act would also go far to address the issue of market discipline.

Because the banking industry's money—not the taxpayers'—would be on the line if regulation is not adequate, insured institutions would share the interest of Government in minimizing industry losses if H.R. 31 were enacted. This results in industry self-policing, conservative lending and investment practices, and industry-wide cooperation with regulators.

My legislation would also result in a deposit insurance fund that grows at the same rate as the institutions that it insures. In the early part of the last decade, deposits at the Nation's savings and loans grew more rapidly than the FSLIC, which insured those deposits.

The Bank Account Safety and Soundness Act addresses this problem as well, since banks would be required to maintain their deposit in the fund at a level equal to 1 percent of deposits. Thus, each year a bank would have to place in the fund an amount equal to 1 percent of its deposit growth, and faster growing banks would have to pay more for deposit insurance than their slower growing, more conservative counterparts.

Lastly, but perhaps most importantly, the \$25 billion in new capital which would flow into the fund as a result of my legislation would more than triple its size at a time when it is needed most. This would restore the Bank Insurance Fund to its historic operating level of 1.25 percent by next year, and provide it with the cushion that will be needed to cover anticipated losses in the months and years ahead.

The Bank Account Safety and Soundness Act has one more thing that almost every other deposit insurance reform proposal lacks: it has been successfully tried and tested against real, not theoretical, market pressures. For over half a decade, the system which the

Bank Account Safety and Soundness Act would establish for commercial banks has been working quite successfully for the National Credit Union share insurance fund, the Federal fund insuring accounts at 14,000 of the Nation's credit unions.

Never again should the American taxpayer be required to bail out a deposit insurance fund. The savings and loan crisis has shown the weakness of the current deposit insurance system. The taxpayers have already been called upon to do too much; I believe they should not be asked to do more.

The Bank Account Safety and Soundness Act would restore America's confidence in the American deposit insurance system by providing the fund with the money it needs to do its job. If enacted, it would also restore America's confidence in Congress by showing one and all that we have learned the lessons of the not-too-distant past.

#### THE MEDICARE REIMBURSEMENT ACT OF 1991

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

Mr. STARK. Mr. Speaker, the tobacco industry has enjoyed a life of civil immunity in a world of products liability. For 25 years our Surgeon Generals have been advising us of the health consequences of smoking cigarettes. As a Congress we have paid too little heed to the costs to our Nation in lives lost and dollars spent because of the special status we have allowed this industry.

In the past, the tobacco industry has shaped public health and smoking policies. How long can we let this continue? I say we should stop, and stop now. It is time for the Federal Government to counterbalance the tobacco industry's heavy input and take the lead in establishing new national policy directed toward relief of tobacco induced disease and deaths and the economic burden which accompanies them.

Therefore, Mr. Speaker, today Representatives ANDREWS of Texas, LEHMAN of Florida, COLLINS of Illinois, PELOSI, LIPINSKI, and I are introducing the Medicare Reimbursement Act of 1991 which assigns part of the health related costs of smoking to the tobacco industry where it rightfully belongs. My proposal will permit the Secretary of Health and Human Services to recover funds expended in the care and treatment of Medicare patients with tobacco induced cancer, tobacco induced cardiovascular disease and tobacco induced lung disease.

Mr. Speaker, it is time for the Congress to stand with the Secretary, the Surgeon General and the thousands of people who developed and endorsed the goals of Healthy People 2000. We must exhibit the leadership necessary to show the American people we mean business about reducing the tragedies of smoking induced disease and the heavy burden the taxpayer is carrying in health care costs for an industry that has shown no compassion or remorse for the death and destruction it has created.

Congress has granted specific exemptions that protect tobacco from several regulatory

acts, including the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Fair Packaging and Labeling Act. In addition, the Food and Drug Administration has refused to exercise control over this disease producing industry. We have left ourselves, the Congressmen and Congresswomen of the United States as the sole regulators of the tobacco industry. We cannot afford to shirk that responsibility.

Each year there are nearly 400,000 smoking related deaths in the United States. Cancer due to smoking is the greatest cause of these deaths, accounting for approximately 140,000 lives lost annually. Cigarette smoking causes 90 percent of all lung cancer cases in men, 79 percent in women. Lung cancer has surpassed breast cancer as the main cancer killer of women.

Cardiovascular disease, our No. 1 killer nationwide, is the second most prevalent cause of smoking related mortality in the United States accounting for 115,000 deaths annually. Smokers have more than twice the risk of heart attack as nonsmokers. Cigarette smoking causes up to 90 percent of all cases of chronic obstructive lung disease.

Mr. Speaker, smoking has been identified as the chief avoidable cause of death in the United States. The good news is that smoking prevalence is decreasing. The bad news is that the tobacco industry is working hard to recruit our young people as new smokers to replace those who are quitting or who die. The health care costs to our Nation caused by smoking induced disease will unfortunately be around for a long time, and it is a cost we can ill afford. In addition we are likely to see these expenditures grow rather than decrease because of increased longevity of the population.

The American people are overwhelmingly in favor of protecting our children and youth from the addictive habit of smoking and in preventing persons of all ages from suffering the health consequences of smoking which are preventable. I urge my colleagues to listen to the majority and act now to place the responsibility for the consequences of smoking squarely where it belongs.

The tobacco companies argue that people voluntarily choose to smoke, knowing its risks as stated on the required warning labels. What they fail to mention is that those risks cannot be reasonably calculated even by Government experts, because the ingredients and the composition of smoking tobacco are held as trade secrets by the tobacco companies. We know that cigarettes contain active carcinogens, but we don't know how much and in what form. With no way to calculate the real risk of tobacco smoking, it is impossible for any person to make an informed choice.

Worse yet is the fact that over 90 percent of regular tobacco users begin while teenagers or younger, 70 percent by age 15 and 50 percent by age 13. Eleven years old is considered a routine starting age for smoking addiction. This is not informed choice. Nor does the established fact that smoking is addicting give credence to the tobacco industry's denial of responsibility for smoking induced disease.

The bill I am introducing today, Mr. Speaker, will be only a start at recovering the estimated \$22 billion annual direct cost of health care for smoking induced disease and the \$43 billion

in annual lost productivity. But it is time to make that start, and the Medicare Reimbursable Act of 1991 can do it.

The OTA has estimated that the Medicare Program alone is spending over \$3.5 billion annually on smoking induced diseases. This bill directs the Secretary to assess each tobacco company on the basis of its annual sales the proportional amount of its corporate responsibility for these health care costs. In times of critical cost containment it is more important than ever to see that each responsible party pays his or her fair share of that cost.

The Medicare Reimbursement Act of 1991 will provide for the recovery of economic loss to the people of the United States which was caused by corporate activity directed at the production of a product which can be lethal when used according to directions. Although Congress cannot recover the health loss, it is surely within our power to recover the economic loss. Let's do it.

The text of the bill follows:

H.R. —

*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 "Medicare Reimbursement Act of 1991".

**SEC. 2. IMPOSITION OF ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.**

(a) IN GENERAL.—Subchapter D of chapter 52 of the Internal Revenue Code of 1986 (relating to tobacco occupational tax) is amended by adding at the end the following new section:

**"SEC. 5732. ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.**

"(a) GENERAL RULE.—There is hereby imposed, for each calendar year, on each person engaged in business as a manufacturer or importer of cigarettes during the preceding calendar year, a tax equal to—

"(a) the amount of smoking-related medical costs (as determined under subsection (b)), multiplied by

"(2) the percentage (as determined by the Secretary) of the total amount of cigarettes sold during the preceding year for consumption in the United States which were manufactured or imported by such person.

**"(b) SMOKING-RELATED MEDICAL COSTS.—**

"(1) PERIOD BEGINNING AFTER DECEMBER 31, 1991.—With respect to the 3-year period beginning after December 31, 1991, the smoking-related medical costs shall be \$3,500,000,000 for each year in such period.

"(2) PERIOD BEGINNING AFTER DECEMBER 31, 1994.—With respect to each 3-year period beginning after December 31, 1994, the smoking-related medical costs for each year in any such period shall be the amount determined by the Secretary, after consultation with the Secretary of Health and Human Services, to be equal to the average annual amount estimated to have been expended for the care and treatment of smoking-related cancers, circulatory system diseases, and respiratory diseases under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) during the 3 years preceding the period for which the determination is being made under this paragraph.

"(c) PAYMENT OF TAX.—The tax imposed under this section shall be paid in 4 equal installments on the following dates:

"(1) April 15 of the calendar year for which the tax is imposed.

"(2) June 15 of the calendar year for which the tax is imposed.

"(3) September 15 of the calendar year for which the tax is imposed.

"(4) December 15 of the calendar year for which the tax is imposed.

"(d) ACCELERATION OF PAYMENTS.—If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary.

"(e) ADDITIONAL TAX.—The tax imposed under this section shall be in addition to any other tax imposed under this chapter."

"(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following new item:

"Sec. 5732. Additional tax on manufacturers and importers of cigarettes."

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992.

**SEC. 3. APPLICATION OF INCREASED CIGARETTE TAX REVENUES TO MEDICARE PROGRAMS.**

"(a) PORTION OF INCREASE IN REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817 of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new subsection:

"(k)(1) There are hereby appropriated to the Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, \$2,100,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are allocable to the Federal Hospital Insurance Trust Fund.

"(2) The amounts appropriated by the preceding sentence shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in the preceding sentence, paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in the preceding sentence."

"(b) PORTION OF INCREASE IN REVENUES TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

"(c)(1) There are hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, \$1,400,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are

allocable to the Federal Supplementary Medical Insurance Trust Fund.

"(2) The amounts appropriated by paragraph (1) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in paragraph (1), paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in paragraph (1)."

#### ORDER OF BUSINESS

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that I may be able to exchange my place in the special orders with the gentleman from Utah [Mr. OWENS].

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

There was no objection.

#### PRESS FREEDOM AND THE GULF WAR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, I have asked for this special order this afternoon, along with others of my colleagues, to discuss a very delicate and sensitive issue, but one of great importance in the war effort which we are now leading in the Persian Gulf. I refer to the so-called ground rules for release of information relating to Operation Desert Storm.

We have witnessed from the very outset of this operation a Defense Department policy to control the news of our war efforts in Kuwait and Iraq, a policy which is vastly different from, and much more restrictive than, news dissemination policies of our past wars.

To begin, I cite the observations of Alexis de Tocqueville, who wrote:

I admit that I do not feel toward freedom of the press that complete and instantaneous love which one accords to things by their nature supremely good. I love it more from considering the evils it prevents, than on account of the good it does.

No one really believes that the open access policy for news reporters which existed during the Vietnam war dented the effectiveness of U.S. efforts or endangered our troops. But, for reasons which are not readily apparent, that open policy has been changed in the Persian Gulf to restrict access to American military personnel for interviews to those whom the Defense Department public relations officials designate. Pools of reporters are organized and taken to locations chosen by the Defense Department. Access to battle is denied, content of interviews is restricted, as is the transmission of photographs and television images.

Mr. Speaker, no one questions the overriding rule that journalists may not reveal information which could endanger allied troops safety or which betray future military plans. No one wants to make life more dangerous for American or allied forces in the Persian Gulf. And no responsible news reporter would release information about future operations.

But, there were also ground rules in existence during the Vietnam war effort. They were honored by newsmen, whose competitive drive to provide the world with reliable reports of the successes and the failures of the war did not, in any example offered by anyone in this debate over the last week, adversely impact on either American troops or American actions. Those ground rules worked in Vietnam, and they endangered no one.

Mr. Speaker, I voted to continue reliance upon sanctions 2 weeks ago in this Chamber, and not to go to war at this time. But since a majority vote authorized the President to use offensive force, I have risen twice in this body and countless other times elsewhere, to pledge my unreserved support for the Commander in Chief and American troops fighting in the gulf. With almost all Members of this body 10 days ago, I voted to reassure the President and our troops of such support. To those men and women who are risking their lives in Operation Desert Storm, and to their families here at home, I reiterate that we will not waiver in our support for their efforts. They will have both our moral and our material support.

There is an unquestionable interest in restricting sensitive information about military plans, capabilities, and vulnerabilities that could jeopardize the outcome of an operation or the safety of allied forces. The press is properly restricted from divulging such information, as well as from reporting casualties before the next of kin can be notified. These rules have long been recognized as necessary in times of war, even in a society which cherishes a free press as a pillar of its democracy. I am not suggesting that they be changed.

I am alarmed, rather, by additional rules that extend beyond the security requirements of the war effort; rules that enable the Government to spin the news, to create false impressions, to distort the truth, and prejudice the judgment of an informed public.

I will insert into the RECORD a story in yesterday's Washington Post by reporter Bob Woodward which sets forth a story of the successes, or lack thereof, of some of our bombing in Kuwait and Iraq. In a call to the Post this afternoon, my staff learned that the Defense Department has not contested the material in the report, although the story represents a significant difference from news releases and general information previously released by De-

fense Department public information officials.

In Operation Desert Storm, I speak specifically of the restrictive manner in which press pools are operated, prohibitions on independent reporting, the constant presence of Government officials at every interview in the field, and the suppression of information for political benefit. These restrictions extend far beyond those which were fairly and effectively employed in every recent American conflict. In the past, journalists were given ground rules which they were expected to obey. These guidelines were self-enforced, and with very rare exception, enabled responsible, objective, and accurate reporting without risk to allied operations or lives.

The guidelines in force for Operation Desert Storm were crafted in the aftermath of the Vietnam war, and are apparently designed to sanitize the news and shape the reactions of the American people; to make us believe that the war effort is going better than perhaps it is, to assure us that Government officials are running things better than perhaps they are, to convince us that the war is more painless and bloodless than perhaps it is. I submit, Mr. Speaker, that such a policy does not serve the true interest of Americans whose sons and daughters are risking their lives in the Persian Gulf. It will not lead us on a quicker or more painless road to victory. It will do precisely the opposite by sowing the seeds of distrust and resentment in the public, and it will steadily but ultimately erode support for the war efforts.

Why, for example, have reporters been forbidden interviews with B-52 pilots, but allowed to speak with all other pilots? What is it about these airplanes, the pilots, or the mission that threatens the war effort? Could it be that B-52s, which unload thousands upon thousands of pounds of ordinance, don't conform to the pinpoint precision image of this war? Why are reporters prevented from interviewing chaplains in the gulf? Why was news of the successful bombing of nuclear targets in Iraq delayed for later release at a Pentagon press conference? How was it that we were led to believe that the Republican Guard had been decimated in the first days of bombing? Or that we had destroyed all of Iraq's fixed Scud missile launchers, when in fact, we are now told that only 8 out of 30 had been disabled?

A successful allied war effort in the Persian Gulf will be served by an equitable balance between the ability of Americans and our allies to know the truth about what is actually happening in the war effort, and protecting members of the Armed Forces and their future plans. These twin objectives of war reporting are not mutually exclusive. Vietnam proved that reporters will avoid compromising the safety or

operations of the Armed Forces, and the Army's own history of the Vietnam war so affirmed.

From last Sunday's Washington Post op-ed piece by Robert G. Kaiser, currently the Post's deputy managing editor who covered the Vietnam war as a reporter from 1969 to 1970, comes the following point of major importance:

The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait, the Government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news is the American press, for all its warts and imperfections. Any attempts to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors. And some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Some have foolishly alleged that it was the press which lost the Vietnam war. To that allegation, I cite the Army's own history of the war. Army historian William L. Hammond wrote:

What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties, it is undeniable that press reports were \* \* \* often more accurate than the public statements of the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

And to that, I would add this comment—"too little faith in the ability of the American people to perceive and accept truth."

Mr. Speaker, history indicates that the military should allow the press to operate independently in the theater at their own risk, without oversight, without censorship, and without unnecessary delays, subject only to the ground rules which will protect the safety of the troops and the secrecy of future military plans.

This means that reporters not be restricted at all times to pools, that they be allowed to speak freely with service men and women who are not hand-picked by unit commanders, and that they be permitted to conduct interviews outside the earshot of a public affairs officer. At present, under the current guidelines, these are not possible. Consequently, bad news may be withheld from the public for political reasons, and good news may be delayed for packaged release by the Pentagon. It deprives the general public of credible information that it expects and deserves, even in times of war.

It is not only the public at home that suffers from press censorship. American soldiers in Saudi Arabia complain that news programming on Armed

Forces Radio has been curtailed, and this, according to one Army captain, "makes you start to wonder what they are keeping from us." In interviews provided to one pool of reporters, soldiers said that they suspected the Pentagon was cutting back on news for fear that bad news might undermine morale. These soldiers said that this only heightened their anxiety.

The military is an invaluable, and for the most part, trustworthy source of information. But the military is not capable of striking an equitable balance between the public's right to know, and the need for operational security and safety.

For this we depend, as an informed public, on independently gathered news unfettered by Government interference. We demand that it be responsible, and we demand that it not place at risk the brave men and women who are serving our country.

Articles referred to follow:

#### OPERATION DESERT SHIELD GROUND RULES

The following information should not be reported because its publication or broadcast could jeopardize operations and endanger lives:

(1) For U.S. or coalition units, specific numerical information on troop strength, aircraft, weapons systems, on-hand equipment, or supplies (e.g., artillery, tanks, radars, missiles, trucks, water), including amounts of ammunition or fuel moved by or on hand in support of combat units. Unit size may be described in general terms such as "company-size," "multibattalion," "multidivision," "naval task force," and "carrier battle group." Number or amount of equipment and supplies may be described in general terms such as "large," "small," or "many."

(2) Any information that reveals details of future plans, operations, or strikes, including postponed or cancelled operations.

(3) Information, photography, and imagery that would reveal the specific location of military forces or show the level of security at military installations or encampments. Locations may be described as follows: all Navy embark stories can identify the ship upon which embarked as a dateline and will state the report is coming from the "Persian Gulf," "Red Sea," or "North Arabian Sea." Stories written in Saudi Arabia may be datelined "Eastern Saudi Arabia," "Near the Kuwaiti border," etc. For specific countries outside Saudi Arabia, stories will state that the report is coming from the Persian Gulf region unless that country has acknowledged its participation.

(4) Rules of engagement details.

(5) Information on intelligence collection activities, including targets, methods, and results.

(6) During an operation, specific information on friendly force troop movements, tactical deployments, and dispositions that would jeopardize operational security or lives. This would include unit designations, names of operations, and size of friendly forces involved, until released by CENTCOM.

(7) Identification of mission aircraft points of origin, other than as land- or carrier-based.

(8) Information on the effectiveness or ineffectiveness of enemy camouflage, cover, deception, targeting, direct and indirect fire, intelligence collection, or security measures.

(9) Specific identifying information on missing or downed aircraft or ships while search and rescue operations are planned or underway.

(10) Special operations forces' methods, unique equipment or tactics.

(11) Specific operating methods and tactics, (e.g., air angles of attack or speeds, or naval tactics and evasive maneuvers). General terms such as "low" or "fast" may be used.

(12) Information on operational or support vulnerabilities that could be used against U.S. forces, such as details of major battle damage or major personnel losses of specific U.S. or coalition units, until that information no longer provides tactical advantage to the enemy and is, therefore, released by CENTCOM. Damage and casualties may be described as "light," "moderate," or "heavy."

#### GUIDELINES FOR NEWS MEDIA

News media personnel must carry and support any personal and professional gear they take with them, including protective cases for professional equipment, batteries, cables, converters, etc.

Night Operations—Light discipline restrictions will be followed. The only approved light source is a flashlight with a red lens. No visible light source, including flash or television lights, will be used when operating with forces at night unless specifically approved by the on-scene commander.

Because of host-national requirements, you must stay with your public affairs escort while on Saudi bases. At other U.S. tactical or field locations and encampments, a public affairs escort may be required because of security, safety, and mission requirements as determined by the host commander.

Casualty information, because of concern of the notification of the next of kin, is extremely sensitive. By executive directive, next of kin of all military fatalities must be notified in person by a uniformed member of the appropriate service. There have been instances in which the next of kin have first learned of the death or wounding of a loved one through the news media. The problem is particularly difficult for visual media. Casualty photographs showing a recognizable face, name tag, or other identifying feature or item should not be used before the next of kin have been notified. The anguish that sudden recognition at home can cause far outweighs the news value of the photograph, film or videotape. News coverage of casualties in medical centers will be in strict compliance with the instructions of doctors and medical officials.

To the extent that individuals in the news media seek access to the U.S. area of operation, the following rule applies: Prior to or upon commencement of hostilities, media pools will be established to provide initial combat coverage of U.S. forces. U.S. news media personnel present in Saudi Arabia will be given the opportunity to join CENTCOM media pools, providing they agree to pool their products. News media personnel who are not members of the official CENTCOM media pools will not be permitted into forward areas. Reporters are strongly discouraged from attempting to link up on their own with combat units. U.S. commanders will maintain extremely tight security throughout the operational area and will exclude from the area of operation all unauthorized individuals.

For news media personnel participating in designated CENTCOM Media Pools:

(1) Upon registering with the JIB, news media should contact their respective pool

coordinator for an explanation of pool operations.

(2) In the event of hostilities, pool products will be the subject to review before release to determine if they contain sensitive information about military plans, capabilities, operations, or vulnerabilities (see attached ground rules) that would jeopardize the outcome of an operation or the safety of U.S. or coalition forces. Material will be examined solely for its conformance to the attached ground rules, not for its potential to express criticism or cause embarrassment. The public affairs escort officer on scene will review pool reports, discuss ground rule problems with the reporter, and in the limited circumstances when no agreement can be reached with a reporter about disputed materials, immediately send the disputed materials to JIB Dhahran for review by the JIB Director and the appropriate news media representative. If no agreement can be reached, the issue will be immediately forwarded to OASD(PA) for review with the appropriate bureau chief. The ultimate decision on publication will be made by the originating reporter's news organization.

(3) Correspondents may not carry a personal weapon.

More examples:

In one dispatch describing American pilots, a military editor changed the word "giddy" to "proud".

A report describing a tank named "Arnold the Battle Pig" was censored so as not to offend muslim sensibilities.

Cristiane Amanpour, a CNN correspondent, described Public Affairs Officers signaling to servicemen during interviews.

Video footage showing bullet holes from anti-aircraft batteries was delayed for hours, and then released.

Pentagon has withheld information on estimated Iraqi casualties, both civilian and military.

[From the Washington Post, Jan. 27, 1991]

#### TRUST ME

(By Robert G. Kaiser)

Here we go again. The country has been at war for 10 days, and already the government and the press are arguing about censorship, access to the front and the general flow of information about the fighting. The Bush administration has imposed the strictest rules in modern times on reporters on the scene, and the briefers in Saudi Arabia and Washington are putting out what seem to be sketchy accounts of the action to increasingly restive press corps in both places.

The government's position probably strikes most people as reasonable on its face. The Pentagon must control information to avoid helping the enemy; reporters often get in the way in wartime and must be kept in check; briefings have to be sketchy both to avoid helping the enemy, and because in wartime information is difficult to confirm. Those are the arguments made openly.

Behind these arguments—each of which has some merit—is a deep suspicion of the news media in the American armed services. Any reporter covering the Pentagon or the war has encountered some version of this suspicion; the media lost Vietnam, and we won't let them lose another one for us. That attitude is also understandable. Vietnam became an unpopular war, and the men who fought it were systematically mistreated on the home front. Some media accounts of the war were openly hostile to the military mission. More important, the media brought the news home that made the war so unpopular, and all of us in the news business know what

happens to the messenger bearing bad tidings.

Gen. Colin Powell, a Vietnam veteran who is now chairman of the Joint Chiefs of Staff, summed up the government's position at his Pentagon briefing for the media Wednesday in just two words; "Trust me." Then he flashed a winning grin, and the reporters laughed, but they were not persuaded. Partly this is because it is our job not simply to trust government officials—the essence of a journalist's obligation is to be skeptical. And partly it is history. However unfairly, Powell and George Bush carry a burden in this war that Lyndon B. Johnson and William C. Westmoreland (among many others) put on their shoulders. This generation of journalists has been misled before about grave matters of war and peace; we'd be fools to think it could never happen again.

Already there have been hints that this administration wants to put a rosy cast on events in the Gulf. Powell himself said that 80 percent of the bomber attacks on the first day of the war had been "effective." That meant that 80 percent of the pilots reached what they thought was their targets and dropped their bombs—there was no information on whether the bombs hit anything. Fair-minded outsiders might think the military is exaggerating the size of its air campaign by speaking of 2,000 sorties a day, when any flight by any airplane—a refueling craft, an escort plane that carries no bombs, etc.—counts as a sortie.

But so far the system of providing information on the war has worked reasonably well. The air war is a hard thing to report; cloud cover did make it difficult to assess damage; we know we can't go to Iraq to see the damage, and most of us don't want to. We are not going to make a big issue about the government's information policy in the first 10 days of the war. It is what will come if and when a ground war begins that worries the news media.

Under the Pentagon's latest rules, no reporter will be allowed to the front except in a government-sponsored pool and accompanied by a military officer. All dispatches will be subject to "security review," which means they must be read at least once and possibly by several layers of public information officers before becoming available to news organizations in this country. One such report from a Post reporter with the Marines in the north of Saudi Arabia on the first day's fighting was delayed 24 hours, and thus was useless when it reached us. Another took eight hours to reach Dhahran, because the Army insisted on driving the dispatch many hours across the desert instead of allowing reporters to file from a telephone just an hour from their location. And these dispatches were routine.

If ground fighting begins and Americans begin to die in large numbers, how much news of such events will reach the home front? How will Americans know what is happening to their soldiers in Kuwait? And what will the impact be on the military and the Bush administration if Americans are being killed in the dark—without the news media providing full and speedy accounts of the action?

That is the key point. The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait the government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news

is the American press, for all its warts and imperfections. Any attempt to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors, and some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Reporters do not want to report information that will endanger American lives or help Saddam Hussein. In Vietnam the military prepared a sensible list of topics that reporters could not write about—precise locations of bases, future troop movements and the like. Any reporter who broke the rules lost his or her accreditation. It was a simple procedure, and it worked. Reporters were otherwise free to cover the war any way they could.

The media did not cause the public to withdraw its support from the Vietnam war; the government did. Johnson and Westmoreland kept saying how splendidly the war was going, but the Viet Cong refused to cooperate. The Tet offensive undermined the government's credibility.

You need not take a newspaper editor's word for this. The Army's own official history of Vietnam includes a volume on the news media that came to the same conclusion. "What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties," wrote Army historian William L. Hammond. "It is undeniable," he added, "that press reports were . . . often more accurate than the public statements of the administration in portraying the situation in Vietnam."

"In the end," Hammond wrote, "President Johnson and his advisers put too much faith in public relations." Precisely. Americans may like a funny Diet Pepsi commercial, but on matters as serious as war, they are most unlikely to be conned by clever public relations. They want the facts, and if the government's restrictive information policy prevents them from getting the facts quickly from independent, tough-minded reporters, it's the government and its policy that will ultimately pay the price.

[From the Washington Post, Jan. 28, 1991]

#### KEY IRAQI ASSETS SAID TO SURVIVE 10-DAY AIR WAR

(By Bob Woodward)

Initial U.S. assessments of damage done by the first 10 days of allied bombing attacks against Iraq and Kuwait indicate that despite many successes, important parts of Saddam Hussein's war machine have not yet been significantly hurt, according to well-placed officials.

The Pentagon is not releasing details of these damage assessments because officials consider them "soft" and subject to daily changes, and because they are concerned that the first assessments might suggest incorrectly that the air campaign is not going well. But these details were being given to senior government officials in briefings during the last three days:

About 65 percent of the Iraqi airfields are still operational, though last week the Pentagon said 100 percent had been "neutralized" by air strikes or because U.S. air superiority was keeping the Iraqi planes on the ground.

Nearly all of Iraq's air defense radar was taken out in the first week of the war, but about 20 percent of it is now back in oper-

ation. The Iraqis are now using mobile radar units and have taken old radars out of storage.

As of Friday only eight of Iraq's 30 fixed Scud missile launchers had been damaged enough to fully disable them.

Officials believe some of the mobile Scud missile launchers also have been hit, but U.S. intelligence has not produced proof of that. "There is not one picture of the carcass of a mobile Scud launcher," one official said.

Pentagon officials repeatedly have said the Scuds are militarily insignificant but that Saddam is using them as a temporarily effective terror weapon. Almost daily synchronized Scud attacks on Israel and Saudi Arabia launched from different locations in Iraq are one demonstration of Saddam's ability to maintain control among his military units, officials said.

Saddam has been able to maintain communication with his forces through a sophisticated network of command posts, some of them mobile, that use remotely placed antennas located far from his physical location so he cannot be pinpointed. "It turns out he has one of the most robust and redundant and modern communications systems in the world," said one official.

A senior official said yesterday the air attacks on the Iraqi communications systems are forcing Saddam to use less reliable means of communication, and that the attack plan directed at Saddam's command network is going according to schedule.

Iraq's capability to develop and produce nuclear weapons has been destroyed; about 50 percent of the country's capacity to manufacture new chemical and biological weapons has been destroyed.

Most Iraqi supply lines have been largely unaffected by the bombing so far, allowing food and ammunition to reach troops in the field. Supply lines have not yet been a top-priority target. "The simple fact is we do not have that many airplanes when targets are divided into the half-dozen major target groups," one official said.

The Iraqis have demonstrated an unexpected skill at restoring the runways at their 66 major airfields, most of which have been put out of action at one point or another since the war began. Specially trained crews have been able to fix most damaged runways, though continued bombing from U.S. and coalition forces is planned. U.S. officials said that specific airfields can be rendered unusable at any time and noted that the Iraqi air force has been reluctant to emerge from well-protected bunkers to try to take off.

"The significant fact is that we have air superiority," one senior official said yesterday. "Not that many airfields could be used, because if he tried, we would eliminate his planes. . . . It is an abstract capability that does not worry us.

About 50 Iraqi air force planes are confirmed destroyed, and at least 39 have escaped to Iran; some 70 planes remain. Most of them are believed to be hidden in concrete and steel bunkers that were built to NATO standards by European contractors. The bunkers and their planes can be destroyed only by a direct hit from a laser-guided 2,000-pound bomb. Iraq is believed to have enough of these bunkers hidden and dispersed to shelter its entire air force. One senior official said, "At the end of the war, he [Saddam] may have a sizable air force."

Iraq's 8,000 to 9,000 pieces of high grade (20mm and above) antiaircraft artillery has been largely unaffected by the allied coalition air campaign so far. Iraqi antiaircraft

artillery fire has brought down some U.S. planes, and this artillery fire has a definite psychological impact on allied pilots, officials said.

Eleven of Iraq's 12 major petrochemical facilities, including three refineries, have received moderate damage. It is not yet clear if the damaged facilities can function or whether they can be repaired.

Baghdad's normal electrical generating capacity has been destroyed.

Heavy cloud cover, particularly over Kuwait, has hampered some assessments of the damage to date. Officials also said it is very difficult, perhaps impossible, to measure the impact of the air attacks on the dug-in and heavily entrenched 545,000 ground troops that Iraq has deployed in and near occupied Kuwait.

Officials said it was particularly hard to assess the damage done to the entrenched elite Republican Guard divisions in a 4,000-square-mile area of Kuwait and Iraq—a high-priority target. There are scattered, anecdotal reports of ammunition storage dumps exploding and other damage. Two to three dozen of the Guard's 800 tanks have been destroyed, officials said.

Military officials point out that the full force of the U.S. air campaign has not yet been directed at the 110,000-member Guard, the mainstay of the Iraqi army. Some U.S. officials had hoped the initial bombing would cause the Guard to break and move.

Gen. H. Norman Schwarzkopf, head of U.S. Central Command, told reporters in Saudi Arabia yesterday: "I would declare our campaign against the Republican Guard as highly successful, just based upon the delivery methods and the volume that we've been able to put on them. Being an infantryman, I certainly wouldn't want to be under that type of attack right now." He gave no specifics.

These and other findings from bomb damage assessments (BDA's in military jargon) have convinced officials that the air campaign should continue for weeks, and that ground forces will ultimately have to be used to oust Iraqi troops from Kuwait. The initial hope—held strongly in the Air Force and by some civilian officials—that air bombardment might do most or even all of the job has been tempered by the results of 10 days of bombing, officials indicated.

Publicly, U.S. officials have declined to characterize the findings of bomb damage assessments. Asked about the effectiveness of the air war yesterday, Schwarzkopf replied, "I would say it varies."

Schwarzkopf said yesterday that the U.S. command will be "deliberately conservative" in reporting bomb damage. "We don't want to mislead anybody," he said. "We don't want to tell you we've done something we haven't done. . . . When we announce something to you that, you know, something's happened, you can take it to the bank."

Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, our thoughts are with the American fighting men and women in the Persian Gulf. We stand united in our admiration for their courage and skill, and we wish them swift success with a minimum loss of life.

I rise today to discuss an aspect of this war which I believe the brave men and women in the military would not want us to forget, and that is the need to preserve our constitutional rights

here at home. In particular, we are concerned today with the damage that is being done to the first amendment by the Pentagon's attempt to control the news from the gulf.

The Defense Department has established guidelines for press coverage of this war that, in their combined effect, go beyond anything we had in earlier wars. The press restrictions are depriving the American public of the objective information needed to make informed judgments on this conflict. We are getting instantaneous coverage of this war, but we are not getting very much information.

Mr. Speaker, no one here today is questioning the Pentagon's decisions on war strategy. No one is criticizing the performance of our soldiers, sailors, and pilots. And no one is disputing the Government's legitimate need to withhold certain information to protect the troops and the military operations.

What brings us to the floor today is our concern that some of the controls imposed by the Pentagon go well beyond protecting security. Of particular concern are the overbroad use of censorship, the restrictive pool requirements, and the requirement for constant military escorts.

First, the Pentagon guidelines require that all press reports from the Persian Gulf must be cleared by U.S. military censors. There was no such censorship in Vietnam and the press acted very responsibly. They were critical of course, and they published embarrassing information, but there were very few if any cases in which the press published information that was militarily harmful.

In the gulf, censorship is being used to put the Pentagon's spin on the news. For example, in one instance, military censors changed a reporter's story to delete the word "giddy" and insert in its place the word "proud." Now there was no security purpose there. The Pentagon apparently felt it was unseemly to describe pilots just back from a bombing raid as being "giddy."

In another instance, reporters in the gulf learned that the military had launched air strikes against Iraqi nuclear laboratories, which was certainly no secret to Iraq, but the reporters were forbidden from reporting that information. Later, American military commanders released detailed information on those very attacks in their press briefing. The Pentagon was clearly eager to be the first to report the information itself, again to put the proper spin on it.

Second, the guidelines require reporters to cover the war only from approved press pools. Pools have their place, for example, when an invasion is being launched. But the Pentagon seems determined to use the pools throughout the war. That is unprecedented; as far as I can tell, it goes be-

yond anything imposed even in World War II.

Some of the problems encountered by the pools are comical, but they illustrate the limitations of the pool concept. One pool recently was led by a military escort who had no maps and no compass. The pool spent 6 hours in the desert, finally stumbling on an American military base. However, the pool reporters could not get into the base to find out their location because the escort did not know the proper password.

Third, reporters on military bases must be accompanied by military escort at all times. This means that the Pentagon even selects which soldiers will be interviewed and a military information officer stands by while the interview is being conducted.

What we are seeing in the Persian Gulf is a highly refined version of rules that were used in the Grenada and Panama invasions to keep from the American public important information that was not militarily sensitive. For example, during the Panama invasion, the Pentagon flatly denied that there were any casualties during a parachute drop. It was not until a month later that the Army admitted that 86 paratroopers had been hurt in the air drop. The military also kept from reporters information on civilian casualties, so that even today we do not know how many civilians died in Panama as a result of the invasion.

I am afraid that the current Pentagon leadership does not accept the role of the media in a free society. In fact, according to former Reagan defense official Fred Hoffman, Secretary of Defense Richard Cheney personally hamstrung media coverage of the Panama invasion by refusing to activate the press pool until it was too late for the press to get any reports about the initial invasion. Not a single photograph, strip of film, or eyewitness account was ever published about the combat in Panama.

The American people are financially supporting the military deployment and many have sons and daughters, husbands and wives serving in the Persian Gulf. The people at home and the troops in the gulf have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

There may be some who argue that censorship is necessary to maintain the morale of the troops. I believe that just the opposite is true. One of the most disturbing aspects of the Pentagon's censorship program is the negative effect it is having upon the morale of our own troops in the gulf. As an Army captain stationed in the gulf observed, "it's the lack of news that gets people anxious \* \* \*. You start to wonder what they are keeping from us."

The Pentagon may feel that the public will turn against the war if failures

are reported. To the contrary, Mr. Speaker, public support for the war is going to disappear if the public gets the impression that it is being given only the good news. The public will rapidly grow suspicious and stop believing anything. In the long run, a censorship program will damage the Nation's trust in the wisdom of the war and the competence of the military.

By creating an atmosphere of unreal optimism, the Pentagon is actually magnifying the future effects on the public of even a small military reverse. We have already seen this happen. The Pentagon initially contended that Allied air sorties were enjoying an 80-percent success rate. Officials later admitted that sorties included many noncombat air missions wholly within Saudi Arabia, including transport and refueling missions. This disclosure led to doubts about the air war's effectiveness, doubts that would have been less serious had the military not overinflated expectations in the first place.

Mr. Speaker, concern about the press restrictions is not a partisan issue. It is not a question of liberals versus conservatives. A former Pentagon official in the Reagan and Bush administration, Fred S. Hoffman, said earlier this month that the security review was not justified. He said it "is censorship by the Government and could be abused to protect the military from criticism or embarrassment." David Gergen, White House communications director under Presidents Ford and Reagan, also noted, "there is too strong a tendency—in the Pentagon—to lean toward less coverage."

In a democracy, it is precisely in matters of the gravest national importance, such as war, when the freedom of the press is most important. I urge the Pentagon to revise these press restrictions and allow the American public a fuller picture of this war.

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Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from California [Mr. EDWARDS], and at this point I am pleased to yield to the gentleman from Minnesota [Mr. VENTO] who organized and wrote a very excellent letter outlining the problem and our disagreement with many Members of the House with current policy which was signed by many Members of the House and forwarded recently to the Secretary of Defense.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS], and commend him and associate myself with his initial remarks and those of the distinguished gentleman from California [Mr. EDWARDS] who preceded me.

Mr. Speaker, there are days when many of us here in this Chamber would like to avoid the searing hypercritical analysis of the press—prevent them from scathing treatment of Congress,

control the press to write positively, fairly about our work and wonderful membership.

But we resist that temptation and for a good reason—the American public has a right to uncensored information and opinion both that which is positive and negative. Such right, such freedom of expression is so central to our democracy that it is protected by the first amendment to our Constitution, perhaps the most important provision in our basic document.

Today that right is being undermined and challenged at an especially critical time in our Nation's history with a war in the Persian Gulf. The American public is being denied complete, timely, objective, and accurate information on the war in the Persian Gulf and the administration is hoping that the American public will not notice. But many Americans do recognize the fatal flaw and the danger of such action and are taking note.

One Minnesotan wrote to me:

We, the American public are going to pay for that war in lives and dollars, and have a right to know what is happening.

We all understand why the temptation to control the press becomes greater during the time of war but we must also realize the increased importance of accurately informing the public. The American news media serve as the eyes and ears of the American people. This role becomes even more essential in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public cannot make informed judgments about the status and conduct of the war.

There is a legitimate need for withholding certain information for national security purposes, but the prior restraint and information control the Defense Department is enforcing goes well beyond national security and protecting the well-being of U.S. service men and women.

For example: One correspondent reported that military censors objected to his use of the word "giddy" to describe the mood of fighter pilots returning from a bombing mission. The censors changed the word "giddy" to "proud." It is easy to see that the motive for changing that word had more to do with political security rather than national security.

In fact, the military is so obsessed with control of the news that it has canceled the public honors ceremonies at Dover Air Force Base for those service men and women who lose their lives in the Persian Gulf war. This appears to be a thin-veiled attempt to shield the American people from the human face of war—to present this war as painless and without sacrifice. It is unconscionable that the Pentagon has taken its public relations efforts so far

as to deny the honor and recognition traditionally provided to those who sacrifice their lives for their country.

There is no place in a free society for this "see no evil, hear no evil, speak no evil" Pentagon policy. We cannot tolerate the Pentagon dictating the words and images the public is allowed to receive. The Pentagon must stop trying to spoon feed us sanitized sound bites and start allowing information to flow freely.

The Pentagon, Congress, and the administration simply must trust the people, that's right, Mr. Speaker, I said "trust" the American people with the objective information about the Persian Gulf war. Such trust, such objective flow of information, is the basic tenet, the foundation, of our Nation and our democracy. An informed electorate depends upon the news media for information. The administration is not entitled to prior restraint, censorship, sanitization, or spin control of the news. When all aspects of the information and news become issues of national security and absolute control is employed, then the basic trust and support for our National Government will crumble.

The Armed Forces should be allowed to concentrate on the military campaign rather than this overzealous public relations control campaign. The destructive weapon of censorship the Pentagon is employing to control the press is rapidly chiseling away at our democratic rights. If this dangerous public relations campaign is not stopped, truth could end up as another casualty of the Persian Gulf war.

I insert the following two letters in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 16, 1991.

Secretary DICK CHENEY,  
Department of Defense,  
The Pentagon, Washington, DC

DEAR MR. SECRETARY: The Defense Department guidelines you have established for the press coverage of the Persian Gulf crisis seriously undermine First Amendment rights and may well prevent the American public from receiving accurate and objective information on this international crisis.

The American people are financially supporting the military deployment and many have sons and daughters serving in the Persian Gulf. They have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

Ironically, subjecting the media to prior review, you are in effect abridging the democratic rights and values we are pledged to preserve in this region of the world. We cannot tolerate the Pentagon dictating the words and images the public is allowed to receive.

The American news media serves as the eyes and ears of the American people. This role increases in importance in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public would be denied the opportunity to make informed judgments about the status and conduct of the military deployment.

We understand the legitimate need for withholding certain information for national security purposes and to protect our troops, but the prior restraint and information control you are enforcing goes well beyond that protection and could result in outright censorship. We urge you to immediately re-evaluate the guidelines in a manner that recognizes the legitimate military security concerns but does not infringe on our free society's right to have timely accurate and uncensored reporting concerning any Persian Gulf activities.

Sincerely,

[From the Peoples Press, Owatonna, MN,  
Jan. 19, 1991]

#### VENTO SUPPORT

This is to offer some comments on a letter which Bruce Vento is planning to send to other legislators and which he hopes will carry other significant signatures along with his own—it is a letter protesting the possible curtailment of journalistic freedom in the theater of the Persian Gulf War, should there be one.

Like millions of others throughout our country and over the world, I share the deep and dreadful concern for the lives of our young men and women who have rallied to the nation's call. There is a real probability that the casualty list will be staggering and proportionately beyond any figure that we have ever known in conflict. However, this may be, there is the possibility of another horrendous casualty which is receiving little or no attention and in fact is being promoted—that is the casualty of truth which would surely come to pass if the rules for wartime journalism are changed by imposing limitations on freedom of the press unknown in World War I, World War II, the Korean Conflict or the Vietnam War.

I am not writing this letter as one who has any vested interest in the news business—nor have I ever made one cent as a writer, as the quality of this letter would aptly prove. What is more, I am not unaware of the shortcomings and weaknesses of reporters; i.e., bad taste, biased presentations, unfair reporting, meddling with certain events best left alone and a host of violations of decency and sensitivity. It may even be that on the Day of Judgment that reporters and journalists will be the last to enter—if they do.

Having said all this, and no matter how I may be angered or offended by the treatment of news, I recognize the absolute need of a free press to a free society. A muzzled press in Nazi Germany prevented its general populace from ever knowing about the death camps and from ever knowing that their nation was being swept down the current to destruction. To realize the extent to which truth can be twisted at the expense of many lives when it is kept out of the public forum and denied to the general public, one only has to read that well documented little book in the public library, 'Chernobyl, The End of the Nuclear Dream,' by an award-winning team of investigative, scientific, environmental writers. In that book, international scientists of great repute predict that over the next 30 years one simple accident in the Soviet Union is going to cost more lives than were lost in the entire Vietnam War. The nuclear barons have tightly controlled the news of 169 accidents which have taken place in American nuclear plants, of which there are 93. Any one of those accidents could have become another Chernobyl, which has been described as the greatest and the most disastrous accident in all of industrial history.

We need a free press even with all of its weaknesses and shortcomings to expose the corruption of government and industry and the press has done just that on more than one occasion. It was the press which brought down Sen. Joe McCarthy; it was the press which brought to light the Watergate and Iran Contra affairs and ended the secret shady career of Ollie North. The press, not the government, exposed the S&L swindle and the HUD crime and the Pentagon's generous payment of taxpayers' funds to the manufacturers of toilet seats and washers. It is the press alerting us to the possibility of financial failure in banking, insurance and investment industries. It was the press which put out of business a string of crooked TV evangelists who had actually succeeded in deceiving millions of people.

There is nothing on record that would even remotely suggest that we ever lost a war because of journalistic irresponsibility, but there is plenty of evidence that a free press in a free society and other news media have resulted in a growing number of people opposed to war. It is a lot easier to sanction war when its horrors are never made known or visible.

I only wish that I were a significant somebody to add my signature to Vento's plea, but at least I can give all my blessing and prayers to his effort to preserve my right as a citizen in a free society to know what is happening through out the course of the Persian Gulf conflict. We, the American public, are going to pay for that war in lives and dollars, and have a right to know what is happening.—Gerald E. Huff.

MILITARY FAMILIES SUPPORT  
NETWORK IN MINNESOTA,  
Minneapolis, MN, January 24, 1991.

Representative BRUCE VENTO,  
Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE VENTO: As the chair of the Military Families Support Network in Minnesota, I would like to extend a note of thanks to you for your recent efforts to call for more truth and less censorship in the news coverage of the war. The Military Families Support Network in Minnesota is wholeheartedly supportive of our troops and hopes that their courageous efforts will soon result in an end to the war. We will also, however, continue to ask questions about the President's policy (unlike some other support groups) and to hold our elected Government accountable for all its decisions. We are, consequently, very aware of the extensive censorship and the disturbing paucity of true information about the war.

Your political courage in this matter has not gone unnoticed with us, here in Minnesota. Thanks again!

Sincerely,

NICHOLAS P. GRANATH,  
Cochair.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for his excellent remarks and at this time yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I voted on January 12 to authorize the use of force in the Persian Gulf because I believe some of our most cherished principles are at stake there.

I rise today out of a deep concern that in waging this war, we not violate another cherished principle—that of a free and independent press.

Nearly 20 years ago I sat in the Press Gallery above us as a young journalist.

It is with that perspective that I speak today—with a commitment to the first amendment and with a passion for true freedom of the press.

Is the media being insensitive or even unpatriotic by bringing the harsh realities of war to our living rooms and breakfast tables? I say no. War is harsh. War is real. We don't just need the good news. We need all the news, good and bad.

Of course the media has an obligation to act responsibly. And of course the Pentagon should not be expected to reveal battle plans or other information that would endanger our troops. But in my view the Pentagon has taken steps that go well beyond these basic security needs.

Why must reporters be restricted to tightly controlled pools that see and hear only what Government officials choose? Why must Government review panels go so far as to tinker with individual words within press dispatches? Is this protecting security or engaging in unwarranted censorship?

If the administration is truly convinced of the rightness of this cause, as I am, then it has nothing to fear from open press coverage. I trust the American people to make informed judgments. We all must understand that sometimes we must pay a terrible price to defend the values we hold dear.

Undue restrictions of the press pose a far greater threat to long-term public support for this war than does accurate and objective reporting. The American people will have more faith in our elected officials and more confidence in our military leaders if they believe they are receiving credible information about the war's consequences, no matter how disturbing that information may be.

A sanitized, overly optimistic version of the hostilities can only lead to disillusionment when the realities of war become apparent later. And surely they will, especially if we have to wage a ground campaign to achieve our aims.

Our best refuge is the truth. And maintaining our historical and constitutional allegiance to freedom of the press is by far the best way to assure that we know the truth.

Thomas Jefferson once said:

Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

I would make the same choice as Jefferson. For, like Jefferson, I know that without a free press we would not have a free government.

□ 1510

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Florida [Mr. BACCHUS] for his excellent remarks.

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

Mr. OWENS of Utah. I yield to the gentleman from California.

Mrs. BOXER. Mr. Speaker, I want to thank the gentleman from Utah [Mr. OWENS] for providing us this opportunity to talk about something very serious, with tremendous implications for this Nation, and I hope that America will listen to this discussion and will set aside our passions about other issues surrounding this war and concentrate on the very fundamental freedoms that we cherish and that in fact we really are willing to die for in this country, the fundamental freedoms of speech and press.

We are going through a very difficult time in our land as we worry day after day about the safety of our men and women in the Persian Gulf, and we pray for them to come home safely.

Before this war we were told by this administration that it would not be wise for us to debate whether or not this country should go to war. The assumption was made that if somehow we wanted to discuss and debate this issue, we were not being patriotic, that the President as Commander in Chief did not have to come to this Congress and that there did not need to be any debate and we should just move forward. But there were many of us on both sides of the aisle, no matter how we felt about this issue, who believed that it was the proper role of Congress to debate this war that is unfolding day, after day, after long day. We debated it here in this Chamber, and I believe that debate made us stronger as a country.

When I am in California and I listen to my constituents, they say, "Barbara, I watched that entire debate, and however I felt about the issue, I was proud that in this great Nation we could look at an issue so honestly and openly and dissect it and discuss it and decide what was best for our country."

I think that debate made us stronger as a nation, not weaker. They do not debate in Iraq. Iraq is ruled by fear. If we took a poll in this country today and we asked people, "What makes this the greatest Nation in the world?" I believe they would say, "Our Constitution," I believe they would say, "Our freedoms," I believe they would say, "Our free press."

I was a journalist in the 1970's myself, and I must say that my best stories and the ones that informed the most—and, yes, maybe they were controversial—were the ones where I interviewed someone 1 on 1 and got their feelings and got their emotions and got their opinions. If I had someone sitting next to that person, as our military is now, requiring an escort, I could say that you would not have that relationship that develops between a reporter and the person you are interviewing, that you would not get the real story, that you would not get the real emotion, and that you would not get the

real words. Yet that is what our Pentagon is doing. Not only do they have a military security review panel that reads the copy of these reporters, as my good friend and colleague, the gentleman from California [Mr. EDWARDS], has pointed out, there is a military escort next to our young men and women who listens to everything they are saying.

This has nothing to do with security. I say to my friends, nothing at all, because the copy is submitted to the censors after that. I think it is some type of intimidation, some type of prior restraint, and we cannot let that stand. If we stand for anything in this Congress, it is to preserve and protect the Constitution and the freedoms we hold dear.

I have a resolution, House Resolution 37, and it calls on the Pentagon to do two things: One is to expand the number of press pools allowed at the front. Right now there are only two pools of 18 reporters each, but there are more than 250 reporters in Saudi Arabia. These are brave Americans, these reporters. They are not afraid to die. They are patriotic. Many of them served in wars themselves. They are not going to give anything away to the enemy.

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

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

Mr. VENTO. Mr. Speaker, I am sure that there are many on this floor and others who are looking at this and saying, "Wait a minute, how much more news coverage do you want?" You get 24 hours a day on this famous CNN channel, and you had hours and hours a day in the first few days of the conflict from hotel balconies in both Riyadh and Baghdad. It looks like for all intents and purposes it was just a fireworks show that was going on and not the human face that belongs in this.

All of us recognize these points, but I would just suggest that the reporters in Baghdad, Peter Arnett and others that were there, including Bernard Shaw from CNN, someone we are all familiar with, I think, and others, including Mr. Simon who was just recently in Riyadh and who we understand is in Kuwait City now, they are there in spite of those rules. They are there reporting, not because the Pentagon wanted them to. We would not have that information if they followed the types of rules that exist. We would have that much less information.

I think that the American people are better off to have that information, censored as it may be, limited as it may be. But that is the way we are getting information on this conflict, through unauthorized sources, unless we think that getting the information from a hotel balcony in Riyadh or Dhahran or someplace else is adequate. I think it is not. I think my constitu-

ents and the people in this country have a right to know far more than that.

We watch a lot of television, we see a lot of news on television, and it does not necessarily add up to the facts of the news. I would just point that out because many, I am sure, say that we are inundated and we have so much information. But what we are concerned about is that we should let the system work that has stood for over 200 years and made this country what it is today. I say, let that system work, Mr. Cheney, let that system work, President Bush, let that system work, the U.S. Congress, the House and the Senate. We want it to work.

Mr. Speaker, I want to commend the gentlewoman from California [Mrs. BOXER] for her resolution and for her efforts in this matter.

Mrs. BOXER. Mr. Speaker, I thank the gentleman so much for his contribution. This is an emotional subject because there we have our young men and women in imminent danger of losing their lives, and they are there defending freedom and stopping aggression. That is why they are there, and yet this country through the Pentagon is not even allowing their words to be given to the people here.

□ 1520

They are restricting these pools, and in addition to restricting these pools, having military escorts standing next to them. There is something very, very wrong with that.

Mrs. BENTLEY. Mr. Speaker, would the gentlewoman yield?

Mrs. BOXER. I am happy to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I have not heard the gentlewoman's whole discussion. I just heard a bit of it. But I was a newspaper woman for 25 years. I also covered the war in Vietnam. So I was there. I was on the scene.

Let me say, the one thing the press does have is a responsibility as well. I am getting lots of calls from constituents who are complaining that our press is giving out too much information that is endangering the lives of those young people over there. I have that opinion also. That is one of the reasons why the Pentagon has been a little tough on it. They want to protect those people. The press can go too far.

Mrs. BOXER. Mr. Speaker, reclaiming my time, may I say to the gentlewoman from Maryland [Mrs. BENTLEY] that if there is any information endangering anyone, the Pentagon approved it, because there is no information going out from the scene that does not get submitted to the censors.

I would also like to say to the gentlewoman that this has been in effect since the war started. The gentlewoman from Maryland [Mrs. BENTLEY] as a former reporter is at odds with the

American Society of Newspaper Editors who are very distressed and disturbed at this, and who have helped me work on my resolution. As a former reporter myself, and I was only one for a few years, and I was a radio talk show host as well, I feel it is outrageous that when a reporter, and American patriotic reporter, is interviewing someone in the military, that there needs to be an escort standing next to that individual, and in addition the words have to be submitted to a censor.

If the gentlewoman from Maryland [Mrs. BENTLEY] supports that approach as a former reporter, I am truly very surprised. But I do respect her point of view, if she feels there needs to be an escort standing next to our young men and women. If they can be sent to the front line to die, they ought to be able to express how they feel without having somebody standing over them and giving them an intimidating look. I do not think that is the right thing to do.

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

Mrs. BOXER. I yield further to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for giving me this time. I do not believe in intimidation. I do think that escorts were also provided in part because of the dangers of the press going out on their own. In fact, we have three missing who went out on their own. CBS is very disturbed that their reporters are missing, but they decided to go without the escort. I think they do like to protect even the press over there.

Mrs. BOXER. Mr. Speaker, I would say to the gentlewoman from Maryland [Mrs. BENTLEY] that absolutely they want to protect the press. But I would point out to the gentlewoman that any time a military individual is interviewed, it is my understanding, whether they are in a danger zone or not, there is an escort next to that individual. So I think that argument is not valid in each and every case.

Mr. Speaker, we can always make excuses as to why we should limit freedom. It is real easy to do it. But one day you wake up and you find out life just is not the same. I think it is very important that the gentleman from Utah [Mr. OWENS] has taken this special order, and I want to commend him for it.

Mr. Speaker, I would like to put into the RECORD specific instances that we have from Scripps-Howard, the Detroit Free Press, and a number of others, who are very upset at what is going on.

The military blocked a New York Times report on how allied bombing had destroyed most of Iraq's nuclear capability. The Pentagon later disclosed the same information in Washington. The Pentagon wants to manipulate the good news.

The military delayed a Scripps-Howard reporter's interview with Saudi pilots for more than two days.

The military censor changed a Detroit Free Press reporter's word in a story from "giddy" to "proud" to describe U.S. pilots' emotions after a raid.

Mr. Speaker, these people are very upset at what is going on, when the things they wrote, which had absolutely nothing to do with the security of our operation, nothing to do at all with the safety of the individuals, and yet they were censored. It took them days to appeal this to the Pentagon in Washington.

For God's sake, if we stand for anything, it has got to be for freedom. Let us not allow Saddam Hussein to intimidate us from carrying out our Constitution, our freedom. Because, if we do, we have made a grave, grave error.

Mr. Speaker, I again want to thank the gentleman from Utah [Mr. OWENS] for taking this time.

Mr. OWENS of Utah. Mr. Speaker, I commend the gentlewoman for her contribution today and her resolution, as well as her leadership in this vital issue.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to commend my colleagues, Mr. OWENS, for reserving time to discuss this important issue, and Mr. EDWARDS, who has always been at the forefront of issues regarding infringement on the rights of American citizens.

Mr. Speaker, I am deeply distressed regarding Department of Defense censorship of news from the battlefields of the Persian Gulf. Press coverage of the return to the United States of the bodies of our brave men and women who have lost their lives in combat is prohibited, and, the Department of Defense has now also prohibited the long-standing solemn arrival ceremonies at Dover Air Force Base for combat victims. These restrictions infringe upon the rights of reporters to obtain and provide news coverage, and the rights of American families who have loved ones on the front lines of battle to accurate, timely information regarding casualties.

The Defense Department has published guidelines for media coverage of the war in the gulf. Media reports will be censored, as will pictures of combat. Reporters may accompany military units only in approved media pools. Reporters would then be required to submit reports to military public affairs officers for security review before transmission. Information about the casualties of war will also be managed by the Defense Department. For example, the term "body bag" has reportedly been stricken from the official vocabulary at the Pentagon. Instead, Defense officials prefer the more euphemistic term "human remains pouches." In another case of Pentagon censorship, in a reporter's dispatch describing pilots returning from a bombing mis-

sion, the reporter described how pilots returned "giddy." Pentagon censors reportedly changed the word "giddy" to "proud."

The Defense Department maintains that its media guidelines are not intended to hinder reporting. In fact, Mr. Speaker, the media guidelines do restrain the press and will ultimately create a special hardship for families who must depend on media reports.

Since the Revolutionary War, and not without considerable risks to their lives, reporters have been at or near the front lines of battle, providing full reports for the American people of what was happening to our soldiers at war. Reporters have historically played a vital role by providing the public independent accounts of military action, distinct from reports issued by Government officials.

The ability of the media to report about military operations has not been without challenge. For example, the civilian press was not permitted to join the invasion force in Grenada in 1983. Thus, the history of open press access to U.S. military conflicts came to a screeching halt. After the invasion, what we heard were numerous reports that military authorities withheld significant facts, impeded the efforts of journalists to verify information regarding casualties, and disseminated inaccurate information about the invasion. Subsequent, revealing media accounts about the invasion created a public uproar, underscoring the critical role of the media.

After the Grenada invasion, the Defense Department established a system of selecting a pool of reporters who would cover the early stages of a military operation and share the information with other news organizations. When Panama was invaded, the media pool system was first tested. Reportedly, the pool failed to reach Panama until 4 hours after the fighting began, and journalists were unable to file their reports until 6 hours after that. The media pool system failed miserably. Yet, the Defense Department insists on using media pools to cover the Persian Gulf.

Mr. Speaker, freedom of the press is not absolute. I concede that the right to know is outweighed by the need to protect classified information and information about military operations which might endanger the lives and security of American forces. I am well aware of this, as former chairman of the House Intelligence Committee. I also know that members of the media appreciate the need for security. However, the Defense Department media guidelines go substantially beyond the limitations required for the protection of national and operational security. For example, information on the most important question on the minds of American families—the number of casualties anticipated from the war—is

not classified, nor does it jeopardize operational security.

The media have a constitutional right to access to information regarding the war in the Persian Gulf. For this reason, I have introduced a concurrent resolution, House Concurrent Resolution 38 that states the sense of the Congress that the Defense Department guidelines should be revised. Furthermore, the resolution states that the media should have timely access, in as complete a manner as possible, to all unclassified information and activities, other than information and activities that, if disclosed, would endanger the lives or security of U.S. forces. Upon issuing revised guidelines, the Secretary of Defense should issue a statement explaining the rationale for restrictions imposed on news media coverage of military activities in the Persian Gulf.

In August of last year, shortly after the conflict in the Persian Gulf erupted and United States troops were being mobilized to Saudi Arabia, Secretary Dick Cheney told reporters at a news conference that he felt it was "important that we have an adequate flow of information \* \* \* about what our young men and women—in the Persian Gulf—are doing." Secretary Cheney promised to arrange this. We must hold the Secretary to this commitment to the American people.

Mr. Speaker, a free press is a necessity in a free society. As James Madison once said:

A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or, perhaps both.

This is a very difficult time for all Americans. We can only hope that when we wake up in the morning, we will rise to a world at peace and American troops on their way home from the gulf. Until that day actually comes, we must stand behind our heroes and heroines fighting courageously for peace and also support the rights of the families at home awaiting their arrival.

□ 1530

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

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

Mr. VENTO. Mr. Speaker, I would like to commend the gentleman from California for his resolution, which I have cosponsored.

I just want to call my colleagues' attention to a letter that just has been handed to me from the Minnesota Military Families Support Network in Minnesota, and they said they wanted to thank me for my work with regards to providing for less censorship in the news coverage of the war. These are the military families who support wholeheartedly our troops in their courageous efforts, which they hope will

soon result in an end to the war. It goes on to say that they are questioning some of the policies, but these are the military families. They want the information, and I think that is one of the problems.

I guess for some people, in a democracy, that is the right that we uphold that is so important. That is fundamentally one of our differences in our society, but I think it is a strength, not a weakness, and I thank the gentleman for his support.

Mr. STOKES. I thank the gentleman for his comments.

Mr. OWENS of Utah. I thank the gentleman from Ohio for his leadership and for his comments. It is clear that the task that we are about this afternoon is not a popular task at this point in time.

Yesterday at noon I did a live television interview in Salt Lake City and I spoke of this issue. As I returned from lunch, I learned that I had 20 calls, all in opposition to my position.

I think 2½ weeks ago when we debated this issue and voted on it, I think that was cathartic to the American people, and I sense there is a greater degree of unity now, though it is not unanimous, behind the war such that the American people are afraid that the goals of that war might be compromised if we allow unfettered access to the troops in terms of reportage by the journalists who are there, and that simply is misperception, and the gentleman from Ohio has pointed that out very lucidly. Nobody wants anything released which would compromise the safety and lives of the troops or the effectiveness of our war effort. That outweighs the need to know. What we are criticizing here is the policy which in a very clumsy manner in essence errs very far on the side of security and compromises the ability of the right to know those materials and that information, record of successes and failures, which will tell us at home, we who are entitled to the truth in the Congress as well as in the public at large, what is actually going on, but which does not compromise the troops or the effectiveness of future actions.

I thank the gentleman for his leadership.

Mr. STOKES. I might just say in terms of the gentleman's comment with reference to the timeliness of our taking this special order and speaking out on this subject, and the fact that at this particular time it may not be the most popular subject in the country, about a week ago when I first filed my concurrent resolution with the House, several newspaper reporters called me and discussed my resolution with me. I raised a question with them, since they were part of the media, why they were not themselves speaking out more forcefully on this issue, and in each case they indicated to me that, "Well,

we feel like you do about this thing, but it's just not timely," they said.

Then I noticed a few days later the news media itself beginning to get a little more courage to speak out on this issue, and now we have seen several night programs on it, Ted Koppel and others who have begun to speak out on this issue, and I think we are doing the country a favor, frankly, here in the Congress, where we do have the responsibility to stand up on issues and to call attention to discussions and debate in our country, to take the position we have taken to bring this matter to the floor and begin an earnest discussion of it so that the American people, through us, begin to have a voice on this very sensitive and important issue affecting their families.

Mr. OWENS of Utah. I thank the gentleman from Ohio.

I am delighted to yield at this point to the distinguished gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I want to commend my colleagues for calling this special order and I want to express my support for their efforts.

War is an extraordinary act, and for a nation it becomes an extraordinary test of its character and strength. We have not yet learned how to prevent wars, but we have learned more about how to conduct them. Some lessons, however, must be painfully relearned.

One lesson I believe our country is learning is that civil liberties may not be suspended in the name of national security. We found out the hard way how easy it is to let our fears overrule our principles. We cannot round up citizens arbitrarily, as we did with the internment of Japanese-Americans during World War II. We cannot harass and abuse protesters as the FBI did during the 1960's. And we cannot deceive the American people with false propaganda as the Government did during the Vietnam war.

I believe the President when he says this will not be Vietnam. I am sure he will not knowingly and willfully mislead Congress and the American people on the progress of this war. Yet he has surely learned another lesson of Vietnam—that bringing the reality of war home to Americans through television and other sources forces them to confront the cost and pain of real war. People may then question whether, in fact, the price is worth it.

It appears to me that this administration and the last may have learned this lesson too well, for both demonstrated a disturbing pattern of press censorship during previous conflicts. Where were the press during Grenada? Where were the press during Panama? Was the public adequately informed about these operations?

We all understand that some restrictions must be imposed on military information. The press understands this as well. We understand also the dif-

ficulty of feeding an insatiable press appetite for conflict and controversy, for instant news and analysis. Thus far, it would appear that most officials have offered remarkably sober and cautious assessments of this war.

Yet recent reports indicate that the administration is falling into the same traps others have suffered. There are reports that it is holding up timely news dispatches for no good reason, flatout censoring some news that is neither classified nor sensitive, attempting to soften negative perceptions, releasing information that is contradictory or inadequate, and not providing sufficient documentation for some of its claims. I would like to submit for the RECORD an article from the Washington Post this weekend that examines some of these claims.

The article follows:

[From the Washington Post, Jan. 26, 1991]

CORRESPONDENTS CHAFE OVER CURBS ON NEWS—RULES MEANT TO PROTECT TROOPS, OFFICIALS SAY

(By Howard Kurtz)

Carol Morello, a Philadelphia Inquirer reporter, was aboard a U.S. aircraft carrier when it was announced over a loudspeaker that the Persian Gulf War had begun. Pilots on board started cheering and giving each other high-fives. But Morello said she and other reporters were quickly subdued below by their U.S. military escort.

"He rounded us up in this little room for that first crucial hour," Morello said. "I tried begging, I tried arguing, I tried banging my head against the wall. I said, 'History is being made.' By the time we got out, that initial euphoria had died down."

Journalists and military officials in the gulf have engaged in a series of low-level skirmishes over the Defense Department's restrictions on media coverage. Reporters in combat pools must submit stories for "security review," and military escorts must accompany all reporters in the region.

Some reporters say the censors have limited their access, changed phrases, deleted facts and refused to approve dispatches until they were old news. For example:

New York Times reporter Malcolm W. Browne said officers told him that U.S. air strikes had destroyed much of Iraq's nuclear capability but that a unit commander blocked his pool report, saying it would aid Iraqi intelligence. Defense officials later disclosed the same information at a press news briefing. "The Pentagon is clearly eager to be the first to report the most newsworthy information," Browne wrote.

Peter Copeland, a Scripps-Howard reporter, said military officials delayed his reporting with Saudi pilots for 53 hours. "The worst nightmare for a journalist is to have a great story and not be able to tell it," he told Knight-Ridder Newspapers.

Frank Bruni of the Detroit Free Press said he filed a story describing returning pilots as "giddy" but that a military censor changed the word to "proud."

Pilots aboard the aircraft carrier USS John F. Kennedy told an Associated Press reporter that they had been watching pornographic movies before flying bombing missions, according to Morello. She said the censor deleted the information, saying it "would be too embarrassing" and also excused one pilot's use of an obscenity.

A New York Times pool dispatch reported "stealth" bombers striking Baghdad on the war's first day, but military officials referred the article to "stealth" headquarters in Nevada for review. The news was stale by the time it was cleared a day later.

Defense Department spokesman Pete Williams has maintained that the rules are meant to protect U.S. forces. In any event, he said, news organizations make the final decision on what to publish or broadcast. But news executives say the process is so cumbersome that important news is delayed and note that the department can revoke the credentials of offending reporters.

A senior military official said some reporters had inadvertently disclosed sensitive information. One television report, he said, described how a French unit was moving parallel to an American unit. "It tells the battle guys on the other side how we're lining up," he said.

Public sympathy for the media's complaints appears limited. Many people complain that aggressive reporting is harming the war effort. "I don't know why you're so intent on proving massive failures of some kind," White House spokesman Marlin Fitzwater told reporters Wednesday.

A survey by Frank Magid Associates found that 24 percent of those polled believe that the media has too much freedom, 17 percent said the restrictions should be eased and 54 percent said the rules were about right.

Thirteen publications and writers, including the Village Voice, the Nation, Harper's and authors William Styron and E.L. Doctorow, have sued the Defense Department, charging that the rules are unconstitutional. Fifteen members of Congress, led by Rep. Bruce F. Vento (D-Minn.), criticized the restrictions in a letter to Defense Secretary Richard B. Cheney.

Correspondents also must contend with Saudi and Israeli censorship. After an Iraqi missile attack yesterday, Cable News Network's Gary Striker said from Tel Aviv, "We're awaiting word from the censors on what we can say."

Some reporters are pleased with the U.S. pool arrangements, saying military officials have cleared more than 200 pool reports with few incidents. "Most of us are amazed by how much they're letting get through," said Molly Moore, a Washington Post staff writer in Saudi Arabia.

But Morello said that, on the USS Kennedy, her stories were subjected to "a triple review" by her military escort, the ship's public affairs officer and the commanding officer. "The only way you can appeal is to hold up your story for days if not weeks," she said.

"This is a total, complete news blackout," said Ron Nessen, vice president of Mutual Broadcasting System and a former White House press secretary. "We've seen airplanes taking off and airplanes landing, and occasionally they bring a pilot out to talk about his adventures."

Nessen, a former NBC correspondent in Vietnam, said military officials believe that negative coverage of the Vietnam War undermined public support at home, and "they've just decided they're not going to let that happen again."

Newsday reporter Patrick Sloyan said he would not join a military pool because he did not want "a flack hanging over my back intimidating the guy I'm talking to. I think the pools are a trap. They'll take you only where they want to go, let you see what, they want you to see."

Ultimately, the American people must evaluate the information they receive on this war, and it will be they—not the President or the generals—who must judge the progress and success of our mission. They will need as much information as is practical to do this.

They say the first casualty of war is the truth. Because of the extraordinary sacrifice of human lives during war, it becomes imperative that we not sacrifice the truth as well. We learned in Vietnam that you cannot deceive the American people. Eventually, the truth will come out. I trust the American people to make their own judgments, as democracy demands, when they have the best information available.

Sometimes that truth will be painful, ugly, and disturbing. I believe, as Patrick Henry said:

It is natural to man to indulge in the illusions of hope \* \* \* [but] for my part, whatever anguish of spirit it might cost, I am willing to know the whole truth; to know the worst, and to provide for it.

□ 1540

Mr. OWENS of Utah. Mr. Speaker, I thank my colleague, the gentleman from Washington, for those excellent remarks.

Mr. Speaker, I yield to my friend and cousin, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from Utah and congratulate him on the presentation of this special order on censorship.

I think it is important to note what the meaning of censorship is. Overwhelmingly, the American people, according to recent polls, support censorship. They say, "We need more censorship instead of less." I think the American people conceive of censorship as being a control of information in order to protect our troops in the field, in order to protect our pilots who are flying, in order to protect our naval vessels, that the control of information is to protect them and if that information were not tightly controlled they would, in some way, be in danger.

A few days ago there was a television forum, and the reporter, Syd Schanberg, who distinguished himself in reporting on the war in Vietnam and the war in Cambodia, Syd Schanberg, stated that in no instance in Vietnam was any reporter, any journalist ever accused of releasing information that jeopardized the safety of the troops and the war effort. He also said that in World War II and in Korea no journalist was ever accused of releasing information that endangered the war effort, that endangered the troops in the field. They are not guilty; American journalists are not guilty of releasing information that jeopardizes our troops.

So why do we need the censorship? Why do we need the control? They understand very well, and their conduct in the past has demonstrated that they

will abide by a code which says that they will do nothing to jeopardize the safety of our troops.

I do not think that the rules that have been imposed are for the purpose of protecting the safety of our troops. The rules that have been imposed are for the purpose of controlling what Americans in this country receive and controlling the way we think about the war, and in the process of trying to make that kind of control or maintain that kind of control, we have situations which have already backfired on us, because the tendency, the temptation of the military if they have full control is to exaggerate and to distort. And the reporting of what happened during the first few days of the war was exaggerated and distorted in ways which forced certain Americans who were less experienced with this kind of situation to experience a bit of trauma when they suddenly discovered that the euphoria of the first few days of the war, when it appeared that we had soundly destroyed the enemy, that Iraq was at a point where it could not rise from the ashes and it was only a matter of days before it would all be over, that is the kind of reporting we got as a result of total control by the military. The military did not bother to tell us about the inadequacies or the limitations of their own capacity to assess the damage that they had done. They have told us about that now, many days later; they tell us, "Well, we have a limited capacity to assess the damage," but the first few days the damage was done according to them. "We have destroyed the command-and-control potential of Iraq." It was all done. The military did not bother to tell us about decoys and the way decoys may deceive the people who are dropping the bombs and who are in the air.

Nevertheless, a few days ago I read an article which showed that American military officers had been in Italy interviewing some of the people who specialized in making decoys, and one of the places that they went to was a place which made decoys of any kind of armaments from anywhere in the world, and Iraq had purchased a large number of decoys from this place. Our military had been there. They knew about this place. They knew about the possibility of decoys deceiving American pilots and, yet, they never mentioned this in the first few days of the war. It only comes out later. It is a deliberate withholding of certain information.

I do not mind a delay in information if the military concedes that that delay is going to safeguard the well-being of our troops, but delays of information merely to create an atmosphere and a kind of sense of victory is a distortion which will backfire eventually, and even the American people who now overwhelmingly vote for more censor-

ship will come to distrust their own Government, distrust all the reporting and, in the final analysis, they will lose faith in our effort, our war effort.

What we have is a situation where the quantity of information, the quantity of what is coming over the television stations and the radio stations is certainly sufficient. The problem is not quantity. The problem is diversity and quality, selectivity. We can see the same canned interviews on every station two or three times a day, and in the process of canning interviews, the military does a very bad job of it. It looks like a canned interview. It looks like a rehearsal. It looks like we have degraded this war to theater, third-class theater, where they are showing us how good a certain weapon is or they are showing us how the troops are training and how they are preparing themselves, and it looks so canned, because they have set it up in such a rigid way that an air of unreality takes over, and we have a situation where we are getting plenty of information. We are watching a war in our living rooms on television, but the whole thing is very unreal.

How do the American people make decisions in an unreal situation like this when they are given an unreal picture of the developments as they take place? It is important not only for the Congress, people who make vital decisions, the Government officials to have the right information, but since in this democracy public opinion drives so much of what we decide and do at this level, so much of what our Government decides to do, we should not, you know, set that public opinion up by giving it the wrong information. We should not distort what is being fed to the public so that we get a result and a reaction which is based on false assumptions.

We should not set all of us up for situations where the truth, when it comes out, makes it appear that the enemy has some kind of unusual, exceptional, supernatural powers. The enemy that was supposed to have been destroyed in the first few days of the war suddenly arises, and they have all kinds of tricks. It appears that they are stronger and more clever than they are. We were supposed to have destroyed the Scud missile launchers and, yet, they bounced back. We now admit that we have no way of knowing that we have destroyed the stationary Scud missile launchers, and they did not tell us about the mobile ones until later. So now there are mobile ones and stationary ones, and we think that we have destroyed almost none of the mobile ones, while we might have destroyed quite a number of the stationary Scud launchers. Why could we not have the same information at the beginning?

The enemy appears to be more competent, far more clever than he really is as a result of distortions of information.

I hope this war is ended soon. I hope that we do not have a bloodbath as the land war is forced to take place. I hope that we can find some solution which will minimize the number of casualties.

But, in the meantime, let us not be driven by the kind of hysteria that tells us that everything the military does is correct and that the military, when they censor the press and they block us from receiving information from a diverse number of sources, they are doing the right thing to protect our troops. They are not protecting our troops. They are distorting the truth. They are distorting the view of the war that we get. They are placing this democracy in greater jeopardy than it needs to be placed in.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from New York for his excellent remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, I want to thank my brother from Utah, my good friend, for taking this time so that we can come over here and talk about something that I think a relatively small number of us are concerned about in the Congress and the country.

□ 1550

That is, the efforts of the Pentagon and the White House to politicize this war and to make it look a whole lot better than it is, and to make it appear as if it is going a whole lot better than it is. That troubles me very deeply, not only because it is wrong in the case of this war but because it goes to the very heart of our democratic system, and what this country is all about.

While I do not generally regard myself as somebody who does not trust the Government, and I am not in the camp of those people who are antipolitical or antigovernment or anti-Washington, when it comes to this subject, I do not trust the Government. I do not think the Government is going to give Members information which will make the Government look bad. That is why we have a free press in this country, so that we can get an accurate picture of what is going on.

To the extent that the Pentagon and the White House has succeeded in diminishing that capability on the part of the American press, they have done a tremendous disservice to our country, and I think they have done a disservice to the military, and they have done a disservice to themselves.

Very briefly, there are really three rules that trouble me. The first is the pool rule, which says that the press cannot travel around the country individually to get news. They have to go in a pool. It is a rotating pool. It is anywhere between 12 and 15 people. Sometimes it is not that large. Of course, generally the big networks get

picked up and the big papers in the big cities get picked up, and the wire services get picked up, and some of the small magazines, those very small magazines that have filed suit against this procedure do not get picked up. So the coverage really is slanted.

Of course, it prevents people from digging around and finding out what they want to find out, and rooting around and asking questions which the Government does not want asked. Of course, that is what being a reporter is all about. That is the job. That is what we ought to be doing.

Second, all of the print media, all of the film, all of the voice, is censored. Most of it is allowed to come back to this country. It has not proven to be a big problem, but I cannot figure out why the U.S. Government should have the right to censor the news that we are putting in the American newspapers or on television or on the radio, with the obvious exception of giving away information which would jeopardize our troops. That is not at issue here. Of course, that is what people always say, "Well, aren't you worried about giving Saddam Hussein some information that is going to jeopardize our troops?" Of course we are, and of course, we do not want that to happen.

Ms. OAKAR. Mr. Speaker, 75 years ago, Senator Hiram Johnson observed, "The first casualty when war comes is truth." I do not wish to see that metaphor become fact during the current war in the Persian Gulf because war managers in the Pentagon have appointed themselves news managers as well.

What is the truth? We don't know. That is what we expect print and broadcast journalists to ferret out. We do know it is not some managed dog-and-pony show orchestrated by vested interests—whether it is some Pentagon public affairs officer looking over the shoulder of journalists or shocking television pictures of battered American pilots being paraded before the world by a despot.

Journalists are every much patriots as the audiences who anxiously await their reports. Journalists understand and, for the most part, will play by the rules of responsible restraint. Let us not wait for later to demand why we did not find our sooner.

Joint Chiefs of Staff Chairman Colin Powell says, "Trust me." I do. But I also trust the media. We have unleashed the "dog of war," as Jefferson put it. Let us also take the muzzle off the free press.

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

#### AGENT ORANGE COMPROMISE

Mr. BURTON of Indiana. Mr. Speaker, today we are considering two bills of vital importance

to the veterans' community. The first bill, H.R. 556, directs the Secretary of Veterans Affairs to obtain an independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

Mr. Speaker, H.R. 556 is an important step in ending the long and divisive battle over the agent orange issue. For the last decade, a battle has raged between the Federal Government and our Vietnam veterans. Unfortunately, the same battle has been fought among our Nation's veterans' service organizations.

The legislation we are now considering is a compromise. It is a compromise between those groups who want compensation for various disabilities and those groups who believe that more time is needed to assess the scientific evidence surrounding the agent orange issue. I believe this bill has the potential to quell some of the bitterness that divides these two groups.

Mr. Speaker, it is important to note that H.R. 556 enjoys the support of the Secretary of Veteran Affairs, Edward Derwinski, the House Veterans' Affairs Committee, and a combination of Members of Congress who in the past have fought each other tooth and nail over this issue. It reflects a sincere and realistic attempt to determine whether exposure to herbicides in Vietnam has caused any of the various disabilities now present in the veterans' community.

Specifically, this legislation codifies a prior administrative decision by Secretary Derwinski to deem three conditions service-connected for compensation purposes. It will also ask the National Academy of Sciences to conduct a comprehensive review of all the available and future evidence on the long-term health effects of exposure to various herbicides. Based on the conclusions of this review, the Secretary of Veterans Affairs will be expected to decide whether any further presumptions for any disease should be granted.

The debate on whether compensation should be provided for illness related to the exposure to agent orange has gone on far too long. It's time to settle the issue, so we can move on to other serious problems that now plague our veterans. I believe that H.R. 556 goes a long way toward achieving this goal, and I urge all of my colleagues to support this important legislation.

Mr. Speaker, before I conclude my remarks I want to express my support for a second bill we will be voting on here today. That bill is H.R. 555. This legislation amends the Soldiers' and Sailors' Relief Act of 1940 to improve and clarify the protections provided to our soldiers under the act.

Mr. Speaker, during the 101st Congress, the House Veterans' Affairs Committee held hearings to determine what adjustments were needed to the Soldiers' and Sailors' Relief Act in order to meet the needs of the service people called to active duty as a result of Operation Desert Storm. I believe that H.R. 555 goes a long way toward alleviating most of the domestic concerns of those men and women now serving in the gulf.

Specifically, this bill suspends premium payments on professional liability insurance to assist those doctors who have been called to ac-

tive duty. It also guarantees the reinstatement of private health insurance for service members and their families upon their return from active duty. This provision will ensure that service members do not lose their health insurance as a result of their service.

Furthermore, H.R. 555 will increase the protection against possible eviction for families paying rent from \$400 to \$1,200 per month. This adjustment reflects the dramatic increase in housing costs over since the inception of the Soldiers' and Sailors' Relief Act in 1940. Finally, this bill protects service people from pending legal proceedings while they are in the gulf.

Mr. Speaker, I urge my colleagues to support H.R. 555. It's simply the least we can do for those brave young men and women who are now risking their lives in the Persian Gulf.

#### CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER] so he may continue the special order on the subject of reporting the war.

Mr. KOSTMAYER. Finally, the rule that a reporter cannot interview a GI alone, they have to have somebody from the military along while they are interviewing a GI. If a reporter wants to ask him if the food is any good, they cannot interview any GI alone. No GI will be perfectly candid with the reporter when somebody who is their superior is there while he is being questioned.

A person on my staff finally spoke yesterday to a fellow named Barry Zoratian, who from 1964 to 1968 was the chief press officer in Vietnam for military. He said that then there were about 650 reporters in the area. Now there are about 750 reporters in the area. That is 100 more. This is not a matter of logistics. There was a voluntary list. It worked in Vietnam. He says there were he believes about 6 disclosures all totally inadvertent.

This is an effort to make this war look better than it is, not an effort to protect the troops or to protect this country. This is an effort of the White House, of the President, and by the Pentagon to influence, I think very favorably, the coverage of the war in the Persian Gulf. It is wrong. The Congress ought to be a good deal more outraged about it than we are. The country ought to be more outraged about it than we are, and I am delighted there were a few Members here in the House, especially the gentleman from Utah [Mr. OWENS] who remember why the people in our district sent each member here, and to ask others in the country, and especially in the press, that rolled over and played dead in the

whole issue, while we are not asking some tough questions.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I thank all those who have participated in this special order. It is interesting to note, in conclusion, Mr. Speaker, that there were those people who really believe, apparently, that the war in Vietnam was lost because of the press. To that allegation, I cite the Army's own history of the Vietnam war:

What alienated the American public in both the Korean and Vietnam wars was not news coverage but casualties.

Wrote Army historian William L. Hammond. He said:

It is undeniable that press reports were more often accurate than the public statements or the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

To that, Mr. Speaker, I add this val-edictory: Too little faith in the ability of the American people to recognize and accept truth.

#### LESSON 2: WAR AND OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, as the war in the Persian Gulf enters its third week, two fundamental issues confront the American people.

The first is how we Americans conduct ourselves toward one another as this war continues. On the homefront, this is a time for brotherhood and sisterhood in America. War breeds strong emotions. It engages our attention; and as we know during the Vietnam war, war can be divisive. But this is not a time for people to lash out in anger at fellow citizens who, in their own way, are expressing their views on this war. I have seen anger where there should be tolerance; I have seen prejudice, where there should be understanding. There is much we can do to be helpful, rather than hurtful, at this time when national unity demands the finest that is in us all. As our sons and daughters stand poised for battle, mutual respect must rule the day here at home.

As this war continues, people's emotions and opinions about the war are only going to get stronger. It is, therefore, imperative for all Americans to remind ourselves that the definition of patriotism cannot be limited—that who is patriotic and who is not—cannot be defined or limited by any self-appointed group of Americans.

A second issue. It is imperative that the American people come to understand the causes for this war. That they know why brave men and women are in battle. We need to fully understand the patterns of economic power,

the institutional arrangements, and the power of the multinational oil companies—a private power axis largely hidden from public view. These have helped to shape our policy in the Middle East in the course of the last three decades. We need to know the lessons of history so once this war is over, we will never again have to send our troops in harm's way for barrels of oil.

Let me speak to each of these issues.

First, protecting the right of dissent in times of war. Dissent is not disloyalty. The Constitution upholds the right of all Americans, regardless of their views on this war, to be heard in the public forum.

The Bill of Rights, as we all know, does not define who is a patriot and who is not. The Bill of Rights defines our right to be patriotic. It does not define what is patriotic. Nor does it limit the ability of any American to express those rights in a time of war.

□ 1600

That is what makes America unique. Free speech, including the right to approve as well as dissent is at the very core of our constitutional principles. It goes to the very heart of who we are as a people.

Let me reiterate, there is a strong distinction between dissent and disloyalty, and as one of my constituents has said, "A patriot is more than a missile."

It is, therefore, unacceptable to question the patriotism of any American, and it is not acceptable to assert that Americans who dissent in any way, directly or indirectly, are helping Saddam Hussein prolong this war. Long after Saddam Hussein has come and gone, the Bill of Rights will remain. It will remain because it is a document of breadth and vision and it will remain only if all Americans, regardless of their views on this war, subscribe to the principles encapsulated in it.

I therefore applaud President Bush for his recent remarks on the rights of all Americans to dissent, even against a policy that he believes is the right course.

This is a time for Americans to treat one another with dignity, respect and tolerance. There remains an enormous disquietude in America about the "why" of this war. Every pollster knows it. That disquiet and sense of unease is just under the very big numbers supporting the President. Those Americans who articulate that disquiet are no less patriotic than any Member of this House. All Members, regardless of their views, on the "why" of this war recognize the sacrifices our troops are making in the gulf. Supporting our troops is not the issue. All Americans support our troops.

The issue is America's long-term role in the Middle East.

Last week I spoke at some length about the power of oil in shaping and

defining the American experience in the Middle East. I said that this war, an economic war, had been a long time in coming. The American people need to know the lessons of history to understand why at this particular juncture in time America is fighting its first oil war. This crisis is just one of a series of oil shocks in the last three decades that have brought the United States and its allies to the edge of war.

This war is not an aberration, Mr. Speaker, not an aberration at all. It is a continuation of an economic struggle that has engaged American policy-makers since World War II.

Saddam Hussein lit the fuse for this war when he invaded Kuwait on August 2, make no mistake about it.

Saddam Hussein is brutal and calculating and a dictator who seems to think only of his own ambition, but this war is not just a war to drop a bomb on Saddam Hussein's ego or to deflate his megalomania; no, nor is it in truth a war to end brutality in Kuwait, for America has on more than one occasion turned its back on people in other lands who were under the thumb of very brutal dictators. If brutality alone was the sole rationale for intervention, the United States long ago would have gone after the dozens of brutal dictators and killers who have denied the very humanity of their own people in our 20th century; but as we know all too well, the mass killings of an Idi Amin in Uganda or a Pol Pot in Cambodia did not provoke us into war. No, Mr. Speaker, this is an economic war, a war for oil security. It is a war to protect the wellhead and our continued access to the long-term proven oil reserves under the sands of the Middle East. It is a struggle to gain access to a secure source of oil from a region of the world that has historically been unstable, a region that at times has been hostile to American interests and is becoming more so.

It is a struggle, Mr. Speaker, that has demanded the attention of every American President, Democrat and Republican, since the end of World War II. At times this struggle has been simply economic. At times it has led to war; but make no mistake about it, this is an oil war, an economic war.

From the "Politics of Oil," a book written by Robert Engler back in the late 1960's or early 1970's, we learned, "Oil has long been the key reason for western intervention in the Middle East."

In the summer of 1958, a military-led and middle-class dominated coup overthrew a pro-western reactionary dictatorship in Iraq. The one Arab country in the Baghdad pact, this oil-rich country had been a center of British influence in the Middle East and a recipient of considerable American military aid.

Then American Marines landed in Lebanon and British paratroopers descended upon Jordan in an effort to

contain the revolt and to bolster the collapsing western design for the Middle East.

The United States explained that its action was taken to protect American lives and prevent the indirect aggression of assassins in plainclothes seeking to place Lebanon under the domination of Nassir's United Arab Republic. During this time, a New York Times dispatch from Beirut reported a highly experienced military analyst as guessing that the job of smashing the headquarters of the opposition to the government might be done with two tanks alone.

Meanwhile, the Soviet Union delegate told the United Nations that he detected an acute smell of oil underlying the troop movements, and the New York Times further reported a series of conferences at which President Eisenhower, Secretary of State Dulles and Foreign Secretary Selwin Lloyd of Britain had agreed to limit their military action in the Middle East for the time being to Lebanon and Jordan, quoting, "As long as intervention will not be extended to Iraq, as long as the revolutionary government in Iraq respects western oil interests," said the front page dispatch.

This gunboat diplomacy was clearly in line with the State Department's commitment to pipelines and oil profits.

Mr. Speaker, I am speaking about the power of oil for the second week in a row because the people of the United States need to know why we are fighting this war. They want to know. They deserve the facts. Their children are going to die. Their sons and daughters are on the front lines as we speak.

So this is my way to help this understanding, to remind Americans about the lessons of history, those we learned and those we did not learn, so that once this war is over we will never ever have to send our troops again into battle for oil.

We need to fully understand the patterns of economic power, the institutional arrangements and the power of the multi-national oil giants in shaping our policy in the Middle East over the last three decades.

Last week I spoke at some length about how the power of oil dominated the economic history of the 20th century. I quoted Churchill who best embodied the quest for oil where it has been said, "Mastery itself was the prize of the venture."

I went on to read into the RECORD the prologue of Daniel Yergin's important new book entitled "The Prize, the Epic Quest for Oil, Money and Power," the book that defines the 20th century as the century of oil, a book with three great themes: The power of oil in the rise and development of capitalism in modern business, the power of oil as a commodity intimately intertwined with national strategies and global pol-

itics and power, and third, the power of oil to shape and define our society to such an extent that man and woman, himself and herself, could aptly be defined in the language of anthropologists as hydrocarbon man and woman.

I also spoke about the many crises that have preceded the war that now currently demands our attention.

I spoke about the Suez crisis of 1956, of how Kuwait and Iraq, then allies, cut off our oil supplies in 1967 because of our support for Israel in the Six-Day War.

I described how the Arab nations began to nationalize western oil companies, to demand a re-definition of established rules of oil pricing and who got the profits.

The American people need to hear more about the role of Gulf Oil Corp. and British Petroleum in Kuwait. Our people need to hear more about the role of Exxon and Mobil in Iraq, and we need to learn more about Aramco, the Saudi Arabian oil company with historic ties to Exxon, Chevron, Texaco, and Mobil.

It does not surprise me at all that the new Texaco ads on television attempt to spruce up Texaco's image, or that Mobil has taken out big newspaper ads even in our congressional newsletter called Roll Call, explaining how puny their profits really are.

□ 1610

The profits of the big multinational oil companies have been skyrocketing since Iraq invaded Kuwait. Some companies are making big profits on this war.

Chevron's earnings rose by 860 percent in 1990. Chevron earned \$633 million in the fourth quarter compared with a loss higher than that in the fourth quarter of 1989.

Exxon's earnings in 1990 rose about 8 percent. But if the expenses from the 1989 cleanup of the Valdez oil spill and a one-time accounting change are included, earnings rose 43 percent.

Mobil has stated that its profits rose 7 percent in 1990, led by a sharp increase in fourth-quarter results caused by rising oil prices. But in the fourth quarter of last year Mobil earned \$651 million, which is up 46 percent from its profits a year ago.

Texaco, not to be outdone, reported a 35 percent increase in profits for the fourth quarter of \$388 million.

Now, let me cite an example: Texaco and the Saudi Arabian oil company, Aramco, have a relationship that is extremely vertically integrated. Texaco has agreed to buy something along the order of 600,000 barrels of oil per day from Aramco at predetermined prices. This assures Aramco access to the market controlled by Texaco at stable prices and, in turn, gives Texaco assured access to that oil.

The relationship is cemented by the joint venture company of Star Enterprises.

These relationships, once developed, can be very exclusive.

As evidence of this, Texaco's profits have risen dramatically while Ashland Corp.'s profits, which does not have access to crude oil, have been tumbling.

Some smaller oil-producing countries with less oil to move may outright buy refining capabilities and market access.

Kuwait is a good example of this, as they bought out Santa Fe International in our own country for this purpose.

Thus these countries become even more representative of monopolies of old, having fully integrated the process from production to selling it at the gas pumps that our citizens go to every week.

The relationship between oil-producing countries and their governments and oil corporations is relatively simple in design but exceedingly complex in organization. In short, they have covered their bases well.

After this war ends, there will be a real movement toward direct investment by these oil companies in the Gulf States. Having been closed to direct foreign investment for some time now, this will represent a marked change in policy and an increasingly influential role in the area for oil corporations that can afford to invest the capital.

In actuality, it will be a reversal back to the past.

So the war we are in today has everything to do with who and which countries and companies control the enormous profits, and I mean enormous, involved in the sale of Middle East oil.

Last week I talked about the rise of OPEC, the Middle Eastern consortium of those nations and their companies, and how that new cartel and its oil card was played against the American consumer in our country back in 1973.

It is no secret how our economy went into an economic tailspin resulting from higher oil prices when the oil-producing nations, whose populations were and are largely poor, organized together to ask more money for a barrel of oil.

Let me give you some figures: In 1973 the price of a barrel of light crude oil went from \$3.12 a barrel to \$4.90 a barrel in October 1973. In December, then, prices rose again from \$5.11 to \$11.65. So that was a rise of almost quadrupling from \$3.12 up to \$11.65 a barrel.

Prior to that, in nations like Kuwait this is what it cost the oil companies to lift a barrel of oil. So let us look at what they made in profits on a barrel. It cost Western-owned oil companies 8 cents a barrel, 8 cents per barrel, to lift a barrel of oil. That oil was then marketed internationally, most of it to the United States, for \$2.48 a barrel. Half of

that profit, \$1.24 of it, went as royalties to the kings or emirs of those nations, thus the name "royalty."

For every royalty, for every penny of royalty paid to a king, the U.S. company striking that deal got, and gets until today, an enormous U.S. tax break in the form of a straight and full deduction from taxes owed to the U.S. Government on all of its revenues paid as royalties. That is a very important word, "royalties," very special treatment in our tax laws.

America has never fully recovered as a result of the 1973 recession, and every day the taxpayers of our country are subsidizing through the tax system the payment of these royalties to the kings and emirs of the Middle East.

The defining year is 1973, the very break point in the economic history of the United States following World War II.

Prior to 1973 it could be said that the United States was indeed a nation that reigned supreme economically. Despite the cold war, the Vietnam war and all the political turbulence of the post-World War II era, the United States prior to 1973 was a country that remained above the economic turbulence of the rest of the world. But as we all know and know all too well, that time has come and gone.

The oil shock of 1973 is the oil shock that changed America. Today, over half of the U.S. trade deficit with the rest of the world is due to what we have to pay for imported oil, fully 55 percent of our national trade deficit falls in the category of imported oil.

Mr. Speaker, is it not time America took stock of itself and moved in a new direction toward energy independence from foreign supplies?

Mr. Speaker, 1973 seems a very long time ago, but even then the threat of war, the linkage between our energy situation and the Palestinian question was ever on the minds of far-sighted experts.

Last week David Warsh, a columnist for the Boston Globe, wrote an insightful column in the business section of the Washington Post entitled "Oil Remains the Driving Force of the Persian Gulf War."

The text of the article referred to is as follows:

[From the Washington Post, Jan. 23, 1991]

OIL REMAINS THE DRIVING FORCE OF THE  
PERSIAN GULF WAR

(By David Warsh)

Twenty years, three oil shocks, three global recessions: The Persian Gulf War that began last week may have been about borders. It may have been about civility. But deep down, its purpose is to take away the "oil weapon" from the nations that have exercised it since 1971.

Though not officially stated in such terms, the idea involves eliminating the government that has reached for the weapon most recently and intimidating the others. But President Bush had little to say the night war broke out in describing his war aims re-

garding the slow growth and the cycles of boom and bust that have plagued the international order since the Organization of Petroleum Exporting Countries gained control of prices.

Instead, the president repeatedly stressed the brutality of the Iraqi invasion of Kuwait. Only obliquely did he refer to the stakes (that could ultimately make the war worthwhile).

"While the world waited, while Saddam stalled, more damage was being done to the fragile economies of the Third World, the emerging democracies of Eastern Europe, to the entire world, including to our own economy," the president said. That brief mention notwithstanding, when the history books are written, the period of instability that began with the "oil embargo" of 1973 is likely to form the core of the story of the Gulf war.

How might this war help the world economy free itself from the periodic stranglehold on oil that has been exercised by the oil-rich nations? It helps to go back to one of the basic economic stories of the last 20 years. Few technical issues are more susceptible to argument than the provision and distribution of energy in the world economy. But the broad outlines of a story acceptable to most experts was related by energy economist M.A. Adelman of the Massachusetts Institute of Technology in congressional testimony last autumn.

For most of a century after its discovery in 1859, Adelman said, oil's world price was held well above the cost of finding new reserves by the multinational oil companies. Then, in the years after World War II, oil's inflation-adjusted price fell by 80 percent. It hit bottom in 1970. It was then that the cartel of sovereign governments known as OPEC discovered it could exercise control of the price of oil through a combination of output cuts, threats and the shrewd manufacture of crises.

There is reason to believe, Adelman said, that the OPEC nations were abetted in their early efforts by the Nixon administration, which was anxious at the time to arm the nations of the Middle East—Iran in particular—against the Soviet Union.

Slowly at first, then in a series of sharp increases, the cartel of nations raised the price of oil 15-fold, adjusted for inflation, between 1970 and 1971, to markups far beyond those ever contemplated by the companies that had administered the oil market. The result of this governmental gouging was, as Adelman said, worldwide suffering on a grand scale. Among the consequences he noted:

Industrial nations tumbled into steep recessions twice, in 1974 and 1981. The latter slowdown in Europe turned into a six-year depression. The lost output cost the world hundreds of billions of dollars. Declining productivity growth translated into stagnant living standards that strained normally confident societies.

Less-developed countries devastated their forests for fuel. They ran up staggering debts in a vain attempt to outrun the oil shocks—debts whose ultimate uncollectability shut down new lending for worthy purposes and ultimately threatened the banking system of the West.

Arab nations invested huge portions of their oil revenues in armaments. Petrodollars financed the eight-year Iraq-Iran war, for example, with 1 million dead and 3 million casualties and refugees.

The third oil shock, which began last summer, was no different from the earlier two, Adelman argued. Last June, oil was selling

for about \$13 a barrel and the market verged on the brink of a further steep decline. Two months later, when Iraq invaded Kuwait, prices skyrocketed toward \$40 a barrel. Over-ripe after eight years of debt-financed expansion, the United States paused momentarily on the brink, then tumbled into recession. Sales fell, unemployment rose sharply, the budget deficit soared, the banking system threatened to collapse.

Although Federal Reserve Board Chairman Alan Greenspan has said that he thought the recession just might have bottomed out, much depends on the price of oil—and so on the outcome of the war.

Just how, then, might a successful gulf war stabilize the price of oil? And at what level? With no one in the Bush administration talking much about war aims other than "the liberation of Kuwait," it is difficult to say.

But the very unanimity with which the United Nations reached its votes, and with which 28 nations assembled their military mission in the gulf suggests the extent to which a stable world economic order is desired. Predictable oil prices would form a significant part of such a world—and precisely those nations threatened by Saddam Hussein's August invasion, Kuwait and Saudi Arabia, are thought to be most deeply committed to a policy of stable prices.

It's not gas-guzzling cars and fast boats that are the issue. Nations are free to tax the use of energy as heavily as they see fit. Indeed, they can confidently be expected to do so if an environmental crisis looms. Rather, it is the freedom from sudden and disruptive shocks arising from cartel shenanigans that is desired by Bush and the leaders of the 27 nations that joined him.

On the morning after the war began, oil prices plummeted a long way toward what the markets figure might be their long-term price of \$15 or less, and the possibility arose that the war might be more or less self-financing, through stronger-than-expected economic growth. So why, then, did Bush have so little to say about the economic basis of the war? Well, for one thing, the state of economic understanding of the processes of growth and development is hardly such that he could firmly base moral claims of life and death upon it. It is much better to base your policy on the promise that it will stop the torture of children than on your hope that it will enhance industrial and agricultural productivity.

Moreover, the gulf war offers no quick fix for slow global growth. Even if the war goes well for the coalition, much remains to be done to stitch together the new world order of which the president spoke.

Then, too, questions having to do with energy consumption are highly charged emotionally. For many people, economic growth means the greenhouse effect and nothing more.

Finally, it can hardly be said that all of America's problems—nor those of any of the other industrial nations—stem from gyrations of the price of oil, important as that strut of the story has been.

But barring a disaster, the likelihood is that the institutional arrangements of the post-Cold War world are being laid in the ashes of the war against Iraq. Not since the end of World War II has there been so much to gain from a possible victory.

Mr. Speaker, I wanted to include this column because it defines again in the most clear terms why oil is the reason that we are involved in the current war in the Middle East.

Whether America should have gone to war over imported oil is for historians to contemplate years hence. Our task today, however, is not to ignore but to recognize the reason that we are at war.

The core of the problem of why America is at war is that the United States, as a nation, believes itself to be desperately dependent upon oil, and foreign sources of it, for its continued well-being.

This shared premise began as an artificially created notion through the efforts of private interests, largely oil companies.

Now, we consume a lot of oil, and certain sectors of our economy are overly dependent on it. But let me ask why, why do we depend on imported oil so very much when the technology and natural resources, the alternatives available in this country abound?

Coal alone, we have more coal under the ground in America, more Btu's, British thermal units, under the ground in America in recoverable coal than the Middle East has Btu's, British thermal units, underground in oil.

□ 1620

Mr. Speaker, I ask my colleagues, "Why haven't we developed that resource and cleaned up coal where we know we can do it? Why haven't we used our fields and farms to produce new alcohol and agriculturally related fuels?"

Mr. Speaker, we are the most productive Nation on Earth. Our farmers have corn and all types of products rotting in storage bins across this country, so I ask, "Why haven't we, as a country, begun to develop this tremendous resource? Or solar power, where we have learned so much through NASA? Or photovoltaics? Why haven't we perfected that technology, or hydrogen power, or hydroelectric power in those areas where we front on waterways? Why have we been so slow to develop these technologies? Could it be perhaps that those cartels that have created this dependence that America now finds herself wed to foreign sources of supply have found it more profitable in the short run to seek higher profits for those companies than to invest here in America for the betterment of the good old U.S. of A.? Why do we continue to use inefficient practices and machines like the internal combustion engine without inventing a new generation of engines for motor vehicles for the 21st century? Do you mean to tell me a nation that landed a man on the moon in 10 years couldn't completely redo our form of motor transportation?"

Mr. Speaker, it is very possible. In fact, it is achievable.

I ask, "Why haven't we had the will to do that, and why is it the public is continually expected to swallow arguments for such an inefficient system

when access to all the facts are not forthcoming?"

Back in 1975, former Secretary of State Henry Kissinger produced something he called his strangulation theory. He said then that oil is worth fighting for because it is the lifeblood of our economy and our way of life, and yet, as he strongly advocated that very position, at the very same time, in 1975, a joint Senate committee was denied information by the Under Secretary of the Interior at that time, Hollis Dole, on how much natural gas actually underlies the public lands in the United States.

Mr. Speaker, let me end by saying that a military strategy is no replacement for an energy strategy. It can very well serve as the impetus to overcome objections by vested interests, largely our oil corporations, to enable a national energy policy to come into being. But what a price to pay for 20 and 30 years of neglect. The public should be able to expect not to have to go to war again so America can heat her homes, so that we can operate our automobiles, and that we can run our factories.

Mr. Speaker, I ask my colleagues, "Why should we have to go to war to get the fuel to do that?" Energy self-sufficiency made right here at home by developing our own resources should be our top priority agenda as we move toward the 21st century. Once the shooting stops, that must be our No. 1 priority.

#### TECHNOLOGY SAVES LIVES

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

Mr. HANSEN. Mr. Speaker, one of this Nation's greatest current challenges is the determination of how, in the wake of our new relationship with the Soviet Union and the current war with Iraq, we should spend our money to defend this Nation.

Not long ago, many in Congress were caught up in the euphoria of the Soviet Union's new openness and restructuring and in our new, less threatening relationship with them. To many it seemed that because the cold war was apparently over, we could feel free to tear down our military piece by piece. To them, not only were we free from the major military threat to our national security, but we were free from almost any military threat.

Shouts for massive defense cuts and "peace dividends" were vibrating off Capitol walls. Calls for the systematic dismantling of our military and wholesale elimination of new weapon systems were the battle cries in many political campaigns.

Then, amidst the euphoria came an unnerving shock: Iraq invaded Kuwait.

In August, as some Congressmen and congressional candidates instantly became military experts, many of them espoused theories about how we had sacrificed our conventional warfare capabilities by concentrating on the development and production of high technology weapons for a potential conflict with the Soviet Union. The strategic defense initiative [SDI] was among the first targets of antidefense rhetoric. Claims were made that defending against incoming missiles was a thing of the past, and that the money could be better used elsewhere.

As recently as last November, people have blamed me and others for participating in House Armed Services Committee decisions to spend money on sophisticated weaponry such as SDI, cruise missiles, and stealth technology. Our critics claimed that there was a misguided emphasis on high technology which evolved during the Reagan administration and that we should have learned from our lessons in Vietnam that high-tech air power cannot defeat an enemy force on its home terrain.

But on January 16, 1991, reality impinged upon political rhetoric and theory, and fact met fiction.

Since the early stages of the campaign to drive Saddam from Kuwait, sophisticated high-tech weapons and aircraft have performed brilliantly. Navy Tomahawk cruise missiles launched from warships in the Persian Gulf strike with amazing accuracy at military targets in downtown Baghdad. Laser guided missiles shot from F117A Stealth fighter bombers have been precisely directed down narrow buildings and directly through doors.

High technology weapons give our Armed Forces the ability to make surgical strikes, eliminating much of the death and destruction among civilians and their property near the targets. This is in stark comparison to Iraq's hopelessly inaccurate Scud missile which is fired in the general direction of crowded cities in hope of killing civilians for the sole purpose of terrorism.

Not only does this precise accuracy reduce collateral damage at the target, but it ultimately saves the lives of our airmen and soldiers by allowing us to destroy targets with few missions and by dramatically reducing Saddam's ability to wage war long before we send in ground troops. The cost of these weapons may be significant, but what is the price of saving U.S. lives and protecting our freedom?

Even after January 16, many still suggest that the strategic defense initiative is an enormous waste of money. To them, I would suggest a talk with those in Saudi Arabia and Israel who were spared facing an exploding Scud missile because a U.S. Patriot missile destroyed it in the air. The develop-

ment of the Patriot is the same theory as SDI.

To those who suggest that we learn lessons from Vietnam, I submit that while they and others were standing on the sidelines, we did learn valuable lessons from that conflict.

We learned that we must support our troops with the best technology and the best logistical support and power we can muster. We learned that high technology can save lives of our American servicemen and women. And we learned that we must not only provide them with the best weapons, but that we must show strength, and hence our ability to defend this great Nation, lies not only in our technology and in our people, but in our willingness to support both.

But there are lessons still to be learned by many. There are too few in Congress who recognize that the Soviet Union is not the only threat to this Nation's security. We can no longer ignore the likes of a Saddam Hussein, a Mu'ammar Qadhafi and other dictators known and unknown as potential threats to the security of this Nation. Just one nuclear warhead and one intercontinental ballistic missile in their hands could prove devastating to our homes without a means to defend against it.

"Peace through strength" is much more than a hollow platitude. It has been a guiding principle during much of this Nation's history since George Washington said that the best way to keep the peace is to be prepared for war.

President Reagan understood this concept when he took office in 1980. He grabbed the reins of a dated, demoralized, and underfunded military, and steered it back to a position of strength. He realized that technology could be the answer to keeping the peace, and so we began investing heavily in it.

The results speak for themselves. The Soviet Union found that it faced a determined opponent in the United States whose technology would ever outpace its own. The Soviets recognized strength, and knew that they could no longer spend the sums necessary to keep up. And now, through the Iraqi crisis, we can see the wisdom of Reagan's—and Bush's—vision that the path to peace is truly through strength.

Let this sobering event teach us that we must not tear down our military capability in the face of a lessened threat from the Soviet Union. Instead we should carefully and prudently build down while continually developing our technological capabilities, so that we are never caught without a defense adequate to defend our Nation against any threat.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of a death in the family.

Ms. WEISS (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

#### SPECIAL ORDERS GRANTED

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

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

Mr. MORRISON, for 5 minutes, each day on February 5 and 6.

Mr. HANSEN, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, on January 30.

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

Mr. ECKART, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. KENNELLY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NOWAK, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MOODY, for 60 minutes, on January 30.

Mr. RANGEL, for 60 minutes, on February 5.

Mr. ANNUNZIO, for 60 minutes, on February 20.

#### EXTENSION OF REMARKS

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

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

Mr. CONTE.

Mr. SHAYS.

Mr. DOOLITTLE.

Mr. BEREUTER.

Mr. HYDE.

Mr. GINGRICH.

Mr. GALLO.

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

Mr. TRAFICANT in two instances.

Mr. ACKERMAN in two instances.

Mr. ROE.

Mr. MAZZOLI.

Mr. MILLER of California.

Mr. MATSUI.

Ms. SLAUGHTER.

Mr. KLECKA.

Mr. DWYER of New Jersey.

Mr. STARK.

Mrs. KENNELLY.

Mr. KOLTER.

Mr. RAHALL in three instances.

Mr. SLATTERY.

### ENROLLED BILLS SIGNED

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

### BILLS PRESENTED TO THE PRESIDENT

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following titles:

On January 25, 1991:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

□ 1630

### RECESS

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to the order of the House of January 24, 1991, the House will stand in recess until approximately 8:40 p.m.

Accordingly (at 4 o'clock and 31 minutes p.m.) the House stood in recess until approximately 8:40 p.m.

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

### JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 46 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from Michigan [Mr. VANDER JAGT]; and

The gentleman from Texas [Mr. FIELDS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Hawaii [Mr. INOUE];

The Senator from Illinois [Mr. DIXON];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Wisconsin [Mr. KASTEN];

The Senator from Texas [Mr. GRAMM]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Associate Justices of the Supreme Court.

The Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

### THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the United States Congress. I come to this House of the people, to speak to you and to all Americans, certain that we stand at a defining hour.

Halfway around the world, we are engaged in a great struggle in the skies and on the seas and sands. We know why we're there. We are Americans: part of something larger than ourselves.

For two centuries, we've done the hard work of freedom. And tonight, we lead the world in facing down a threat to decency and humanity.

What is at stake is more than one small country; it is a big idea: a new world order—where diverse nations are drawn together in common cause, to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. Such is a world worthy of our struggle and worthy of our children's future.

The community of nations has resolutely gathered to condemn and repel lawless aggression. Saddam Hussein's unprovoked invasion—his ruthless, systematic rape of a peaceful neighbor—violated everything the community of nations holds dear. The world has said this aggression would not stand—and it will not stand.

Together, we have resisted the trap of appeasement, cynicism, and isolation that gives temptation to tyrants. The world has answered Saddam's invasion with 12 United Nations resolutions, starting with a demand for Iraq's immediate and unconditional with-

drawal—and backed up by forces from 28 countries of six continents. With few exceptions, the world now stands as one.

The end of the Cold War has been a victory for all humanity. A year and a half ago, in Germany, I said that our goal was a Europe whole and free. Tonight, Germany is united. Europe has become whole and free—and America's leadership was instrumental in making it possible.

Our relationship to the Soviet Union is important, not only to us, but to the world. That relationship has helped to shape these and other historic changes. But like many other nations, we have been deeply concerned by the violence in the Baltics, and we have communicated that concern to the Soviet leadership.

The principle that has guided us is simple: our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union. In our recent discussions with the Soviet leadership, we have been given representations, which, if fulfilled, would result in the withdrawal of some Soviet forces, a reopening of dialogue with the Republics, and a move away from violence.

We will watch carefully as the situation develops. And we will maintain our contact with the Soviet leadership to encourage continued commitment to democratization and reform.

If it is possible, I want to continue to build a lasting basis for U.S.-Soviet cooperation, for a more peaceful future for all mankind.

The triumph of democratic ideas in Eastern Europe and Latin America—and the continuing struggle for freedom elsewhere all around the world—all confirm the wisdom of our Nation's founders.

Tonight, we work to achieve another victory—a victory over tyranny, and savage aggression.

We in this Union enter the last decade of the 20th century thankful for our blessings, steadfast in our purpose, aware of our difficulties, and responsive to our duties at home and around the world.

For two centuries, America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and sacrifice.

But we also know why the hopes of humanity turn to us.

We are Americans: we have a unique responsibility to do the hard work of freedom. And when we do—freedom works.

The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to

this victory for world peace and justice is the same spirit that gives us the power and the potential to meet our toughest challenges at home.

We are the resolute and resourceful. If we can selflessly confront the evil for the sake of good in a land so far away, then surely we can make this land all that it should be.

If anyone tells you that America's best days are behind her, they're looking the wrong way.

Tonight, I come before this House, and the American people, with an appeal for renewal. This is not merely a call for new government initiatives, it is a call for new initiative in government, in our communities, and from every American—to prepare for the next American century.

America has always led by example. So who among us will set the example? Which of our citizens will lead us in this next American century? Everyone who steps forward today, to get one addict off drugs. To convince one troubled teenager not to give up on life . . . to comfort one AIDS patient . . . to help one hungry child.

We have within our reach the promise of a renewed America. We can find meaning and reward by serving some purpose higher than ourselves—a shining purpose, the illumination of a thousand points of light. And it is expressed by all who know the irresistible force of a child's hand, of a friend who stands by you and stays there—a volunteer's generous gesture, an idea that is simply right.

The problems before us may be different, but the key to solving them remains the same: it is the individual—the individual who steps forward. And the state of our Union is the union of each of us, one to the other: the sum of our friendships, marriages, families, and communities.

We all have something to give. So if you know how to read, find someone who can't. If you've got a hammer, find a nail. If you're not hungry, not lonely, not in trouble—seek out someone who is.

Join the community of conscience. Do the hard work of freedom and that will define the state of our Union.

Since the birth of our Nation, "We the people" has been the source of our strength. What government can do alone is limited—but the potential of the American people knows no limits.

We are a Nation of rock-solid realism and clear-eyed idealism. We are Americans: We are the Nation that believes in the future. We are the Nation that can shape the future.

And we've begun to do just that—by strengthening the power and choice of individuals and families.

Together, these last two years, we've put dollars for child care directly in the hands of parents, instead of bureaucrats. Unshackled the potential of Americans with disabilities. Applied

the creativity of the marketplace in the service of the environment, for clean air. And made homeownership possible for more Americans.

The strength of a democracy is not in bureaucracy. It is in the people and their communities. In everything we do, let us unleash the potential of our most precious resource—our citizens. We must return to families, communities, counties, cities, states, and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth and that's what America is all about.

I know, that tonight, in some regions of our country, people are in genuine economic distress and I hear them.

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down, saying "My heart is aching, and I think that you should know—your people out here are hurting badly."

I understand. And I'm not unrealistic about the future. But there are reasons to be optimistic about our economy.

First, we don't have to fight double-digit inflation. Second, most industries won't have to make big cuts in production, because they don't have big inventories piled up. And third, our exports are running solid and strong. In fact, American businesses are exporting at a record rate.

So let's put these times in perspective. Together, since 1981, we've created almost 20 million jobs, cut inflation in half, and cut interest rates in half.

And yes, the largest peacetime economic expansion in history has been temporarily interrupted. But our economy is still over twice as large as our closest competitor.

We will get this recession behind us, and return to growth—soon. We will get on our way to a new record of expansion and achieve the competitive strength that will carry us into the next American century.

We should focus our efforts today on encouraging economic growth, investing in the future, and giving power and opportunity to the individual.

We must begin with control of Federal spending and that's why I'm submitting a budget that holds the growth in spending to less than the rate of inflation. And that's why, amid all the sound and fury of last year's budget debate, we put into law new, enforceable spending caps—so that future spending debates will mean a battle of ideas, not a bidding war.

Though controversial, the budget agreement finally put the Federal government on a pay-as-you-go plan—and cut the growth of debt by nearly 500 billion dollars. And that frees funds for saving and job-creating investment.

Now, let's do more. My budget again includes tax-free family savings accounts; penalty-free withdrawals from

I.R.A.'s for first-time home-buyers; and, to increase jobs and growth, a reduced tax for long-term capital gains.

I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders and the Federal Reserve to cooperate with us in a study—led by Chairman Alan Greenspan—to sort out our technical differences so that we can avoid a return to unproductive partisan bickering.

But just as our efforts will bring economic growth now, and in the future, they must also be matched by long-term investments for the next American century.

That requires a forward-looking plan of action—and that's exactly what we will be sending to the Congress. We have prepared a detailed series of proposals that include:

A Budget that promotes investment in America's future—in children, education, infrastructure, space, and high technology.

Legislation to achieve excellence in education—building on the partnership forged with the 50 governors at the Education Summit—enabling parents to choose their children's schools—and helping to make America No. 1 in math and science.

A blueprint for a new National Highway System—a critical investment in our transportation infrastructure.

A research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R&D and to create jobs.

A comprehensive National Energy Strategy that calls for energy conservation and efficiency, increased development, and greater use of alternative fuels.

A banking reform plan to bring America's financial system into the 21st century—so that our banks remain safe and secure and can continue to make job-creating loans for our factories, our businesses and home-buyers. You know I do think there has been too much pessimism. Sound banks should be making more sound loans, now—and interest rates should be lower, now.

In addition to these proposals, we must recognize that our economic strength depends on being competitive in world markets. We must continue to expand American exports. A successful Uruguay Round of world trade negotiations will create more real jobs and more real growth—for all nations. And you and I know that if the playing field is level, America's workers and farmers can out-work, out-produce anyone, anytime, anywhere.

And with a Mexican Free Trade Agreement, and our Enterprise for the Americas Initiative, we can help our partners strengthen their economies and move toward a free trade zone throughout this entire hemisphere.

The budget also includes a plan of action right here at home to put more power and opportunity in the hands of the individual and that means new incentives to create jobs in our inner cities, by encouraging investment through enterprise zones. It also means tenant control and ownership of public housing. Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American.

Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences.

We're determined to protect another fundamental civil right—freedom from crime and the fear that stalks our cities. The Attorney General will soon convene a Crime Summit of our Nation's law enforcement officials. And to help us support them, we need tough crime control legislation, and we need it now.

And as we fight crime, we will fully implement our National Strategy for Combatting Drug Abuse. Recent data show that we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever.

Good health care is every American's right and every American's responsibility. And so we are proposing an aggressive program of new prevention initiatives—for infants, for children, for adults, and for the elderly—to promote a healthier America and to help keep costs from spiraling.

It's time to give people more choice in government, by reviving the ideal of the citizen politician who comes not to stay, but to serve. And one of the reasons that there is so much support for term limitations is that the American people are increasingly concerned about big-money influence in politics. So we must look beyond the next election, to the next generation. And the time has come to put the national interest above the special interest—and to totally eliminate Political Action Committees.

That would truly put more competition in elections, and more power in the hands of individuals. And where power cannot be put directly in the hands of the individual, it should be moved closer to the people—away from Washington.

The Federal government too often treats government programs as if they are of Washington, by Washington, and for Washington. Once established, Federal programs seem to become immortal.

It's time for a more dynamic program life cycle: Some programs should

increase. Some should decrease. Some should be terminated. And some should be consolidated and turned over to the States.

My budget includes a list of programs for potential turn-over totalling more than \$20 billion. Working with Congress and the Governors, I propose we select at least \$15 billion in such programs and turn them over to the States in a single consolidated grant—fully funded—for flexible management by the States.

The value of this turn-over approach is straightforward. It allows the Federal government to reduce overhead. It allows States to manage more flexibly and more efficiently. It moves power and decision-making closer to the people. And it reinforces a theme of this Administration: appreciation and encouragement of the innovative powers of "States as Laboratories."

This Nation was founded by leaders who understood that power belongs in the hands of people. And they planned for the future. And so must we—here and all around the world.

As Americans, we know that there are times when we must step forward and accept our responsibility to lead the world away from the dark chaos of dictators, toward the brighter promise of a better day.

Almost 50 years ago we began a long struggle against aggressive totalitarianism. Now we face another defining hour for America and for the world.

There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman, and Coast-guardian—every man and woman now serving in the Persian Gulf. [Applause.] Oh, how they deserve it. What a fitting tribute to them. You see, what a wonderful fitting tribute to them.

Each of them has volunteered to provide for this Nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

Our commitment to them must be the equal to their commitment to their country. They are truly America's finest.

The war in the Gulf is not a war we wanted. We worked hard to avoid war. For more than five months we, along with the Arab League, the European Community, the United Nations, tried every diplomatic avenue. U.N. Secretary General Perez de Cuellar; Presidents Gorbachev, Mitterrand, Ozal, Mubarak, and Bendjedid; Kings Fahd and Hassan; Prime Ministers Major and Andreotti—just to name a few—all worked for a solution. But time and again, Saddam Hussein flatly rejected the path of diplomacy and peace.

The world well knows how this conflict began and when: It began on August 2nd, when Saddam invaded and sacked a small, defenseless neighbor.

And I am certain of how it will end. So that peace can prevail, we will prevail. Thank you.

Tonight, I am pleased to report that we are on course. Iraq's capacity to sustain war is being destroyed. Our investment, our training, our planning—all are paying off. Time will not be Saddam's salvation.

Our purpose in the Persian Gulf remains constant: to drive Iraq out of Kuwait, to restore Kuwait's legitimate government, and to ensure the stability and security of this critical region.

Let me make clear what I mean by the region's stability and security. We do not seek the destruction of Iraq, its culture, or its people. Rather, we seek an Iraq that uses its great resources, not to destroy, not to serve the ambitions of a tyrant, but to build a better life for itself and its neighbors. We seek a Persian Gulf where conflict is no longer the rule, where the strong are neither tempted nor able to intimidate the weak.

Most Americans know instinctively why we are in the Gulf. They know we had to stop Saddam now, not later. They know that this brutal dictator will do anything; will use any weapon; will commit any outrage, no matter how many innocents suffer.

They know we must make sure that control of the world's oil resources does not fall into his hands, only to finance further aggression. They know that we need to build a new, enduring peace—based not on arms races and confrontation, but on shared principles and the rule of law.

And we all realize that our responsibility to be the catalyst for peace in the region does not end with the successful conclusion of this war.

Democracy brings the undeniable value of thoughtful dissent—and we have heard some dissenting voices here at home—some, handful, reckless, most responsible. But the fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years.

Our progress in this great struggle is the result of years of vigilance, and a steadfast commitment to a strong defense. Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians.

Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes—whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.

The quality of American technology, thanks to the American worker, has enabled us to successfully deal with difficult military conditions and help minimize loss of precious life. We have

given our men and women the very best. And they deserve it.

We all have a special place in our hearts for the families of our men and women serving in the Gulf. They are represented here tonight by Mrs. Norman Schwarzkopf. We are very grateful to General Schwarzkopf and to all those serving with him. I might also recognize one who came with Mrs. Schwarzkopf, Alma Powell, wife of the distinguished Chairman of the Joint Chiefs. And to the families, let me say our forces in the Gulf will not stay there one day longer than is necessary to complete their mission.

The courage and the success of the RAF pilots—of the Kuwaiti, Saudi, French, the Canadians, Italians, the pilots of Qatar and Bahrain—all are proof that for the first time since World War II, the international community is united. The leadership of the United Nations, once only a hoped-for ideal, is now confirming its founders' vision.

I am heartened that we are not being asked to bear alone the financial burdens of this struggle. Last year, our friends and allies provided the bulk of the economic costs of Desert Shield, and now having received commitments of over \$40 billion for the first three months of 1991, I am confident they will do no less as we move through Desert Storm.

But the world has to wonder what the dictator of Iraq is thinking. If he thinks that by targeting innocent civilians in Israel and Saudi Arabia, that he will gain advantage—he is dead wrong. And if he thinks that he will advance his cause through tragic and despicable environmental terrorism—he is dead wrong. And if he thinks that by abusing the coalition prisoners of war, he will benefit—he is dead wrong.

We will succeed in the Gulf. And when we do, the world community will have sent an enduring warning to any dictator or despot, present or future, who contemplates outlaw aggression.

The world can therefore seize this opportunity to fulfill the long-held promise of a new world order—where brutality will go unrewarded, and aggression will meet collective resistance.

Yes, the United States bears a major share of leadership in this effort. Among the nations of the world, only the United States of America has both the moral standing, and the means to back it up. We are the only Nation on this earth that could assemble the forces of peace.

This is the burden of leadership—and the strength that has made America the beacon of freedom in a searching world.

This Nation has never found glory in war. Our people have never wanted to abandon the blessings of home and work, for distant lands and deadly conflict. If we fight in anger, it is only because we have to fight at all. And all of

us yearn for a world where we will never have to fight again.

Each of us will measure, within ourselves, the value of this great struggle. Any cost in lives any cost is beyond our power to measure. But the cost of closing our eyes to aggression is beyond mankind's power to imagine.

This we do know: Our cause is just. Our cause is moral. Our cause is right.

Let future generations understand the burden and blessings of freedom. Let them say, we stood where duty required us to stand.

Let them know that together, we affirmed America, and the world, as a community of conscience.

The winds of change are with us now. The forces of freedom are together united and we move toward the next century, more confident than ever that we have the will at home and abroad to do what must be done—the hard work of freedom.

May God bless the United States of America.

Thank you very, very much.

[Applause, the Members rising.]

At 9 o'clock and 56 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court.

The ambassadors, ministers, and charges d'affaires of foreign governments.

#### JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 4 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BENNETT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 30, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

526. Under clause 2 of rule XXIV, a letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1990, pursuant to 40 U.S.C. 484(o), was taken from the Speakers table and referred to the Committee on Government Operations.

## 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. CLAY:

H.R. 678. A bill to guarantee the right of law enforcement officers to organize and bargain collectively; jointly, to the Committee on Education and Labor and Post Office and Civil Service.

By Mr. CONTE (for himself, Mr. SHAYS, Mr. IRELAND, and Mr. VANDER JAGT):

H.R. 679. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to establish a limit of \$100,000 on the amount of deposit insurance which may be paid to any person during any 36-month period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COUGHLIN:

H.R. 680. A bill to amend the Public Health Service Act to establish in the program of block grants regarding drug abuse and mental health a requirement regarding the approval of statewide drug treatment plans, and for other purposes; to the Committee on Energy and Commerce.

H.R. 681. A bill to amend title 18, United States Code, to establish criminal penalties for failure to obey an order to land an aircraft issued by a Federal law enforcement officer enforcing controlled substances laws, and for other purposes; jointly, to the Committee on the Judiciary, Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. HUNTER:

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax of 5 percent of gross income on foreign and foreign-owned corporations which do not provide sufficient information to accurately determine their taxable income; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 683. A bill to increase the maximum reward for information concerning acts of international terrorism against the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. SOLOMON (for himself and Ms. MOLINARI):

H.R. 684. A bill to terminate most-favored-nation treatment for the products of Iraq; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 685. A bill to establish a Data Protection Board, and for other purposes; to the Committee on Government Operations.

By Mr. DICKINSON:

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself and Mr. SHAYS):

H.R. 687. A bill to amend the Impoundment Control Act of 1974 to provide that any re-

scission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committee on Government Operations and Rules.

By Mr. GALLO (for himself, Mr. HORTON, Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. LEWIS of Georgia, and Mr. DWYER of New Jersey):

H.R. 688. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to provide protection for sole source aquifers; jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 689. A bill to extend nondiscriminatory treatment to the products of Bulgaria and Romania for 3 years; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. MILLER of California, Mr. VENTO, Mr. DE LUGO, Mr. AUCCOIN, Mr. FUSTER, Mr. FLAKE, Mr. RANGEL, Mr. MFUME, Mrs. COLLINS of Illinois, Mr. OWENS of New York, Mr. DELLUMS, Mr. ESPY, Mr. STOKES, Mr. TOWNS, Mr. DEFazio, Mr. RICHARDSON, Mr. MURPHY, Mr. LEHMAN of Florida, Mr. JONTZ, Mr. FASCELL, Mr. PARKER, Ms. PELOSI, Mr. STUDDS, Mr. DURBIN, Mr. FROST, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. WALSH, Mr. GORDON, Mr. SERRANO, and Mr. HATCHER):

H.R. 690. A bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACHTLEY (for himself and Mr. REED):

H.R. 691. A bill to amend the Small Business Act to provide disaster loan eligibility to small business concerns located in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Small Business.

By Mr. RAHALL:

H.R. 692. A bill to provide for the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, WV, for the educational inspirational benefit of present and future generations; to the Committee on Interior and Insular Affairs.

H.R. 693. A bill to amend the Mineral Leasing Act to provide for public interest improvements in the management of Federal coal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. MCCLOSKEY, Mr. BOUCHER, Mr. PERKINS, and Mr. WISE):

H.R. 694. A bill to amend the Black Lung Benefits Act to provide special procedures for certain claims due to pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. WATERS, and Mr. ANDREWS of Maine):

H.R. 695. A bill to amend title 37, United States Code, to alleviate the loss of earnings of a member of a Reserve component of the Armed Forces who is called or ordered to active duty in connection with operations in the Persian Gulf region; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 696. A bill to provide an exclusion from gross income for certain military pay, and automatic extensions of time, for mem-

bers of the Armed Forces of the United States serving in connection with Operation Desert Shield; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 697. A bill to amend the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

H.R. 698. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicaid Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Mr. LEHMAN of California, Mr. ANDREWS of Texas, Mrs. COLLINS of Illinois, Mr. LIPINSKI, and Ms. PELOSI):

H.R. 699. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicare Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STEARNS:

H.R. 700. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Rules, and House Administration.

By Mr. THOMAS of California (for himself and Mr. LAGOMARSINO):

H.R. 701. A bill to authorize the President to lease Naval Petroleum Reserve Numbered 1 and thereby assure the efficient production of oil, natural gas, and other hydrocarbon resources at that property; to ensure the Federal Government receives fair market value for leasing that property; to upgrade the Nation's energy security assets by establishing a defense petroleum inventory; and to provide for the equitable sharing with the State of California of revenues from Naval Petroleum Reserve Numbered 1; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. SLAUGHTER of Virginia (for himself, Mr. CRANE, Mr. DREIER of California, Mr. BLILEY, Mr. RITTER, Mr. DANEMEYER, Mr. ARMEY, Mr. DORNAN of California, Mr. EMERSON, Mr. LAGOMARSINO, Mr. IRELAND, Mr. BAKER, Mr. DELAY, Mr. HUNTER, Mr. WEBER, Mr. MCCOLLUM, Mr. PACKARD, and Mrs. VUCANOVICH):

H.R. 702. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for amounts contributed to a health care savings account and to amend title XVIII of the Social Security Act to provide for a high deductible and protection against catastrophic medical care expenses for individuals who have established such accounts; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLAUGHTER of Virginia:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts otherwise includable on the surrender or cancellation of any life insurance policy which are used to pay long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 704. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts withdrawn from individual retirement plans for payments of long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 705. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Texas:

H.R. 706. A bill to amend the Internal Revenue Code of 1986 to impose a fee on imported petroleum products and derivatives, to provide incentives for oil and natural gas exploration, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. DE LA GARZA, and Mr. COLEMAN of Missouri):

H.R. 707. A bill to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 708. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. POSHARD, Ms. ROS-LEHTINEN, Mr. PAXON, Mr. SKEEN, Mr. HORTON, Mr. MORAN, Mr. STEARNS, Mr. TOWNS, Mr. ROE, Mr. DORGAN of North Dakota, Mr. FALEOMAVAEGA, Mr. WOLPE, Mr. MACHTLEY, Mr. PORTER, Mrs. COLLINS of Illinois, Mr. GALLEGLY, Mr. GEJDENSON, Mr. LIPINSKI, Mr. LAGOMARSINO, Ms. SLAUGHTER of New York, Mr. JOHNSTON of Florida, Mr. CHAPMAN, Mr. SMITH of Florida, Mr. WALSH, Mr. PALLONE, Mr. WASHINGTON, Mrs. SCHROEDER, Mr. KOSTMAYER, and Mrs. MEYERS of Kansas):

H.R. 709. A bill to amend the Higher Education Act of 1965 to provide reduced rates of interest under the Guaranteed Student Loan Program to individuals who enter the teaching profession; to the Committee on Education and Labor.

By Mr. ANTHONY:

H.R. 710. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDADE (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BILLEY, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. EMERSON, Mr. ESPY, Mr. FAZIO, Mr. FOGLETTA, Mr. FUSTER, Mr. GUARINI, Mr. HARRIS, Mr. HORTON, Mr. KANJORSKI, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Ms. LONG, Mr. MCCOLLUM, Mr. MANTON, Mr. MATSUI, Mr. MINETA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OWENS of Utah, Mr. PARKER, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. ROE, Mr. SCHULZE, Mr. SERRANO, Ms. SLAUGHTER of New

York, Mr. SMITH of Iowa, Mr. TOWNS, Mr. VANDER JAGT, Mr. VENTO, Mr. WELDON, Mr. WILSON, and Mr. WOLF):

H.J. Res. 95. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself and Mr. WHEAT):

H.J. Res. 96. Joint resolution to designate June 12 through June 19, 1991, as "Negro Baseball Leagues Recognition Week"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H.J. Res. 97. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that Fort Crailo in Rensselaer, NY, should be designated as the home of "Yankee Doodle"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. ANDERSON, Mr. GOSS, Mr. BROOMFIELD, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, Mr. GALLEGLY, Mr. DREIER of California, Mr. GILMAN, and Mr. VENTO):

H. Con. Res. 55. Concurrent resolution condemning Iraq's ecoterrorism in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself, Mr. ANDREWS of Maine, Mr. BONIOR, Mr. DELLUMS, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. HAYES of Illinois, Mr. MORAN, Ms. OAKAR, Mr. RAHALL, Mr. TOWNS, and Mr. TRAFICANT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that Federal agencies should not engage in discrimination that threatens the civil liberties of Arab Americans and should assist in protecting Arab Americans from hate crimes and related discrimination; to the Committee on the Judiciary.

By Mr. GOSS (for himself and Mr. LAGOMARSINO):

H. Con. Res. 57. Concurrent resolution deploring the release of millions of gallons of oil into the Persian Gulf and declaring that Saddam Hussein and Iraq should be held legally, morally, and financially accountable for this cruel act against the environment; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 47. Resolution providing for enclosing the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. PICKETT:

H. Res. 48. Resolution condemning Iraq for violations of internationally recognized human rights and the law of nations; to the Committee on Foreign Affairs.

## MEMORIALS

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

8. By the SPEAKER: Memorial of the Legislature of the State of North Dakota, relative to support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to achieve a peaceful solution to the Persian

Gulf crisis; to the Committee on Foreign Affairs.

9. Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to support of negotiations to end the Persian Gulf crisis without war; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 711. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Interior and Insular Affairs.

By Mr. SHAW:

H.R. 712. A bill for the relief of Patricia A. McNamara; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

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

H.R. 8: Mr. MARTINEZ.  
 H.R. 51: Mr. PAYNE of Virginia.  
 H.R. 53: Mrs. MORELLA, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. DELLUMS, Mr. JOHNSON of South Dakota, and Mr. JONES of North Carolina.  
 H.R. 68: Mr. BAKER, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mrs. COLLINS of Illinois, Mr. CLINGER, Mr. DICKS, Mr. DREIER of California, Mr. LENT, Mr. MCHUGH, Mr. PENNY, Mr. VALENTINE, Mr. WALSH, Mr. MARTIN of New York, Mrs. VUCANOVICH, Mr. KYL, Mr. FIELDS, Mrs. JOHNSON of Connecticut, Mr. GLICKMAN, Mrs. MEYERS of Kansas, and Mr. SANTORUM.  
 H.R. 86: Mr. SCHEUER, Mr. INHOFE, and Mr. COX of California.  
 H.R. 113: Mr. STOKES.  
 H.R. 123: Mr. BARRETT.  
 H.R. 135: Mr. PALLONE, Mr. APPLIGATE, Mr. COX of California, Mr. WEBER, Mr. COYNE, Mr. SCHIFF, Mr. DEFazio, Mr. DERRICK, Mr. RAVENEL, Mr. WOLF, Mr. KOPETSKI, Mr. HORTON, Mr. STUDDS, and Mr. GOSS.  
 H.R. 179: Mrs. MORELLA, Mr. McMILLEN of Maryland, Mr. OWENS of Utah, and Mr. STAGGERS.  
 H.R. 193: Mrs. BOXER, Mr. ROE, Mr. HORTON, Mr. WISE, Mr. LENT, and Mr. RITTER.  
 H.R. 217: Mr. ROGERS, Mr. HORTON, Mr. LIVINGSTON, Mr. DANNEMEYER, and Mr. RITTER.  
 H.R. 233: Mr. GUARINI, Mr. LEWIS of Georgia, Mr. APPLIGATE, and Mr. HUGHES.  
 H.R. 252: Mr. BORSKI and Mr. SCHUMER.  
 H.R. 300: Ms. KAPTUR, Mr. BUSTAMANTE, Mr. ACKERMAN, and Mr. WILSON.  
 H.R. 317: Mr. KILDEE, Mr. JEFFERSON, Mrs. LOWEY of New York, Mr. RITTER, Mr. SCHEUER, and Mr. SERRANO.  
 H.R. 318: Mr. GOODLING.  
 H.R. 325: Mr. FLAKE, Mrs. BOXER, Mr. GORDON, Mr. SLATTERY, Mr. JOHNSON of South Dakota, Mr. MRAZEK, Ms. LONG, Mr. VENTO, Mr. KOLBE, and Mr. TOWNS.  
 H.R. 327: Mr. RAVENEL, Mr. OLIN, Mr. NAGLE, and Mr. GUARINI.  
 H.R. 328: Mr. DANNEMEYER and Mr. BEREUTER.  
 H.R. 329: Mr. YATES, Mr. PEASE, and Mr. ABERCROMBIE.

H.R. 357: Mr. EVANS, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. BOXER, Mr. JONES of Georgia, Mr. OWENS of Utah, Mr. McMILLEN of Maryland, Mr. SHARP, Mr. NEAL of North Carolina, Mr. HOCHBRUECKNER, Mr. KENNEDY, Mr. BROWN of California, Mr. LEVINE of California, Mr. BE-REUTER, Mr. LIPINSKI, Mr. LANCASTER, Ms. KAPTUR, Mr. VENTO, and Mr. HORTON.

H.R. 381: Mr. STEARNS, Mr. ECKART, Mr. SANGMEISTER, Mr. EVANS, Mrs. UNSOELD, Mr. BROWN of California, Mr. JOHNSTON of Florida, Mr. MINETA, and Ms. SLAUGHTER of New York.

H.R. 382: Mr. ABERCROMBIE.

H.R. 384: Mrs. MORELLA, Mr. ROYBAL, Mr. STOKES, Mr. BILBRAY, Mr. EVANS, Mr. JOHN-SON of South Dakota, Mr. WALSH, and Mr. SERRANO.

H.R. 385: Mr. EVANS, Mr. RICHARDSON, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. LOWEY of New York, Mrs. BOXER, Mr. SCHEUER, and Mr. KOLTER.

H.R. 392: Mr. GLICKMAN, Mr. ANDREWS of Texas, Mr. JOHNSTON of Florida, Mr. ABER- CROMBIE, Mr. BERMAN, Mr. CONYERS, Mr. DELLUMS, Mr. DICKS, Mr. DYMALLY, Mr. ED- WARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. HORTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. OLIN, Mr. PAYNE of New Jersey, Mr. ROSE, Mr. ROYBAL, Mr. SABO, Mr. SO- LARZ, Ms. SLAUGHTER of New York, and Mr. TOWNS.

H.R. 394: Mr. BLILEY, Mrs. BOXER, Mr. BRY- ANT, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DARDEN, Mr. DeFAZIO, Mr. EN- GLISH, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HEFNER, Mr. HUGHES, Mr. JONES of North Carolina, Mr. JONTZ, Mr. LA- GOMARSINO, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. NEAL of North Carolina, Mr. OLIN, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PENNY, Mr. RAVENEL, Mr. RHODES, Mr. ROE, Mrs. ROU- KEMA, Mrs. SCHROEDER, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STAG- GERS, Mr. STEARNS, Mr. STUDDS, Mr. TORRES, Mr. VALENTINE, Mr. WALSH, Mr. WILSON, Mr. WISE, Mr. WYDEN, Mr. EMERSON, Mr. DWYER of New Jersey, and Mr. FORD of Michigan.

H.R. 415: Mr. ZIMMER and Mr. SKEEN.

H.R. 426: Mr. WASHINGTON, Mrs. VUCANO- VICH, Mr. COSTELLO, Mr. SKEEN, Mr. INHOFE, Mr. OXLEY, and Mr. SCHEUER.

H.R. 431: Mr. MILLER of Washington, Mr. WOLF, Mr. BATEMAN, Mr. HANCOCK, and Mrs. UNSOELD.

H.R. 447: Mr. ECKART, Mr. STUDDS, Mr. BUSTAMANTE, Mr. MOODY, Mr. COSTELLO, Mr. MINETA, and Mr. VENTO.

H.R. 460: Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. RAVENEL, and Mr. RANGEL.

H.R. 473: Mr. ALLARD, Mr. DELAY, Mr. PENNY, Mr. WILSON, Mr. ARMEY, Mr. YOUNG of Alaska, and Mr. SKEEN.

H.R. 474: Mrs. BYRON, Mr. DORNAN of Cali- fornia, and Mr. KOLBE.

H.R. 482: Ms. NORTON, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. ACKERMAN, and Mr. LENT.

H.R. 519: Mr. BEREUTER.

H.R. 538: Mr. HORTON, Mr. COLEMAN of Texas, Mr. KYL, Mr. RAVENEL, Mr. SERRANO, Mr. BARNARD, and Mr. FROST.

H.R. 555: Mr. STEARNS, Mrs. PATTERSON, Mr. SMITH of New Jersey, Mr. SLATTERY, Mr. RIDGE, Mr. PICKETT, Mr. EVANS, Mr. GEREN of Texas, Mr. BILIRAKIS, Mr. HAMMER- SCHMIDT, Mr. EDWARDS of California, Mr. PAXON, Mr. APPELATE, Mr. GOSS, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. BREW- STER, Mr. DE LUGO, Mr. PALLONE, and Mr. RITTER.

H.R. 556: Mr. OBEY, Mr. JOHNSTON of Flor- ida, Mr. PICKETT, Mr. PRICE, Mr. GOSS, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. DE LUGO, Mr. BREWSTER, Mr. MACTHLEY, Mr. WELDON, and Mr. KLECZKA.

H.R. 560: Mr. LaFALCE, Mr. BUSTAMANTE, Mr. PETERSON of Minnesota, Mr. LEHMAN of Florida, Mr. PENNY, Mr. KLECZKA, Mr. EVANS, Mr. SHAYS, Mrs. UNSOELD, and Mr. SPRATT.

H.R. 574: Mr. RAVENEL and Mr. PAYNE of Virginia.

H.R. 585: Mr. MRAZEK, Mr. OWENS of Utah, Mrs. BOXER, Mr. SMITH of Florida, Mr. DEL- LUMS, Mr. HUCKABY, Mr. EVANS, Mr. BRUCE, Mr. FAZIO, Mr. LEACH of Iowa, and Mr. BEN- NETT.

H.R. 596: Mr. RAVENEL, Mr. COX of Califor- nia, and Mr. THOMAS of Wyoming.

H.R. 598: Mr. APPELATE, Mr. PAXON, Mr. EDWARDS of California, Mr. BILIRAKIS, Mr. GEREN of Texas, Mr. EVANS, Mr. PICKETT, Mr. RIDGE, Mr. SMITH of New Jersey, Mr. SLAT- TERY, Mrs. PATTERSON, Mr. PENNY, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. HARRIS, Mr. DE LUGO, and Mr. SANGMEISTER.

H.R. 601: Mr. APPELATE, Mr. PORTER, Mr. McDADE, Mr. HENRY, Mr. COX of California, Mr. RITTER, Mr. MRAZEK, Mr. DONNELLY, Mr. McMILLEN of Maryland, Mr. LIPINSKI, Mr. ESPY, Mr. SANTORUM, and Mr. FRANK of Mas- sachusetts.

H.R. 602: Mr. BAKER, Mr. BATEMAN, Mr. CHAPMAN, Mr. GALLO, Mr. HATCHER, Mr. JOHNSON of South Dakota, Mr. MACTHLEY, Mrs. MINK, Mr. MONTGOMERY, and Mr. VAL- ENTINE.

H.R. 611: Mr. YOUNG of Alaska, Mr. SKEEN, Mr. KYL, Mr. LIVINGSTON, Mr. HERGER, and Mr. ARMEY.

H.R. 614: Mr. WILSON, Mr. DELLUMS, Mrs. LOWEY of New York, Mr. HORTON, and Mr. TOWNS.

H.R. 643: Mr. IRELAND and Mr. HANCOCK.

H.R. 644: Mr. McDERMOTT, Mr. HUNTER, Mr. SOLOMON, Mr. McNULTY, Mr. FRANK of Mas- sachusetts, Mr. GORDON, Mrs. COLLINS of Illi- nois, Mr. McCLOSKEY, Mr. HORTON, Mr. DE LUGO, Mr. COOPER, Mr. VALENTINE, and Mr. TANNER.

H.R. 652: Mr. LEWIS of Georgia, Mr. JONES of Georgia, and Mr. RANGEL.

H.J. Res. 2: Mr. CAMP and Mr. STUMP.

H.J. Res. 30: Mrs. BENTLEY, Mr. BLILEY, Mr. CHANDLER, Mr. DE LUGO, Mr. DICKS, Mr. HOCHBRUECKNER, Mr. SMITH of Texas, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. DONNELLY, Ms. PELOSI, Mr. ENGEL, Mr. GON- ZALEZ, Mr. QUILLEN, Mr. RITTER, Mr. HATCH-

ER, Mr. HEFNER, Mr. HORTON, Mr. INHOFE, Mr. ESPY, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. HAMMERSCHMIDT, Mr. FRANK of Massachusetts, Mr. FAWELL, Mr. HUBBARD, Mr. DOOLEY, Mr. RANGEL, Mr. BILBRAY, Mr. KASICH, Mr. SCHEUER, Mr. SLAUGHTER of Vir- ginia, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. HENRY, Mrs. KENNELLY, Mr. TALLON, Mr. WEISS, Mr. CLAY, Mr. GILMAN, Mr. McDERMOTT, Mr. MOODY, Ms. KAPTUR, Mr. YATRON, Ms. OAKAR, Mr. MINETA, Mr. DeFAZIO, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. WALSH, Mr. SLATTERY, Mr. MFUME, Mr. MONTGOMERY, Mr. MAZZOLI, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. VOLKMEI, Mr. CONTE, Mr. WILSON, Mr. JONTZ, Mr. APPELATE, Mr. BEVILL, Mr. ROBERTS, Mr. PRICE, Mr. CARR, Mr. JONES of Georgia, Mr. DORGAN of North Dakota, Mr. GINGRICH, Mr. GRANDY, Mr. DOWNEY, Mr. GUNDERSON, Mr. HYDE, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. HAMILTON, Mr. McCLOSKEY, Mr. VENTO, Mr. LEVIN of Michigan, Mr. MARTIN, Mr. McDADE, Mr. McHUGH, Mr. NEAL of North Carolina, Mr. McEWEN, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. BENNETT, Mr. REGULA, Mr. SOLOMON, Mr. SAXTON, Mr. STOKES, and Mrs. VUCANOVICH.

H.J. Res. 92: Mr. BONIOR.

H. Con. Res. 8: Mr. ANNUNZIO, Mr. BALLENGER, Mr. BONIOR, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CLINGER, Mrs. COLLINS of Il- linois, Mr. DAVIS, Mr. DORNAN of California, Mr. FASCELL, Mr. FIELDS, Mr. GALLEGLY, Mr. GORDON, Mr. GOSS, Mr. HUNTER, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mrs. LLOYD, Mr. MAZZOLI, Mr. McCANDLESS, Mr. McNULTY, Mr. NOWAK, Mr. MARTIN of New York, Mr. PALLONE, Mr. PAXON, Mr. PETRI, Mr. QUILLEN, Mr. RHODES, Mr. ROBERTS, Mr. ROE, Mr. SLATTERY, Mr. SMITH of Florida, Mr. STEARNS, Mrs. VUCANO- VICH, Mr. WALSH, Mr. WOLF, Mr. EMERSON, Mr. MARTINEZ, Mr. PORTER, Mr. LEWIS of Florida, Mr. GLICKMAN, Mr. KANJORSKI, Mr. GALLO, Mr. SKEEN, Mr. MACTHLEY, Mrs. MORELLA, Mr. MOODY, Mr. ROHRBACHER, Mr. RITTER, Mr. BARTLETT, Mr. GILLMOR, and Mr. REGULA.

H. Con. Res. 23: Mr. EVANS, Mr. LIPINSKI, Mrs. PATTERSON, Mr. ERDREICH, Mr. DE LUGO, Mr. LANCASTER, Mr. FROST, and Mr. HUTTO.

H. Res. 14: Mr. KYL, Mr. VISCLOSKEY, Mr. ESPY, Mr. PRICE, Mr. GORDON, Mr. RAVENEL, Mr. SOLARZ, Mr. WILSON, Mr. SCHUMER, Mr. RAMSTAD, Mr. DE LUGO, Mr. LEWIS, of Cali- fornia, Mr. BLILEY, Mr. BREWSTER, Mr. BRY- ANT, Mr. McDERMOTT, Mr. BROWN, Mr. LAGO- MARSINO, and Ms. PELOSI.

H. Res. 36: Mrs. SCHROEDER.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

20. The SPEAKER presented petition of 90 different disciplines at various German uni- versities, the Federal Republic of Germany, relative to the Persian Gulf crisis, which was referred to the Committee on Foreign Af- fairs.

## SENATE—Tuesday, January 29, 1991

(Legislative day of Thursday, January 3, 1991)

The Senate met at 8:30 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

### PRAYER

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

Let us pray:

*\*\*\* and his name shall be called Wonderful, Counsellor, the mighty God, the everlasting Father, the Prince of Peace. Of the increase of his government and peace there shall be no end \*\*\*—Isaiah 9:6, 7.*

Eternal God, perfect in wisdom, justice, and love, thank Thee for Isaiah's word promising Messiah who will bring a perfect government and everlasting peace. As we gather this evening with the awful cloud of war permeating everything, everyday, we ask for special manifestation of Thy presence. Cover the Capitol with a spirit of grace and love. Grant to the President, the Congress and all gathered in the House Chamber the awareness that Thou art present and manifest. Help us to realize that Thou art the sovereign Lord overruling the affairs of nations and people.

We remember prayerfully all who are engaged in combat in the Middle East, ally and enemy. And in spite of the circumstances grant, Lord, that tonight will have great significance in the life of our Nation and the world.

In the name of Him who is the Prince of Peace. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 29, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

Mr. FORD. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

### INTERPRETIVE SERVICES FOR STATE OF THE UNION

Mr. DOLE. Mr. President, there can be no question that, given the situation in the gulf, tonight's State of the Union speech is one of great interest to America. Therefore, it is especially important that all of our citizens are able to hear the President's words.

For this reason, I was especially delighted that for the first time in the history of the Presidential State of the Union Address, interpreter services for hearing-impaired individuals had been made available.

Unfortunately, Mr. President, the networks apparently will not take advantage of this service.

My colleague from Wisconsin, Senator KASTEN—who worked with me on this matter—and I are confident, however, that in the future, the networks will join with the Senate in allowing all Americans to participate fully in future Presidential addresses.

### DEAF INTERPRETER FOR PRESIDENT'S SPEECH

Mr. KASTEN. Mr. President, tonight the President of the United States will make a major State of the Union Address to America. It is important that all of our citizens—including the 24 million U.S. citizens who are hearing impaired—hear the President's words.

For the first time in the history of the Presidential State of the Union Address, interpretive services for the hearing impaired will be available.

Mr. President, there are students at Delavan School for the Deaf in Wisconsin who have loved ones sacrificing their lives in the Persian Gulf. Those students, along with thousands of other hearing-impaired Americans, want to have an opportunity to "listen" to their President speak.

By airing the interpretive services made available by the U.S. Senate, the television networks can ensure that, for the first time, millions of hearing-impaired Americans can fully participate in the President's report to the Nation.

My friend and colleague from Kansas, Senator DOLE, and I are proud of the role we have played in making this service available. I am very hopeful that the networks will join with us in taking this historic step.

### COMMENDING SOLDIERS OF FORT JACKSON AND COMMUNITY LEADERS OF COLUMBIA, SC

Mr. HOLLINGS. Mr. President, last Friday, January 25, 1991, I was fortunate enough to be able to visit Fort Jackson, SC, and spend some time with its soldiers and the community leaders of Columbia, SC.

I have now been associated with the Army for some 52 years—from joining ROTC at the Citadel in 1938, through service in World War II, and continuing as Governor and now as a U.S. Senator. I have seen the Army mobilize and demobilize, grow large or grow small, many times. Now, because of Operation Desert Storm, both the Army and Fort Jackson are again growing. They greet civilian recruits and in a short 9 weeks send them out as confident, proud, and able young soldiers, as Fort Jackson always has.

But they are also bringing Army reservists and National Guard soldiers, men and women, processing them and readying them for deployment to Southwest Asia. I learned this is a complex operation, running the gamut from boots being issued to teeth being repaired. We as a country are truly indebted for the fine work Maj. Gen. John Renner, Command Sgt. Maj. Russell Anderson, and their superb staff of officers, noncommissioned officers, and civilians are accomplishing to support Operation Desert Storm.

Commendations are also in order for the citizens of the Columbia area, including the Association of the U.S. Army, led by Mr. Bob McCoy; to the former mayor of Columbia, Mr. Patton Adams; to television station WIS, and to many others, for the great job they did taking care of soldiers at Fort Jackson over the 1990 holiday period. Over \$32,000 was raised for use of the soldiers, and their holiday season was made much more joyous because of the caring concerns of Columbia's citizenry.

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

Mr. President times such as these bring out the best in Americans as demonstrated, once again, by the soldiers and citizens in and around Columbia, SC. We are eternally grateful for their service to our Nation.

#### MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 24, 1991, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on January 24, 1991 are printed in today's RECORD at the end of the Senate proceedings.)

#### STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

*To the Congress of the United States:*

Mr. President, Mr. Speaker, Members of the United States Congress. I come to this House of the people, to speak to you and all Americans, certain that we stand at a defining hour.

Halfway around the world, we are engaged in a great struggle in the skies and on the seas and sands. We know why we're there. We are Americans: part of something larger than ourselves.

For two centuries, we've done the hard work of freedom. And tonight, we lead the world in facing down a threat to decency and humanity.

What is at stake is more than one small country; it is a big idea: a new world order—where diverse nations are drawn together in common cause, to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. Such is a world worthy of our struggle and worthy of our children's future.

The community of nations has resolutely gathered to condemn and repel lawless aggression. Saddam Hussein's unprovoked invasion—his ruthless, systematic rape of a peaceful neighbor—violated everything the community of nations holds dear. The world has said this aggression would not stand—and it will not stand.

Together, we have resisted the trap of appeasement, cynicism, and isolation that gives temptation to tyrants. The world has answered Saddam's invasion with 12 United Nations resolutions, starting with a demand for Iraq's immediate and unconditional withdrawal—and backed up by forces from 28 countries of six continents. With few

exceptions, the world now stands as one.

The end of the Cold War has been a victory for all humanity. A year and a half ago, in Germany, I said our goal was a Europe whole and free. Tonight, Germany is united. Europe has become whole and free—and America's leadership was instrumental in making it possible.

Our relationship with the Soviet Union is important, not only to us, but to the World. That relationship has helped to shape these and other historic changes. But like many other nations, we have been deeply concerned by the violence in the Baltics, and we have communicated that concern to the Soviet leadership.

The principle that has guided us is simple: our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union. In our recent discussions with the Soviet leadership, we have been given representations, which, if fulfilled, would result in the withdrawal of some Soviet forces, a reopening of dialogue with the Republics, and a move away from violence.

We will watch carefully as the situation develops. And we will maintain our contact with the Soviet leadership to encourage continued commitment to democratization and reform.

If it is possible, I want to continue to build a lasting basis for U.S.-Soviet cooperation, for a more peaceful future for all mankind.

The triumph of democratic ideas in Eastern Europe and Latin America—and the continuing struggle for freedom elsewhere around the world—all confirm the wisdom of our Nation's founders.

Tonight, we work to achieve another victory—a victory over tyranny, and savage aggression.

We in this Union enter the last decade of the 20th century thankful for our blessings, steadfast in our purpose, aware of our difficulties, and responsive to our duties at home and around the world.

For two centuries, America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and requires sacrifice.

But we also know why the hopes of humanity turn to us.

We are Americans: we have a unique responsibility to do the hard work of freedom. And when we do—freedom works.

The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to this victory for world peace and justice

is the same spirit that gives us the power and the potential to meet our toughest challenges at home.

We are resolute and resourceful. If we can selflessly confront evil for the sake of good in a land so far away, then surely we can make this land all that it should be.

If anyone tells you America's best days are behind her, they're looking the wrong way.

Tonight, I come before this House, and the American people, with an appeal for renewal. This is not merely a call for new government initiatives, it is a call for new initiative in government, in our communities, and from every American—to prepare for the next American century.

America has always led by example. So who among us will set this example? Which of our citizens will lead us in this next American century? Everyone who steps forward today, to get one addict off drugs. To convince one troubled teenager not to give up on life . . . to comfort one AIDS patient . . . to help one hungry child.

We have within our reach the promise of a renewed America. We can find meaning and reward by serving some purpose higher than ourselves—a shining purpose, the illumination of a thousand points of light. It is expressed by all who know the irresistible force of a child's hand, of a friend who stands by you and stays there—a volunteer's generous gesture, an idea that is simply right.

The problems before us may be different, but the key to solving them remains the same: it is the individual—the individual who steps forward. And the state of our Union is the union of each of us, one to the other: the sum of our friendships, marriages, families, and communities.

We all have something to give. So if you know how to read, find someone who can't. If you've got a hammer, find a nail. If you're not hungry, not lonely, not in trouble—seek out someone who is.

Join the community of conscience. Do the hard work of freedom. That will define the state of our Union.

Since the birth of our Nation, "We the people" has been the source of our strength. What government can do alone is limited—but the potential of the American people knows no limits.

We are a Nation of rock-solid realism and clear-eyed idealism. We are Americans: We are the Nation that believes in the future. We are the Nation that can shape the future.

And we've begun to do just that—by strengthening the power and choice of individuals and families.

Together, these last two years, we've put dollars for child care directly in the hands of parents, instead of bureaucrats. Unshackled the potential of Americans with disabilities. Applied the creativity of the marketplace in

the service of the environment, for clean air. And made homeownership possible for more Americans.

The strength of a democracy is not in bureaucracy. It is in the people and their communities. In everything we do, let us unleash the potential of our most precious resource—our citizens. We must return to families, communities, counties, cities, states, and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth. That's what America is all about.

I know, tonight, in some regions of our country, people are in genuine economic distress. I hear them.

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down, saying "My heart is aching, and I think that you should know—your people out here are hurting badly."

I understand. And I'm not unrealistic about the future. But there are reasons to be optimistic about our economy.

First, we don't have to fight double-digit inflation. Second, most industries won't have to make big cuts in production, because they don't have big inventories piled up. And third, our exports are running solid and strong. In fact, American businesses are exporting at a record rate.

So let's put these times in perspective. Together, since 1981, we've created almost 20 million jobs, cut inflation in half, and cut interest rates in half.

Yes, the largest peacetime economic expansion in history has been temporarily interrupted. But our economy is still over twice as large as our closest competitor.

We will get this recession behind us, and return to growth—soon. We will get on our way to a new record of expansion and achieve the competitive strength that will carry us into the next American century.

We should focus our efforts today on encouraging economic growth, investing in the future, and giving power and opportunity to the individual.

We must begin with control of Federal spending. That's why I'm submitting a budget that holds the growth in spending to less than the rate of inflation. And that's why, amid all the sound and fury of last year's budget debate, we put into law new, enforceable spending caps—so that future spending debates will mean a battle of ideas, not a bidding war.

Though controversial, the budget agreement finally put the Federal government on a pay-as-you-go plan—and cut the growth of debt by nearly 500 billion dollars. And that frees funds for saving and job-creating investment.

Now, let's do more. My budget again includes tax-free family savings accounts; penalty-free withdrawals from I.R.A.'s for first-time home-buyers;

and, to increase jobs and growth, a reduced tax for long-term capital gains.

I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders and the Federal Reserve to cooperate with us in a study—led by Chairman Alan Greenspan—to sort out our technical differences so that we can avoid a return to unproductive partisan bickering.

But just as our efforts will bring economic growth now, and in the future, they must also be matched by long-term investments for the next American century.

That requires a forward-looking plan of action—and that's exactly what we will be sending to the Congress. We have prepared a detailed series of proposals that include:

- A budget that promotes investment in America's future—in children, education, infrastructure, space, and high technology.

- Legislation to achieve excellence in education—building on the partnership forged with the 50 governors at the Education Summit—enabling parents to choose their children's schools—and helping to make America #1 in math and science.

- A blueprint for a new National Highway System—a critical investment in our transportation infrastructure.

- A research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R & D and create jobs.

- A comprehensive National Energy Strategy that calls for energy conservation and efficiency, increased development, and greater use of alternative fuels.

- A banking reform plan to bring America's financial system into the 21st century—so that our banks remain safe and secure and can continue to make job-creating loans for our factories, businesses and home-buyers. I do think there has been too much pessimism. Sound banks should be making more sound loans, now—and interest rates should be lower, now.

In addition to these proposals, we must recognize that our economic strength depends upon being competitive in world markets. We must continue to expand America's exports. A successful Uruguay Round of world trade negotiations will create more real jobs and more real growth—for all nations. You and I know that if the playing field is level, America's workers and farmers can out-work and out-produce anyone, anytime, anywhere.

And with a Mexican Free Trade Agreement, and our Enterprise for the Americans Initiative, we can help our partners strengthen their economies

and move toward a free trade zone throughout this entire hemisphere.

The budget also includes a plan of action right here at home to put more power and opportunity in the hands of the individual. That means new incentives to create jobs in our inner cities, by encouraging investment throughout enterprise zones. It also means tenant control and ownership of public housing. Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American.

Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences.

We're determined to protect another fundamental civil right—freedom from crime and the fear that stalks our cities. The Attorney General will soon convene a Crime Summit of our Nation's law enforcement officials. And to help us support them, we need tough crime control legislation, and we need it now.

As we fight crime, we will fully implement our National Strategy for Combatting Drug Abuse. Recent data show we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever.

Good health care is every American's right and every American's responsibility. So we are proposing an aggressive program of new prevention initiatives—for infants, for children, for adults, and for the elderly—to promote a healthier America and to help keep costs from spiraling.

It's time to give people more choice in government, by reviving the ideal of the citizen politician who comes not to stay, but to serve. One of the reasons there is so much support for term limitations is that the American people are increasingly concerned about big-money influence in politics. We must look beyond the next election, to the next generation. The time has come to put the national interest above the special interest—and totally eliminate Political Action Committees.

That would truly put more competition in elections, and more power in the hands of individuals. And where power cannot be put directly in the hands of the individual, it should be move closer to the people—away from Washington.

The Federal government too often treats government programs as if they are of Washington, by Washington, and for Washington. Once established, Federal programs seem to become immortal.

It's time for a more dynamic program life cycle: Some programs should increase. Some should decrease. Some should be terminated. And some should be consolidated and turned over to the States.

My budget includes a list of programs for potential turnover totalling more than \$20 billion. Working with Congress and the Governors, I propose we select at least \$15 billion in such programs and turn them over to the States in a single consolidated grant—fully funded—for flexible management by the States.

The value of this turn-over approach is straightforward. It allows the Federal government to reduce overhead. It allows States to manage more flexibly and more efficiently. It moves power and decisionmaking closer to the people. And it reinforces a theme of this Administration: appreciation and encouragement of the innovative power of "States as Laboratories."

This Nation was founded by leaders who understood that power belongs in the hands of people. They planned for the future. And so must we—here and around the world.

As Americans, we know there are times when we must step forward and accept our responsibility to lead the world away from the dark chaos of dictators, toward the brighter promise of a better day.

Almost 50 years ago we began a long struggle against aggressive totalitarianism. Now we face another defining hour for America and the world.

There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman, and Coast-guardsman—every man and woman now serving in the Persian Gulf.

Each of them has volunteered to provide for this Nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

Our commitment to them must be the equal of their commitment to their country. They are truly America's finest.

The war in the Gulf is not a war we wanted. We worked hard to avoid war. For more than five months we, along with the Arab League, the European Community, and the United Nations, tried every diplomatic avenue. U.N. Secretary General Perez de Cuellar; Presidents Gorbachev, Mitterrand, Ozal, Mubarak, and Bendjedid; Kings Fahd and Hassan; Prime Ministers Major and Andreotti—just to name a few—all worked for a solution. But time and again, Saddam Hussein flatly rejected the path of diplomacy and peace.

The world well knows how this conflict began and when: It began on August 2nd, when Saddam invaded and sacked a small, defenseless neighbor.

And I am certain of how it will end. So that peace can prevail, we will prevail.

Tonight, I'm pleased to report that we are on course. Iraq's capacity to sustain war is being destroyed. Our investment, our training, our planning—all are paying off. Time will not be Saddam's salvation.

Our purpose in the Persian Gulf remains constant: to drive Iraq out of Kuwait, to restore Kuwait's legitimate government, and to ensure the stability and security of this critical region.

Let me make clear what I mean by the region's stability and security. We do not seek the destruction of Iraq, its culture, or its people. Rather, we seek an Iraq that uses its great resources, not to destroy, not to serve the ambitions of a tyrant, but to build a better life for itself and its neighbors. We seek a Persian Gulf where conflict is no longer the rule, where the strong are neither tempted nor able to intimidate the weak.

Most Americans know instinctively why we are in the Gulf. They know we had to stop Saddam now, not later. They know this brutal dictator will do anything; will use any weapon; will commit any outrage, no matter how many innocents must suffer.

They know we must make sure that control of the world's oil resources does not fall into his hands, only to finance further aggression. They know that we need to build a new, enduring peace—based not on arms races and confrontation, but on shared principles and the rule of law.

And we all realize that our responsibility to be the catalyst for peace in the region does not end with the successful conclusion of this war.

Democracy brings the undeniable value of thoughtful dissent—and we have heard some dissenting voices here at home—some reckless, most responsible. But the fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years.

Our progress in this great struggle is the result of years of vigilance, and a steadfast commitment to a strong defense. Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians.

Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes—whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.

The quality of American technology, thanks to the American worker, has enabled us to successfully deal with difficult military conditions and help minimize loss of life. We have given our men and women the very best. And they deserve it.

We all have a special place in our hearts for the families of our men and women serving in the Gulf. They are represented here tonight by Mrs. Norman Schwarzkopf. We are very grateful to General Schwarzkopf and to all those serving with him. And to the families, let me say our forces in the Gulf will not stay there one day longer than is necessary to complete their mission.

The courage and success of the RAF pilots—of the Kuwaiti, Saudi, French, the Canadians, Italians, the pilots of Qatar and Bahrain—all are proof that for the first time since World War II, the international community is united. The leadership of the United Nations, once only a hoped-for ideal, is now confirming its founders' vision.

I am heartened that we are not being asked to bear alone the financial burden of this struggle. Last year, our friends and allies provided the bulk of the economic costs of Desert Shield, and having now received commitments of over \$40 billion for the first three months of 1991, I am confident they will do no less as we move through Desert Storm.

But the world has to wonder what the dictator of Iraq is thinking. If he thinks that by targeting innocent civilians in Israel and Saudi Arabia, that he will gain advantage—he is dead wrong. If he thinks that he will advance his cause through tragic and despicable environmental terrorism—he is dead wrong. And if he thinks that by abusing the coalition POW's, he will benefit—he is dead wrong.

We will succeed in the Gulf. And when we do, the world community will have sent an enduring warning to any dictator or despot, present or future, who contemplates outlaw aggression.

The world can therefore seize this opportunity to fulfill the long-held promise of a new world order—where brutality will go unrewarded, and aggression will meet collective resistance.

Yes, the United States bears a major share of leadership in this effort. Among the nations of the world, only the United States of America has had both the moral standing, and the means to back it up. We are the only Nation on this Earth that could assemble the forces of peace.

This is the burden of leadership—and the strength that has made America the beacon of freedom in a searching world.

This Nation has never found glory in war. Our people have never wanted to abandon the blessings of home and work, for distant lands and deadly conflict. If we fight in anger, it is only because we have to fight at all. And all of us yearn for a world where we will never have to fight again.

Each of us will measure, within ourselves, the value of this great struggle. Any cost in lives is beyond our power to measure. But the cost of closing our

eyes to aggression is beyond mankind's power to imagine.

This we do know: Our cause is just. Our cause is moral. Our cause is right.

Let future generations understand the burden and the blessings of freedom. Let them say, we stood where duty required us to stand.

Let them know that together, we affirmed America, and the world, as a community of conscience.

The winds of change are with us now. The forces of freedom are united. We move toward the next century, more confident than ever that we have the will at home and abroad to do what must be done—the hard work of freedom.

May God bless the United States of America.

GEORGE BUSH.  
THE WHITE HOUSE, January 29, 1991.

#### MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

##### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 25, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were signed on January 25, 1991, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 29, 1991, during the recess of the Senate, received a message from the President of the United States announcing that pursuant to the provisions of 20, United States Code, 42 and 43 the Speaker appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. WHITTEN, Mr. MINETA, and Mr. CONTE.

The message further announced that pursuant to the provisions of section 1505 of Public Law 99-498, the Speaker appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members on the part of the House: Mr. KILDEE and Mr. YOUNG of Alaska.

The message also announced that pursuant to section 2(a) of the National

Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. YATES, Mr. WILSON, and Mr. MCDADE.

The message further announced that pursuant to the provisions of section 5(b) of Public Law 93-642, the Speaker appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House: Mr. SKELTON and Mr. COLEMAN of Missouri.

#### 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-459. A communication from the Administrator of the Farmers Home Administration, transmitting, pursuant to law, a report on the use of contracts for legal services by the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-460. A communication from the Deputy Secretary of Agriculture, transmitting, pursuant to law, the fiscal year 1990 report on advisory and assistance services; to the Committee on Agriculture, Nutrition, and Forestry.

EC-461. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the wildfire rehabilitation report for lands administered by the Department of Agriculture for fiscal year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-462. A communication from the President of the United States, transmitting, pursuant to law, notice that he has granted authority to the service Secretaries to order to active duty units and individual members not assigned to units of the Ready Reserve; to the Committee on Armed Services.

EC-463. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, documentation from the Government of Brazil relative to the lease of the naval landing ship ALAMO; to the Committee on Armed Services.

EC-464. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the expansion of foreign policy controls on certain chemicals which can be used in the production of chemical weapons; to the Committee on Banking, Housing, and Urban Development.

EC-465. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the extension export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-466. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report on the projection of real economic growth of less than zero in the last calendar quarter of 1990 and the first calendar quarter of 1991; to the Committee on the Budget.

EC-467. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant

to law, notice of the delay in the submission of a report on research and development activities under the Steel and Aluminum Conservation and Technology Competitiveness Act; to the Committee on Energy and Natural Resources.

EC-468. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-469. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-470. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-471. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the annual report on the International Coffee Agreement for coffee year 1989/90; to the Committee on Finance.

EC-472. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report relative to prospective payments for hospital outpatient services; to the Committee on Finance.

EC-473. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to January 17, 1991; to the Committee on Foreign Relations.

EC-474. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the Private Sector Revolving Fund for fiscal year 1990; to the Committee on Foreign Relations.

EC-475. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report and a Presidential determination with respect to El Salvador; to the Committee on Foreign Relations.

EC-476. A communication from the Secretary of State, transmitting, pursuant to law, a report stating that Israel is not being denied its right to participate in the activities on the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-477. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board for fiscal year 1990; to the Committee on Foreign Relations.

EC-478. A communication from the Chairperson of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Government Affairs.

EC-479. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-480. A communication from the Executive Secretary of the Barry M. Goldwater

Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-481. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-482. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-483. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-484. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-485. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-486. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-487. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-488. A communication from the Administrator and Chairman of the Cost Accounting Standards Board, transmitting, pursuant to law, the first annual report of the Cost Accounting Standards Board, to the Committee on Governmental Affairs.

EC-489. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during December 1990; to the Committee on Governmental Affairs.

EC-490. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting jointly, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-491. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-492. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, a report on the system of internal accounting and adminis-

trative controls in effect for each of the Executive Office of the President for fiscal year 1990; to the Committee on Governmental Affairs.

EC-493. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations relative to coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC-494. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Immigration Management—Strong Leadership and Management Reforms Needed to Address Serious Problems;" to the Committee on the Judiciary.

EC-495. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report of the National Center on Child Abuse and Neglect covering fiscal years 1987 and 1988; to the Committee on Labor and Human Resources.

EC-496. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fourth report of the Department of Health and Human Services Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-497. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for fiscal year 1990; to the Committee on Small Business.

#### 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-7. A resolution adopted by the City Council of Seattle, Washington calling for a negotiated settlement in the Middle East and a redirection of resources to the cities of the United States; to the Committee on Foreign Relations.

POM-8. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

#### "JOINT RESOLUTION

"Whereas, the firm commitment and courageous dedication of American men and women in the United States Armed Forces deserve the nation's highest respect and commitment to a just and peaceful resolution of the Persian Gulf Crisis; and

"Whereas, the United Nations has condemned Iraq's invasion and occupation of Kuwait, has called for the withdrawal of Iraq from Kuwait, has imposed strict sanctions against Iraq, and has authorized all necessary means after January 15, 1991, to gain Iraq's compliance with the United Nations' resolutions; and

"Whereas, war between Iraq and the United States and its allies will lead to much bloodshed and the loss of life of thousands of servicemen and servicewomen, as well as civilians, on all sides of the conflict; and

"Whereas, the economic impact of war in the Persian Gulf could cost the United States and its allies \$1 billion a day, cause serious international economic disarray and prolonged worldwide recession, and divert necessary funds from health care, housing, education, economic development, and human services; and

"Whereas, war between Iraq and the United States and its allies may expand to a conflict beyond the borders of Iraq and Kuwait; and

"Whereas, more than 1,000 Montanans from the active forces, reserves, and national guard have been deployed to support Operation Desert Shield, leaving behind their homes and families. Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the state of Montana:*

(1) That this Legislature endorse the actions of the United Nations.

(2) That the Legislature recognize the sacrifices and hardships of separation on Montana families who have sons or daughters, mothers or fathers, and sisters or brothers called to service in the present crisis.

(3) That this Legislature express its heartfelt support and gratitude to all men and women serving our country in Operation Desert Shield and offer its sincere prayer for their safe return.

(4) That it is the hope and prayer of the people of Montana that the leadership of Iraq, the United States, and all nations involved in the Persian Gulf Crisis negotiate a just and peaceful solution to the dispute for the mutual security of all people.

(5) That this Legislature call upon Congress and the President of the United States to continue to work together, thereby resolving this conflict peacefully.

(6) That copies of this resolution be sent by the Secretary of State to the President of the United States, to the presiding officer of the United States Senate, and to each member of Congress."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 19. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the CONGRESSIONAL RECORD of January 10, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 273. A bill to recognize the organization known as the 29th Division Association, Incorporated; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 274. A bill to amend the Federal Deposit Insurance Act with respect to the procedures relating to the approval of deposit insurance and risk based premium assessments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. ROTH, Mr. DURENBERGER, and Mr. MOYNIHAN) (by request):

S. 275. A bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 276. A bill to designate the Federal building located at 1520 Market Street in St. Louis, Missouri, as the "L. Douglas Abram Federal Building"; to the Committee on Environment and Public Works.

By Mr. SIMON:

S. 277. A bill to assure equal justice for women in the courts; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 278. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

By Mr. BRYAN (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. MITCHELL, Mr. ADAMS, Mr. BENTSEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEINZ, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. WELLSTONE, and Mr. WIRTH):

S. 279. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. SASSER, and Mrs. KASSEBAUM):

S. 280. A bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. SIMON, Mr. ADAMS, Mr. HARKIN, Mr. PELL, Ms. MIKULSKI, Mr. KOHL, Mr. WELLSTONE, and Mr. METZENBAUM):

S. 281. A bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group

health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 282. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 283. A bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available; to the Committee on Armed Services.

By Mr. SARBANES:

S.J. Res. 49. Joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. ADAMS, Mr. BUMPERS, Mr. BRADLEY, Mr. HEINZ, Mr. BURDICK, Mr. CONRAD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. JEFFORDS, Mr. RIEGLE, Mr. MOYNIHAN, Mr. NUNN, Mr. MURKOWSKI, Mr. HOLLINGS, Mr. AKAKA, Mr. THURMOND, Mr. COHEN, Mr. SASSER, Mr. LEAHY, Mr. D'AMATO, Mr. PELL, Mr. BOREN, Mr. KERRY, Mr. STEVENS, Mr. LEVIN, Mr. ROTH, Mr. GORE, Mr. KENNEDY, Mr. DECONCINI, Mr. REID, and Mr. DODD):

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. Res. 19. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 273. A bill to recognize the organization known as the 29th Division Association, Inc.; to the Committee on the Judiciary.

29TH DIVISION ASSOCIATION, INC.

● Mr. SARBANES. Mr. President, I am reintroducing legislation today with my colleague from Maryland, Senator BARBARA MIKULSKI, which provides recognition to the 29th Division Association, Inc. and grants the association a Federal charter. The 29th Division has a long and remarkable history and a close association with the citizens of Maryland. I am proud to introduce this bill recognizing one of our Nation's most notable military organizations.

The 29th Division Association, Inc. is a nonprofit corporation organized under the laws of the State of New Jersey. Its objects and purposes as expressed in its articles of incorporation, include: First, the promotion of fellowship among its members; second, the perpetuation of the record of the 29th Division, U.S. Army, in the World Wars; third, the promotion of the welfare of its members; fourth, the consideration of questions concerning the military policy of the United States; fifth, to uphold and defend the Constitution of the United States. The 29th Division Association was organized in 1921 by veterans of World War I who served with the 29th Division in Europe. It now has a membership of 3,500 including veterans from World War I and World War II, as well as young men and women now serving in the 29th Division.

The 29th Infantry Division was organized at Camp McClellan, AL in August 1917 during World War I. Comprised of National Guard units of citizen soldiers from Maryland, Delaware, Virginia, the District of Columbia, and New Jersey, the division consisted of two brigades with two infantry regiments, an artillery brigade and supporting units. The division arrived in France in June 1918 and fought in the Alsace and Meuse-Argonne campaigns, suffering over 5,700 casualties.

In World War II, the 29th Division was mobilized in February 1941 at Fort Meade, MD. This time it included soldiers from Maryland, Virginia, the District of Columbia, and Pennsylvania. The division sailed for England in 1942 after stateside training. Further training ensued in England. On D-day, June 6, 1944, the 29th Infantry Division stormed ashore on Omaha Beach to win a beachhead, taking heavy casualties in the process. The division then participated in four major campaigns including Normandy, Northern France, Rhineland, and Central Europe, suffering 19,814 killed, wounded, and missing. It compiled one of the most distinguished war records of any of our infantry divisions.

In 1985 the division was again reactivated as the 29th Infantry Division (Light) with citizen soldiers from Maryland and Virginia. It is continuing the proud tradition established by the 29th in two World Wars.

The 29th Infantry Division has played a key role in the defense of this country and is still doing so. It is my hope that this legislation to grant the 29th Infantry Division Association a Federal charter will be approved, and I urge my colleagues to join in this effort to honor this distinguished military unit.●

By Mr. GRAHAM:

S. 274. A bill to amend the Federal Deposit Insurance Act with respect to the procedures relating to the approval of deposit insurance and risk-based premium assessments; to the Committee on Banking, Housing, and Urban Affairs.

#### BANK DEPOSIT INSURANCE LEGISLATION

● Mr. GRAHAM. Mr. President, this Congress will be asked to take a series of actions designed to solidify, to strengthen, and to make less vulnerable the Federal Deposit Insurance Corporation [FDIC] fund, so that in the fall of 1992 we will not be bemoaning the fact that we had again missed the clear clarion call for action.

There are a number of legislative actions that need to occur to assist the fund. Some of that legislation was advanced last fall and will again be put forward this spring. The bill I am introducing today will do two things. First, it will give the FDIC the authority to deny insurance coverage to nationally chartered and State chartered Federal Reserve System member banks. Second, the bill will give FDIC the authority to implement a risk-based insurance system.

The concept that I introduced last year as S. 3075 and which I am again introducing today should, I think, be part of any legislation. It would give the FDIC the authority to deny insurance to any newly chartered national banks and Federal Reserve System member banks. This concept would carry out a recommendation that has been made by the current Chairman of the FDIC, Mr. William Seidman. Mr. Seidman, on July 31 of last year, speaking before the Senate Banking Committee, said that he believed "that as a basic principle the insurer should decide which institutions it insures and that that is the ultimate protection that ought to be afforded to the taxpayer. So we have that now with the savings and loans. We don't have that with the banks." "As a matter of principle, the insurer should determine what institutions qualify for insurance."

Currently the FDIC is required to provide insurance coverage to newly chartered national banks, and State chartered banks which are members of the Federal Reserve System. Also all savings associations chartered after August 9, 1989, and all newly chartered State nonmember banks must apply for FDIC coverage.

The bill today conforms the FDIC's current authority that it acquired for savings associations under the 1989 savings and loan bill to banks.

Second, Mr. President, if we are going to make the FDIC fund truly an insurance fund and not a disguised subsidy, then the premiums paid in this fund must meet some actuarial standards of adequacy in proportion of the risk assumed. If you are a good driver, you pay lower premiums than a driver who has had a series of accidents. If you are older, you pay higher life insurance rates than younger individuals. If you operate a risky business, you pay higher premiums than that individual who operates a more tranquil enterprise.

We ought to be moving forward with a proposal to make the insurance premiums risk based; that is to relate the degree of risk for individual institutions to the amount of premiums that those institutions pay. In March 1989, Chairman Seidman stated that he felt that the FDIC should have the authority to develop a risk-based insurance system. We did not act on his request in March 1989. I hope we will not miss the opportunity to do so this Congress.

Mr. President one of the lessons we have learned from the savings and loan debacle is the fact that we cannot allow the deposit insurance fund to remove from the management of institutions their sense of personal responsibility and financial accountability for their actions. The way the insurance fund has operated in the past has been characterized as privatizing profits and socializing losses—that is, if things went well the institution would reap the benefit of the profit. If things went badly, that was the taxpayers' responsibility. That is an unacceptable allocation of risk and reward.

The legislation I have filed today will fill two pieces of that anomaly by providing to the Federal deposit insurance fund the capacity to deny coverage where it feels that a federally chartered institution does not warrant that degree of Federal assumption of financial responsibility and to set up a risk based insurance premium system.●

By Mr. DOLE (for himself, Mr. ROTH, Mr. DURENBERGER and Mr. MOYNIHAN) (by request):

S. 275. A bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes; to the Committee on Finance.

#### ANDEAN TRADE INITIATIVE ACT

Mr. DOLE. Mr. President, today I am pleased to introduce President Bush's Andean Trade Initiative Act.

As we all know too well, the Andean nations are engaged in a serious struggle to combat narcotics trafficking within their borders. As the preferred customer, I believe it is important that the United States aid and encourage

these efforts with economic incentives to replace the unfortunately lucrative narcotics trade.

This legislation authorizes the President to offer legitimate trading opportunities, comparable to the trade preferences granted to our Caribbean Basin neighbors, to reward those Andean nations which join us in the fight to eliminate the production, processing, and shipment of illegal drugs. It will also increase the prospects for economic growth and prosperity in the Andean region and throughout the hemisphere.

Under this initiative, direct imports from a beneficiary nation are eligible for duty-free treatment if at least 35 percent of their value was added in one or more of the beneficiary countries, including the CBI countries.

Products which are particularly import sensitive and are excluded under the CBI are also excluded under this initiative. These include textiles and apparel, footwear, petroleum and petroleum products, canned tuna, watches and watch parts. Other sensitive items are subject to the gradual duty reductions already provided in the CBI.

Finally, the legislation provides for import relief to safeguard domestic industries, such as producers of live plants, cut flowers, fruits, vegetables, and juices.

Mr. President, if we are to win the war on drugs, we must support the efforts of our Andean neighbors. Their struggle is our struggle.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 275

*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 "Andean Trade Initiative Act".

#### SEC. 2. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this Act.

#### SEC. 3. BENEFICIARY COUNTRY.

(a) DEFINITIONS.—For purposes of this Act—

(1) The term "beneficiary country" means any country listed in subsection (b) of this section with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this Act. If the President designates any country as a beneficiary country for purposes of this Act, he shall notify the House of Representatives and the Senate of such designation, together with the considerations entering into such decision, no later than 30 days after the date of such designation.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "HTS" means the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) DESIGNATION OF BENEFICIARY COUNTRY.—In designating countries as "beneficiary countries" under this Act, the President shall consider only the following countries or successor political entities:

Bolivia  
Ecuador  
Colombia  
Peru

(c) CRITERIA FOR DESIGNATION.—In determining whether to designate any country as a beneficiary country under this Act, the President shall take into account—

(1) whether such country is a Communist country;

(2) whether such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association, which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum;

(3) whether such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards which are in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, and which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) whether such country affords preferential treatment to the products of a developed country, other than the United States, and whether such preferential treatment has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to the President that such preferential treatment will be eliminated or that

action will be taken to assure that there will be no such significant adverse effect;

(5) whether a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent or such country fails to work towards the provision of adequate and effective protection of intellectual property rights;

(6) whether such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens;

(7) whether such country has or is taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974, 19 U.S.C. 2462(a)(4)) to workers in the country (including any designated zone in that country);

(8) whether such country has met the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(A)) for eligibility for United States assistance;

(9) an expression by such country of its desire to be so designated;

(10) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which the President deems appropriate;

(11) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(12) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(a));

(13) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(14) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(15) the degree to which such country is undertaking self-help measures to promote its own economic development;

(16) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(17) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(18) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this Act.

(d) PRODUCTS OF INSULAR POSSESSIONS.—General Note 3(a)(iv) of the HTS (relating to products of the insular possessions) is amended by adding at the end thereof the following:

"(E) Subject to the provisions in section 4 of the Andean Trade Initiative Act goods which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such goods when they are imported from a beneficiary country under such Act."

(e) WITHDRAWAL OF SUSPENSION OF DESIGNATION.—

(1) The President may—

(A) withdraw or suspend the designation of any country as a beneficiary country, or

(B) withdraw, suspend, or limit the application of duty-free treatment under this Act to any article of any country, if, after such designation, the President determines that as a result of changed circumstances such a country should be barred from designation as a beneficiary country.

(2)(A) The President shall publish in the Federal Register notice of the action the President proposes to take under paragraph (1) at least 30 days prior to taking such action.

(B) The United States Trade Representative shall, within the 30-day period beginning on the date on which the President publishes under subparagraph (A) notice of proposed action—

(i) accept written comments from the public regarding such proposed action,

(ii) hold a public hearing on such proposed action, and

(iii) publish in the Federal Register—

(I) notice of the time and place of such hearing prior to the hearing, and

(II) the time and place at which such written comments will be accepted.

#### SEC. 4. ELIGIBLE ARTICLES.

(a) IN GENERAL.—

(1) Unless otherwise excluded from eligibility by this Act, the duty-free treatment provided under this Act shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries under this Act, or a beneficiary country under the Caribbean Basin Economic Recovery Act, or two or more such countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries (under this Act or the Caribbean Basin Economic Recovery Act) is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subsection (a) including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this Act, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not

materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, interest, and salesmen's salaries, commissions or expenses.

(4) Pursuant to section 223 of the Caribbean Basin Economic Recovery Expansion Act of 1990, if the President considers that the implementation of revised rules of origin for products of beneficiary countries designated under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), would be appropriate, the President may include similarly revised rules of origin for products or beneficiary countries designated under this Act in any suggested legislation transmitted to the Congress that contain such rules of origin for products of beneficiary countries under the Caribbean Basin Economic Recovery Act.

(b) **LIMITATION ON DUTY-FREE TREATMENT.**—The duty-free treatment provided under this Act shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided in heading 2709 or 2710 of the HTS;

(5) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

(6) articles to which reduced rates of duty apply under subsection (c); or

(7) sugars, syrups, and molasses classified in subheading 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 of the HTS.

(c) **REDUCTION IN CERTAIN RATES OF DUTY.**—

(1) Subject to paragraph (2), the President shall proclaim reductions in the rates of duty on handbags, luggage, flat goods, work gloves, and leather wearing apparel that—

(A) are the product of any beneficiary country; and

(B) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

(2) The reduction provided for under paragraph (1) in the rate of duty on any article may—

(A) result in a rate that is equal to 80 percent of the rate of duty that applies to the article on December 31, 1991, except that, subject to the limitations in paragraph (3), the reduction may not exceed 2.5 percent ad valorem; and

(B) be implemented in 5 equal annual stages with the first one-fifth of the aggregate reduction in the rate of duty being applied to entries, or withdrawals from warehouse for consumption, of the article on or after January 1, 1992.

(3) The reduction provided for under this subsection with respect to the rate of duty on any article is in addition to any reduction in the rate of duty on that article that may be proclaimed by the President as being required or appropriate to carry out any trade agreement entered into under the Uruguay Round of trade negotiations; except that if the reduction so proclaimed—

(A) is less than 1.5 percent ad valorem, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed 3.5 percent ad valorem, or

(B) is 1.5 percent ad valorem or greater, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed the proclaimed reduction plus 1 percent ad valorem.

(d) **SUSPENSION OF DUTY-FREE TREATMENT.**—

(1) The President may by proclamation suspend the duty-free treatment provided by this Act with respect to any eligible article and may proclaim a duty rate for such article if such action is provided under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251–2253) or section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

(2) In any report by the International Trade Commission to the President under section 202(f) of the Trade Act of 1974 (19 U.S.C. 2252(f)) regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this Act, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of section 203 of the Trade Act of 1974 (19 U.S.C. 2253), the suspension of the duty-free treatment provided by this Act shall be treated as an increase in duty.

(4) No proclamation providing solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be taken under section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 202(b) of the Trade Act of 1974, determines in the course of its investigation under such section that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this Act.

(5)(A) Any action taken under section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 1 of this Act is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to any such action at the time duty-free treatment is proclaimed pursuant to section 1 of this Act, the President may reduce or terminate the application of such action to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of section 203 of the Trade Act of 1974.

(e) **PETITION FILED WITH THE UNITED STATES INTERNATIONAL TRADE COMMISSION.**—

(1) If a petition is filed with the United States International Trade Commission pursuant to the provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within 14 days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, the Secretary shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of the Secretary's determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) After the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, the President may issue a proclamation withdrawing the duty-free treatment provided by this Act or publish a notice of the President's determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the taking of action under section 203 of the Trade Act of 1974,

(B) on the day a determination by the President not to take action under section 203(b)(2) of such Act becomes final,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants and fresh cut flowers provided for in chapter 6 of the HTS;

(B) fresh or chilled vegetables provided for in headings 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS;

(C) fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons in subheading 0805.90.00, tamarinds and kiwi fruit in subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops, and sweetsops in subheading 0810.90.40) of the HTS; or

(D) concentrated citrus fruit juice provided for in subheading 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, or 2009.30.60 of the HTS.

(f) **FEES IMPOSED UNDER AGRICULTURE ADJUSTMENT ACT.**—No proclamation issued pursuant to this Act shall affect fees imposed pursuant to section 22 of the Agriculture Adjustment Act (7 U.S.C. 624).

**SEC. 5. CONFORMING AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.**

(a) General Note 3(c)(i)(A) of the Harmonized Tariff Schedule of the United States

is amended by adding at the end of the table the following new item:

"Andean Trade Initiative Act ..... F or F\*\*".

(b) General Note 3(c) of the Harmonized Tariff Schedule of the United States is amended by adding at the end thereof the following:

"(ix) Products of Countries Designated as Beneficiary Countries for Purposes of the Andean Trade Initiative Act (ATIA).

"(A) The following countries or successor political entities are designated beneficiary countries for the purposes of the ATIA, pursuant to section 3 of that Act;

"Bolivia  
"Colombia  
"Ecuador  
"Peru

"(B)(1) Unless otherwise excluded from eligibility by the provisions of subdivisions (c)(ix)(D) or (c)(ix)(E) of this note, any article which is the growth, product, or manufacture of a beneficiary country shall be eligible for duty-free treatment if that article is provided for in a subheading for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbol 'F' or 'F\*' in parentheses, and if—

"(I) that article is imported directly from a beneficiary country into the customs territory of the United States; and

"(II) the sum of (A) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries under the ATIA, or a beneficiary country under the Caribbean Basin Economic Recovery Act, or two or more such countries, plus (B) the direct costs of processing operations performed in a beneficiary country or countries (under the ATIA or the Caribbean Basin Economic Recovery Act) is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (II), the term 'beneficiary country' includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (II).

"(2) Pursuant to section 4(a)(2) of the ATIA, the Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subdivision (c)(ix) of this note including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under the ATIA, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country, and must be stated as such in a declaration by the appropriate party; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

"(I) simple combining or packaging operations, or

"(II) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

"(3) As used in subdivision (c)(ix)(B) of this note, the phrase 'direct costs of processing operations' includes, but is not limited to—

"(I) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

"(II) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (aa) profit, and (bb) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, interest, and salesmen's salaries, commissions or expenses.

"(C) Articles provided for in a provision for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbols 'F' or 'F\*' in parentheses are eligible articles for purposes of the ATIA pursuant to section 4 of that Act. The symbol 'F' indicates that all articles provided for in the designated provision are eligible for preferential treatment except those described in subdivision (c)(ix)(E) of this note. The symbol 'F\*' indicates that some articles provided for in the designated provision are not eligible for preferential treatment, as further described in subdivision (c)(ix)(D) of this note. Whenever an eligible article is imported into the customs territory of the United States in accordance with the provisions of subdivision (c)(ix)(B) of this note from a country or territory listed in subdivision (c)(ix)(A) of this note, it shall be eligible for duty-free treatment as set forth in the 'Special' subcolumn, unless excluded from such treatment by subdivision (c)(ix)(D) or (c)(ix)(E) of this note.

"(D) Articles provided for in a provision for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbol 'F\*' in parentheses shall be eligible for the duty-free treatment provided for in subdivision (c)(ix) of this note, except textile and apparel articles—

"(1) of cotton, wool, or fine animal hair, man-made fibers, or blends thereof in which those fibers, in the aggregate, exceed in weight each other single component fiber thereof; or

"(2) in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof; or

"(3) in which the wool or fine animal hair content exceeds 17 percent by weight of all components fibers thereof; or

"(4) containing blends of cotton, wool, or fine animal hair, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof;

except that beneficiary country exports of handloom fabrics of the cottage industry, or handmade cottage industry products made of such handloom fabrics, or traditional folklore handicraft textile products, if such products are properly certified under an arrangement established between the United States and such beneficiary country, are eligible for the duty-free treatment provided for in subdivision (c)(ix) of this note.

"(E) The duty-free treatment provided under the ATIA shall not apply to watches and to watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or

watch parts contain any material which is the product of any country with respect to which column 2 rates of duty apply."

#### SEC. 6. INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THE ANDEAN TRADE INITIATIVE ACT.

(a) REPORT TO CONGRESS.—The United States International Trade Commission (hereafter in this section referred to as the "Commission") shall prepare, and submit to the Congress, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four month period beginning with the date of the enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this Act is terminated under section 8(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b) CONTENT OF REPORT.—

(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect that this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c) DATE FOR SUBMITTING REPORT.—

(1) Each report required under subsection (a) shall be submitted to the Congress before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide an opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

#### SEC. 7. IMPACT STUDY BY SECRETARY OF LABOR.

The Secretary of Labor, in consultation with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact that the implementation of the provisions of this Act has with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

**SEC. 8. EFFECTIVE DATE AND TERMINATION OF DUTY-FREE TREATMENT.**

(a) **EFFECTIVE DATE.**—This Act shall take effect on the date of the enactment of this Act.

(b) **TERMINATION OF DUTY-FREE TREATMENT.**—No duty-free treatment extended to beneficiary countries under this Act shall remain in effect on or after the date that is 10 years after the date of the enactment of this Act.

• Mr. ROTH. Mr. President, I am pleased to join the distinguished Republican leader in introducing the Andean Trade Initiative Act, which is being introduced on behalf of the administration. In helping to promote greater economic opportunities for the four Andean countries, Bolivia, Colombia, Ecuador, and Peru, this legislation will fulfill the commitment made by our President during the Cartagena summit last summer, and is a critical component to supporting these countries' efforts to eliminate the production, processing, and shipment of illicit drugs.

The provisions of this act establish a trade preference regime for certain products from the Andean countries. It is closely modeled after the Caribbean Basin Initiative [CBI], which was renewed and extended by Congress just last year. It is carefully crafted to take into account the need for protecting highly import sensitive products by maintaining duties on such products.

In addition to helping eliminate the illegal drug business, the United States will benefit from other provisions contained in this legislation. For example, the President must consider various factors important to U.S. business and labor concerns prior to designating a beneficiary country. These include the extent to which such country provides adequate protection of intellectual property rights, assures equitable and reasonable market access to U.S. goods and services, and is taking steps to afford internationally recognized worker rights. These and other criteria should prompt positive constructive economic change in the region.

If we expect Andean countries to eliminate their significant economic dependency on, and involvement in, illegal drugs, then we must be willing to help them bring about an expanding pattern of normal economic growth and development. Ultimately, we will reap substantial benefits through growing export opportunities and reduced illegal drug activity. The Andean Trade Initiative Act will be a strong step in this direction and I urge my colleagues to support it.●

By Mr. DANFORTH (for himself and Mr. BOND):

S. 276. A bill to designate the Federal building located at 1520 Market Street in St. Louis, MO, as the "L. Douglas Abram Federal Building"; to the Committee on Environment and Public Works.

**L. DOUGLAS ABRAM FEDERAL BUILDING**

• Mr. DANFORTH. Mr. President, on behalf of myself and Mr. BOND, I am introducing legislation to designate the Federal building at 1520 Market Street, St. Louis, MO, as the "L. Douglas Abram Federal Building."

Mr. Abram, a special agent with the Federal Bureau of Investigation, was killed in the line of duty on January 19, 1990. Special Agent Abram entered on duty as an agent on June 6, 1976. During his 14-year career with the FBI, he had been assigned to the Columbus, OH, Resident Agency and Washington Field Office. In 1983, he was assigned to the St. Louis office and was a member of the special weapons and tactics [SWAT] team.

Mr. Abram lost his life in a shootout that began when officials tried to serve a search warrant on a suspected bank robber's home. Special Agent Abram was the first agent in the St. Louis office to die in the line of duty, and the 40th in the Nation.

Mr. Abram was an outstanding, dedicated professional who gave his life in the performance of his duty. He was known for his courage and loyalty and was considered a role model by many of the agents he helped train.

The war against drugs and crime is on-going. It is the dedication and persistence of our men and women in the law enforcement arena that will enable us to win this war. Special Agent Abram gave his life in the service of his country and I think he deserves to be honored in a significant way.

I offer this tribute to one of our Nation's heroes and urge your support of this bill.●

By Mr. SIMON:

S. 277. A bill to assure equal justice for women in the courts; to the Committee on the Judiciary.

**EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT**

• Mr. SIMON. Mr. President, I rise today to introduce the Equal Justice for Women in the Courts Act of 1991. This bill addresses one of the remaining barriers to equal justice in our State and Federal judicial proceedings—gender bias by judges and court personnel. I first introduced this bill in the 101st Congress, and it was unanimously approved by the Judiciary Committee as an amendment to Senator Biden's Violence Against Women Act.

The Equal Justice for Women in the Courts Act authorizes funding for the State Justice Institute and the Federal Judicial Center to develop and disseminate model programs designed to train judges and their personnel on rape laws, sexual assault, domestic violence, and crimes of violence motivated by gender.

Training would include such topics as the physical, economic, and psychological effects of rape and domestic violence on the victim and the resulting

costs to society; statistics on the nature and incidence of domestic violence; and the application of the rape shield laws and other limits on the introduction of evidence in court. Both the State and the Federal model programs would be developed with the assistance of law enforcement officials, victim's advocates, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

The Federal Courts Study Committee report released in April 1990 noted the crucial need for the type of judicial education and training this bill will provide. The study committee found that studies of many State systems reveal the presence of gender bias in State judicial proceedings. The committee concluded, "[w]e believe education is the best means of sensitizing judges and supporting personnel to their own possible inappropriate conduct and to the importance of curbing such bias when shown by attorneys, parties, and witnesses."

Two and one-half years ago, the Illinois State Bar Association, the Illinois Women's Bar Association, and the Chicago Bar Association established the task force to study gender bias in the courts. Last year the task force released its exhaustive study of the manifestations of gender bias in domestic relations cases, criminal cases, civil damage awards, and courtroom dynamics in the Illinois system. The report notes such specific instances of bias as a judge's comments in a case where a man chased his estranged wife and her companion by car. The woman and her companion were killed while trying to elude the defendant. As he sentenced the defendant to probation, the presiding judge stated, "[t]his was no drunken idiot trying to run someone off the road. This was a sober man trying to reclaim his wife."

But this is just one of many examples of blatant gender bias uncovered by the task force. The report also cites other, far more subtle, instances of gender bias throughout the justice system and strongly recommends judicial education as an important part of any meaningful effort to eliminate such bias.

I, too, believe that educational training for State and Federal judges on the legal issues and practical aspects surrounding sexual assault, domestic violence, rape, and crimes of violence motivated by gender is vital if judges and court personnel are to have a true understanding of the traumatic effects of these crimes on the victims.

Mr. President, last year my colleague, Senator BIDEN of Delaware, introduced the first comprehensive measure aimed at making our Nation's streets, college and university campuses, and homes safer for women. Following extensive hearings, the Judiciary Committee unanimously approved the Violence Against Women Act. The

Equal Justice for Women in the Courts Act was included as an amendment to the bill. Senator BIDEN has reintroduced the Violence Against Women Act this year, and I am pleased to note that the Equal Justice for Women in the Courts Act is included as title V of the bill.

Statistics compiled by the Judiciary Committee reveal that in 1989, more women were abused by their husbands than the number of women who got married. Since 1974, the rate of assaults against young women age 20 to 24 has risen 48 percent. In that same period of time, assaults against young men age 20 to 24 dropped 12 percent. In my home State of Illinois, the rate of sexual assaults has risen roughly 18 percent since 1986.

Yet rape is the most under-reported of all major crimes—it is believed that only about 7 percent of all rapes are reported to the police. One of the reasons they go unreported is the actual and perceived insensitivity of law enforcement officers and officers of the court to the victims of these crimes.

Enactment of the Equal Justice for Women in the Courts Act will provide meaningful protection to the rights of those who are victimized by sex crimes, domestic violence, and crimes of violence motivated by gender and take us one step closer to making equal justice under the law a living reality.

Mr. President, I commend this bill to my colleagues and invite their cosponsorship and support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

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

S. 277

*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 "Equal Justice for Women in Courts Act of 1991".

**TITLE I—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS**

**SEC. 101. GRANTS AUTHORIZED.**

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the State on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victims' gender.

**SEC. 102. TRAINING PROVIDED BY GRANTS.**

Training provided pursuant to grants made under this title may include current information, existing studies, or current data on—

- (1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;
- (2) the underreporting of rape, sexual assault, and child sexual abuse;
- (3) the physical, psychological, and economic impact of rape and sexual assault on

the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses sentencing and other aspects of the administration of justice;

(7) application of rape shield laws and other limits or introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered women syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

**SEC. 103. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.**

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this title are developed with the participation of law enforcement of-

ficials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for fiscal year 1991, \$600,000 to carry out the purposes of this title. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

**TITLE II—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS**

**SEC. 201. EDUCATION AND TRAINING GRANTS.**

(a) **STUDY.**—The Federal Judicial Center shall conduct a study of the nature and extent of gender bias in the Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. The study shall be conducted by the use of data collection techniques such as reviews of trial and appellate opinions and transcripts, public hearings, and inquiries to attorneys practicing in the Federal courts. The Federal Judicial Center shall publicly issue a final report containing a detailed description of the findings and conclusions of the study, including such recommendations for legislative, administrative, and judicial action as it considers appropriate.

(b) **MODEL PROGRAMS.**—(1) The Federal Judicial Center shall develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

(2) The training programs developed under this subsection shall include—

(A) all the topics listed in section 102 of title I; and

(B) all procedural and substantive aspects of the legal rights and remedies for violent crime motivated by gender including such areas as the Federal penalties for sex crimes, interstate enforcement of laws against domestic violence and civil rights remedies for violent crimes motivated by gender.

**SEC. 203. COOPERATION IN DEVELOPING PROGRAMS.**

In implementing this title, the Federal Judicial Center shall ensure that the study and model programs are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

**SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for fiscal year 1991, \$400,000 to carry out the purposes of this title. Of amounts appropriated under this section, no less than 25 percent and no more than 40 percent shall be expended by the Federal Judicial Center on the study required by section 201(a) of this title.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 278. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION SERVICES PRESERVATION ACT

● Mr. SARBANES. Mr. President, today I am reintroducing legislation

that would establish procedures to be used when the Social Security Administration proposes to close or move a field office.

My legislation, the Social Security Administration Services Preservation Act of 1991, would establish a process for ensuring that interested organizations, employees, and social security beneficiaries all receive adequate notice of proposed changes in field offices.

This bill would also require the agency to list, as part of its annual budget submission, those offices which have been closed in the preceding year as well as any that the agency plans to close. Currently, there is no readily available source of this information even though it is clearly important if we in Congress are to be informed about the agency's service to the American people.

The procedures in this legislation are based both on procedures employed by the U.S. Postal Service for office closings and on guidelines that the Social Security Administration issued on April 25, 1980. Those guidelines, part of an administrative directives system, outlined the agency's policy and I want to quote briefly from them:

The prime purpose of any service area or facility change will be to directly improve public service, increase operational or administrative efficiency, or both. The assumption is that improvements in operational or administrative efficiency can be shown to result at least indirectly in improved public service, but where change would bring these two concepts or goals into conflict with one another, public service considerations should be carefully weighed in light of the costs involved.

The guidelines go on to specify that shifts in population, demand for personal service, socioeconomic changes, transportation availability, and public reaction to the proposal should all be considered in decisions to close or relocate facilities. If the Social Security Administration consistently adhered to these guidelines, the need for the legislation I am introducing would not be as pressing. However, the guidelines have been repeatedly revised and, more importantly, there have been a number of cases where the agency has violated its own procedures.

Mr. President, public confidence in the Social Security Program is vital to its effectiveness and is based largely on the service the agency provides. The agency's extensive network of offices plays an important role in providing quality service to the millions of Americans who depend upon Social Security programs. The agency recognized, as early as 1958, that the location of its offices around the country contributes both to public confidence and to public cooperation.

As my colleagues know, the Social Security Administration closed, moved, and recategorized a number of service offices during the 1980's. A

number of those closings, including one in my own State of Maryland, were made without adequate consideration of the public interest.

In the fall of 1987, the agency decided to close its Dunbar office located on the east side of Baltimore. That office had been opened in the late 1960's as part of an effort to provide a variety of community services at one central location—a former high school in the Dunbar community. The Social Security office served as the focal point of the center and received frequent referrals from State and local agencies located there. The demand for services from this community was noticeably high.

With the closing of that office, residents of the area still receive many other services from the Dunbar location. However, it is now necessary for them to go outside of their community for Social Security assistance. The Dunbar office served a community that includes many elderly and disabled residents who find it almost impossible to travel across town to other offices.

The agency's decision to close this particular office was never fully justified. They maintained that their quality of service and operating efficiency would be enhanced by telephone and computer modernization. However, Mr. President, I do not need to remind this body of the widespread reports of serious problems with the new equipment and with telephone accessibility. Many serious concerns about the teleservice program have been expressed to me and to my casework staff.

Even assuming that problems with the telephone systems are eventually resolved, the agency itself noted that more than 15 percent of households in the east Baltimore area do not have telephones. Therefore, those residents now have no choice except to travel the extra distance to the downtown office. The agency's arguments for closing the Dunbar office were especially unconvincing since it had been handling a heavy caseload very efficiently and effectively. At the time it was shut down, the branch office employed eight people who had a reputation throughout the Baltimore area for the quality of their service and the personal assistance they provided for clients.

The service delivery review that the agency used to justify the closing of the office included little serious analysis and did not consider alternative field office arrangements. However, the most surprising thing about the review process was its failure to involve the community in assessing its own service needs. The agency did not provide community groups or Social Security beneficiaries in the Dunbar area with an opportunity to participate in the service review process.

The Social Security Administration clearly did not follow its written procedures in this particular decision to

close an office. Mr. President, I am confident that many of my colleagues are aware of situations in their own States in which a service office was closed or downgraded without input from community groups and without adequate consideration of the public interest. As many of us so painfully remember, the last Administration proposed closing more than 750 service offices in mid-1985. Thanks to the congressional and public outrage sparked by that proposal, the mass closings were not done. However, since that time the agency has continued to target many of those same offices for closure or recategorization.

My legislation would assure that the need for personal attention of many Social Security beneficiaries, such as senior citizens and handicapped persons, is considered before an office is closed. It recognizes that residents of areas that are characterized by low levels of income or education often have a greater need for personal assistance. In the 1960's and 1970's, the agency opened many offices in areas that are socially or economically disadvantaged. It disturbs me that many of those very offices are among the ones that the agency has targeted for closure in recent years.

This act would also ensure that all decisions to close, recategorize, or move a Social Security office are considered using a fair process. It would prevent the Administration from basing such decisions on political interests instead of on the needs of this Nation's citizens.

Mr. President, I am pleased that my colleague from Maryland, Senator MIKULSKI, is again joining as a cosponsor of this legislation. It is my hope that all of my other colleagues will join us in supporting this important bill so that it can be promptly approved by the Senate.●

By Mr. BRYAN (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. MITCHELL, Mr. ADAMS, Mr. BENTSEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEINZ, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. WELLSTONE, and Mr. WIRTH):

S. 279. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## MOTOR VEHICLE FUEL EFFICIENCY ACT

• Mr. BRYAN. Mr. President, today I, together with 34 original cosponsors, am introducing the Motor Vehicle Fuel Efficiency Act of 1991. It is one of the most effective energy conservation measures available to reduce our growing dependence on imported oil.

These are tense and frustrating days for all of us. We all have struggled with the proper response to the Iraqi invasion of Kuwait, and now that war has begun we all hope and pray for a quick resolution and for peace. At the same time, we know that this war may continue for some time, with a painfully high human and economic cost.

We are limited in what we can do in the short term to assist in the day-to-day war effort. But there is much we can do in the longer term to change the conditions that make us so dependent on the unstable Middle East, and on the oil that we know ultimately is a finite resource. We have been without an energy policy in this country for over 10 years. We now import well over 40 percent of the oil we use, and we import more of our oil from the Persian Gulf than we did at the time of the 1973 embargo. The fuel economy of passenger vehicles is declining, rather than improving, at a rate of 4 percent in just the last 2 years.

These patterns are deeply troubling, and inaction in the face of these facts would be irresponsible. The consequences of such inaction, for the citizen individually and for the Nation as a whole, can be severe. The legislation I introduce today is one step, and indeed the first step for the 102d Congress, to reverse the pattern of inertia that has existed for much too long.

This legislation is very similar to S. 1224, which I introduced in the 101st Congress, and which had the support of 57 Members of the Senate. It will improve the fuel efficiency of the new passenger vehicle fleet by 40 percent over the next decade by requiring increases in the corporate average fuel efficiency, or CAFE, requirements of current law. By 2005, these improvements will save more than 2 million barrels of oil each day. This is over four times the amount of oil we imported from Iraq and Kuwait prior to the invasion. This legislation also addresses the serious environmental threat of global warming. Since each gallon of gasoline burned emits almost 20 pounds of carbon dioxide, these savings will dramatically reduce emissions of this greenhouse gas by 500 million tons per year.

While this bill will require effort on the part of the auto industry, it also has been crafted with industry's needs in mind. No increase is required until model year 1996, an additional year beyond that which would have been required by legislation that I introduced in the last Congress. This is in recognition of the considerable lead time the

industry says it needs to alter its product plans. The bill does not require precise annual increases, as the current CAFE law did, but sets standards 5 years apart to permit the industry maximum flexibility in reaching the standards.

In recognition of the fact that surgical precision in setting standards 10 years in the future is difficult, the bill provides considerable discretion to the Department of Transportation to increase or reduce the standards to the maximum feasible levels of fuel economy. However, it provides strict guidance to the agency in carrying out this responsibility, to prevent the abusive and unnecessary reductions in the standards that were permitted by the administration in the late 1980's.

The legislation also will correct the unfairness in the current CAFE law, which is unduly burdensome to those manufacturers who make a full range for vehicle sizes. It will require each manufacturer to improve by the same percentage, so that all those who sell cars in the United States will have to do their fair share toward energy conservation. However, it also contains a numerical maximum, or cap, on the standards, so that those manufacturers who already have high fuel economy achievements will not be unreasonably affected.

On the other hand, the bill contains necessary deterrents to discourage violation of the standards. The bill adjusts the civil penalties chargeable to violators by an inflation factor, since the penalties have not been increased since 1975 and now are worth about one-half of what they were when enacted. Additionally, since some manufacturers repeatedly ignore the standards and simply pay penalties every year, the bill will make the standards more difficult to ignore by doubling the penalties for such repeat violators.

Finally, the bill will require several studies—on the technological potential for fuel economy improvements beyond the next decade; on the optimum formula for establishing CAFE standards; and on the accuracy of EPA fuel economy testing procedures. These studies will give Congress the information it needs to continually improve both fuel economy and the structure of our energy policy.

The standards set by this bill strike a balance between the needs of the country to save oil and reduce carbon dioxide emissions, and the needs of the industry and the consumer for a full range of vehicle types and sizes, and for the time necessary to improve the product. The standards can be achieved even if no new technology becomes available within the next 10 years, and without significant changes in the size mix of the fleet. However, there are extremely promising technologies, such as the two stroke engine, on the verge of coming into production, which will

enhance the ability of manufacturers to meet these standards.

Many have suggested that by establishing increased fuel economy standards this bill mandates a new kind of vehicle fleet for the American consumer. Rather, the flexibility and lead time provided by this bill lets the industry and the consumer determine the type of fleet that will be driven into the next decade, and that is as it should be. These standards insure only that the fleet of the future is as fuel efficient as possible. One way to achieve that is to hold the line on horsepower. The horsepower of the fleet has increased by 10 percent in just 2 years—between 1988 and 1990. This, and a 6-percent weight increase, has resulted in a 4-percent decline in fuel economy. Such declines are not acceptable given the need for conservation. In my view, the elimination of one tenth of a second off the 0-to-60-miles-per-hour record should not be national policy. However, under my bill if increased horsepower and speed is provided by the industry, it must be done without sacrificing fuel economy.

Many have joined the cry for conservation, particularly since the war began in the Persian Gulf. Yet there is a disturbing tendency by some to suggest that conservation should be practiced by everyone else, or that proven conservation measures should not be instituted until conservation measures for every sector of the economy are in place. The auto industry may make such suggestions in response to this legislation. However, it is important to recognize that we cannot significantly reduce our oil use without addressing the transportation sector. The light-duty-vehicle fleet covered by this legislation accounts for almost 40 percent of U.S. oil consumption. It must be part of the solution.

In addition, CAFE standards are a proven means of conservation in this area—many say the most effective conservation measure ever enacted in this country. Since enactment in 1975, CAFE standards—and the industry's impressive achievement in meeting them—have saved 1.8 million barrels of oil each day, and \$40 billion of consumers' money. There is no rational reason to delay further improvements while other conservation measures are debated. This one works, it will not preclude other measures later, and it needs some lead time for implementation. We can, and should, move forward now.

Some suggest that the cost of improved fuel economy is too high, and that the consumer and the industry cannot bear such a burden. Evidence indicates that the cost of meeting these standards would be well under \$500 per car, a cost largely offset by fuel savings. But I would suggest that we have paid, and will continue to pay, a much higher cost for ignoring con-

servation. In purely economic terms, the Department of Defense estimates that, prior to the beginning of the War, Operation Desert Shield had already cost \$10 billion in calendar year 1990 alone. The taxpayers—including automobile consumers and the auto industry—will pay these costs, which will undoubtedly increase dramatically. The much higher price, of course, is paid in noneconomic terms—by the presence of half a million U.S. troops deployed in the Persian Gulf.

We must get serious about energy policy and conservation, and we must do it now. Solutions to this problem take time. We cannot wait to begin.

I want to acknowledge the assistance and support of the chairman of the Commerce Committee, Senator HOLLINGS, who had the foresight to recognize the original need for fuel economy standards and lead the way to their enactment in 1975. I also want to thank the ranking Republican member of the Consumer Subcommittee, Senator GORTON, who has worked with me on this legislation from its inception in the last Congress and whose hard work and support has been vital to the progress of this proposal. I urge my colleagues to join me and the 34 original cosponsors in supporting this legislation, and ensuring its expeditious enactment into law.

• Mr. HOLLINGS. Mr. President, I am pleased to offer my strong support to my Commerce Committee colleague Senator BRYAN, and to be an original cosponsor of this legislation to increase the corporate average fuel economy, or CAFE, standards. I also was an original cosponsor of S. 1224, which had the support of a majority of the Senate in the last Congress. Today we continue the work we began in the 1970's on fuel economy for the passenger vehicle fleet.

In 1975, I cosponsored legislation that established the current CAFE standards. At the time that legislation was proposed, it was an untested and unprecedented plan. However, we believed we could effectively promote national energy security by mandating that the passenger vehicle fleet achieve a certain fuel economy.

At that time, we heard predictions from the automobile industry about the consequences of the legislation on the U.S. economy and on the consumer's choice of vehicles. It was suggested then that, if we adopted the standards that are now law, everyone would have to drive a vehicle the size of a Ford Pinto. Of course, the events of the last decade have proven that the automobile industry has the ability to meet such a challenge.

I am glad we were not deterred by those predictions, and that we proceeded to legislate fuel economy standards, which have made a significant contribution to energy conservation. They have resulted in a doubling of the

fuel economy of the fleet without any loss of interior size or performance of the vehicles. It is estimated that these improvements in fuel economy save 2.5 million barrels of oil per day, and save the consumer at least \$40 billion per year in gasoline costs.

We need to continue the work we started 15 years ago. The levels of fuel economy established by that law have not increased since 1985, and the fuel economy of some manufacturers' fleets is actually decreasing. In the meantime, the need for energy conservation has not diminished. Rather, we have been forcefully reminded that we cannot rely on unlimited imported oil. The oil is not really unlimited, and the owners of that oil are fully prepared to hold us hostage to obtain it. If we are prepared to send our troops to risk their lives in the Middle East, the least we can do is continue to use our best technology at home to reduce our reliance on imported oil.

Imported oil is often over 50 percent of consumption, and we recently have seen what happens to gasoline prices when there is even a threat to that supply. Of equal concern to me is the fact that energy imports are major contributors to our intolerably high trade deficit, adding almost \$40 billion per year.

In addition to the ongoing, and increasing, problem of national energy security, we have another reason to continue the progress in fuel efficiency—the threat of global warming. Every gallon of gasoline that is burned emits almost 20 pounds of carbon dioxide, and we know that carbon dioxide is a primary contributor to global warming. While we may not be certain of all the consequences of the warming that is predicted, we are certain that concentrations of carbon dioxide are increasing.

I am working to enhance the research necessary to know more about the effects of this warming. In the last Congress we enacted the Global Change Research Act of 1990, which I introduced. This legislation provides for improved coordination of the research efforts to understand the Earth system and effects of changes in that system. This legislation also provides for a national plan to advance this research.

However, I am convinced that, while this research proceeds, we must immediately take the steps available to us to reduce carbon dioxide emissions. Since the transportation sector is responsible for about one-third of the country's carbon dioxide emissions, fuel economy is an important part of the solution to this problem.

The auto industry is saying the same things it said in 1975—that the standards will force all Americans into tiny cars. That did not happen as a result of that legislation, and it will not happen as a result of this legislation. In Commerce Committee hearings on this subject in the last Congress, we heard im-

pressive testimony from a variety of experts, including the Department of Energy, that the technology exists to accomplish considerable improvements in fuel economy without noticeable size reductions or unreasonable cost.

This bill is fair, it is practical, and it balances the needs of the national energy security, the environment, the economy, and the consumer. It is the product of thoughtful work in the Commerce Committee, where we have spent years developing an expertise in the area of fuel economy. I urge my colleagues to support this important response to the country's long-term energy needs.

• Mr. D'AMATO. Mr. President, I rise today to join with several of my colleagues in introducing the Motor Vehicle Fuel Efficiency Act. This legislation is similar to S. 1224 which died at the end of the 101st Congress.

The perilous situation in the Persian Gulf has served once again to highlight our dangerous reliance upon imported oil. It appears as if the lessons of the 1970's have been forgotten, or worse, ignored in the 1990's. Instead of getting better, our dependence has only gotten worse. In 1973, we imported 37 percent of our oil. In 1990, we imported 50 percent of our oil. Now, more than ever, we must begin to focus on ways to reduce our dependence on foreign oil, look to other sources of energy, and enact serious energy conservation measures.

Unfortunately, New York and the entire Northeast, rely very heavily upon imported oil. The New York State Energy Office reported in 1989 that foreign oil provided more than 70 percent of New York's petroleum needs. That figure is up from 60 percent from only 3 years ago. Obviously, New York is very vulnerable in the face of oil supply disruptions or price escalations. For this reason, corporate average fuel economy standards are important for New York and the rest of the Northeast.

Much has been said about our lack of a comprehensive energy plan. While the Department of Energy has presented such a plan to President Bush, its implementation will come too late to be of any assistance in our present situation. Nevertheless, it is essential that any energy plan incorporate a diversity of energy options and fuels. While we cannot immediately end our love affair with oil, we can focus our attention and efforts upon other energy sources such as natural gas, coal, nuclear, and renewables such as wind and solar.

The Motor Vehicle Fuel Efficiency Act presents us with a unique opportunity. It will allow us to curb our reliance on foreign oil, while at the same time help to reduce carbon dioxide emissions from vehicles which contribute to global warming. This legislation proposes to increase the current corporate average fuel economy, or CAFE,

requirements for new cars and light trucks sold in the United States by 40 percent in 2001, with an interim increase of 20 percent in 1996. This would save 2.8 million barrels of oil when fully implemented.

Since 1975 when Congress first enacted CAFE standards, the auto industry has been fighting them. The current CAFE standards have not increased since 1985, and were actually reduced between 1986 and 1989. In 1974, the year before Congress passed a fuel efficiency law that raised new car miles per gallon from 12.5 to 27.5 over 10 years, the auto industry claimed that higher gas mileage would "outlaw most full-sized sedans and station wagons" and require all cars to be "sub-Pinto sized." Obviously that prediction has proved quite false. Yet this has not prevented the industry from making this and other claims today. Questions about the feasibility of higher CAFE standards are currently being addressed in a National Academy of Sciences study. I look forward to the results of this study which is due to be released in June of this year.

We must not overlook the environmental benefits that will come with the enactment of this legislation. It is a known fact that vehicular emissions contribute to our global warming problem. A tank of gasoline produces up to 400 pounds of carbon dioxide, a major greenhouse gas. Although the world's motor vehicles now produce only 14 percent of all CO<sub>2</sub> derived from fossil fuels, the vehicular contribution in industrialized countries is higher, reaching a peak of 24 percent in the United States. Enacting this legislation would be the single largest step to curbing global warming by reducing CO<sub>2</sub> emissions by 20 percent by the year 2000.

The Motor Vehicle Fuel Efficiency Act represents just one step we can take to free ourselves from the shackles of foreign oil while at the same time addressing the problem of global warming. I urge my colleagues to join with us in supporting this important legislation.

• Mr. GORTON. Mr. President, I am pleased to join with my colleague, Senator BRYAN, the chairman of the Consumer Subcommittee of the Senate Commerce Committee, in introducing the Motor Vehicle Fuel Efficiency Act. As the ranking Republican of the Consumer Subcommittee, I am happy to continue my work with Senator BRYAN on this vital legislation.

With America's attention focused on the events in the Persian Gulf, it is difficult to maintain a focus on the everyday workings of the Congress. Yet, there are actions we should actively pursue to make us less dependent on both foreign oil and a region of the world which contains approximately two-thirds of the known oil reserves. Let me make it clear at the onset; we are not engaged in a war in the Persian

Gulf for cheap oil. Our intervention on behalf of Kuwait is to support the U.N. resolution and the overwhelming number of nations of the world who condemn the unprecedented and abhorrent aggression of Saddam Hussein.

Nonetheless, even before Saddam Hussein's intolerable actions, it was very clear that America was sliding toward a dangerous dependence upon foreign oil. In 1973, during the OPEC oil embargo, we imported 36 percent of our oil. In January 1990, we imported 54 percent of the oil we consumed. Two years ago, former President Reagan informed the Congress under section 232 of the Trade Expansion Act that, "Petroleum imports threaten to impair the national security." Those words ring only too true today. Saddam Hussein would have had little interest in Kuwait if the world was not so dependent upon Middle East oil.

The first CAFE bill was enacted in 1975. At that time, automobiles averaged only 13.5 miles per gallon (mpg). Despite the auto companies' claims that the standards could not be met, manufacturers did reach the act's goal of 27.5 mpg by 1985. The CAFE bill is considered one of the most efficient energy saving measures ever enacted. But CAFE has not increased in the last 6 years and was actually rolled-back for a few years in the mid-eighties. Fuel efficiency for all models sold in America peaked at 28.7 mpg in 1988; the average for all 1990 models has dropped to only 28.2 mpg. Deep concern both with energy security and environmental degradation require a reversal of this trend.

The bill we are introducing today requires that each manufacturer to increase its fleet performance by 20 percent by 1996 and by 40 percent by the year 2001. It will also require light trucks, the fastest selling vehicles today, to increase their fuel economy by a like percentage over their 1988 fuel efficiency levels. When fully implemented, this bill will save 2.8 million barrels of oil per day—significantly less than the 17 million barrels of oil we presently use each day.

While today's events tend to focus our attention on the importance of reducing our Nation of our dependence on imported oil, we should not overlook the very beneficial effects this bill would have on the environment. By lessening our dependence on imported oil, we will decrease the number of supertankers in our waters and lower the chances of a disastrous oilspill. When fully implemented, the Bryan-Gorton bill will eliminate 852 trips per year by a supertanker the size of the *Exxon-Valdez*.

Of all the steps that we can take to reduce global warming, this bill is thought to be the most important. Each gallon of gasoline used typically produces 18 pounds of carbon dioxide. Carbon dioxide is the primary green-

house gas which contributes to global warming. Over its lifetime, an 18 mpg car pumps 58 tons of carbon dioxide into the air; a 40 mpg car emits 26 tons, less than half that amount.

Last year, Senator BRYAN and I led the debate in support of increased CAFE requirements. A majority of Senators, 57, supported our attempt to pass this vital legislation. I hope that, especially now given the events in the Persian Gulf, many more Senators will see the necessity of taking a step forward toward energy independence.

In the future, there may be many difficult votes this body will take in addressing our country's energy and environmental needs. Approving this bill, however, should not be a difficult decision. This is a modest measure, the goals of which can be achieved with technology already used in fuel efficient cars today. To me, it makes sense to use our resources wisely and to practice conservation. The Bryan-Gorton CAFE bill is a responsible measure which I hope will have the widespread support of my colleagues in the Senate.

• Mr. McCAIN. Mr. President, as co-chairman of the Congressional Energy and Environmental Study Conference, I am acutely aware of the need for a comprehensive energy policy. We certainly cannot continue to be so heavily dependent on oil, as recent events have dramatically illustrated. To its credit, the administration began working on such a policy even before Iraq's invasion of Kuwait. I am looking forward to reviewing their recommendations.

In the meantime, I believe that this legislation sends a clear and unambiguous message to the citizens of the United States that we are serious about moving forward with a strategy to reduce energy consumption. Any comprehensive energy plan involves conservation, and given that the transportation sector accounts for over 60 percent of our oil consumption, improving the fuel efficiency of the vehicles on our roads must be an integral part of our efforts.

While I wholeheartedly believe we must increase the fuel efficiency of passenger cars and light trucks, I do remain somewhat concerned about the issue of safety. Despite the testimony given by various expert witnesses to the Commerce Committee during the last session of Congress, the automobile manufacturers continue to maintain that the standards set forth in this bill cannot be achieved without significantly downsizing their fleets. That is, by making smaller and lighter weight, and, therefore more unsafe, vehicles.

Much of this rhetoric is the same that was heard 15 years ago when CAFE standards were first enacted. Regardless of these claims, however, fuel economy has doubled since that time, with no loss of interior volume or per-

formance. Interior space and vehicle weight have been constant since 1979. In addition, traffic fatalities have been reduced from 3.5 per 100 million vehicle miles traveled in 1974, when CAFE was first enacted, to 2.4. I hope, as in our prior experience, that the automobile manufacturers' assertions will prove unfounded.

Some manufacturers also continue to voice objections to the percentage approach taken in the bill. They believe it unfairly impacts those who have already done the most to attain higher standards. We have tried to address this issue by placing a "cap" on the maximum level of fuel economy required. We have also given the Secretary of Transportation the discretion and flexibility to reduce the established standards. I recognize that some industry members still may not find this to be the best solution. Perhaps, as we debate the issue this year, we can craft an approach that addresses their continuing concerns.

Mr. President, I believe that the goals embodied in this legislation represent clear and positive steps toward realizing a sensible, economically and environmentally sound energy policy. It is imperative that we move forward to solve our long-term energy problems through conservation and the development of alternative fuels. This bill is an excellent starting place, and I am pleased to be a cosponsor of this effort.

• Mr. LAUTENBERG. Mr. President, I rise to join Senator BRYAN and others in introducing the Motor Vehicle Fuel Efficiency Act. The bill would increase fuel economy standards by 40 percent over the next decade, saving 2.8 million barrels of oil per day. It builds on the success of the Corporate Average Fuel Economy or CAFE law enacted in 1975—one of the most effective energy efficiency measures ever passed by Congress.

We are the most wasteful society in the world. The United States uses twice the amount of energy per unit of GNP than Japan or West Germany. Mr. President, if we trimmed oil consumption by just 15 percent, we would displace all the oil America imports from the Persian Gulf. This bill alone once fully implemented would more than achieve that drop in oil consumption.

That's why Senator BRYAN's bill is so important. It expands on the original 1975 Corporate Average Fuel Economy [CAFE] Act which has been one of the most important steps we've taken to protect the global environment and promote a healthier U.S. economy. It resulted in more efficient vehicles and reducing our dependence on foreign oil than it otherwise would have been. Since the CAFE measures were enacted there has been an approximate doubling in automobile fuel efficiency. It has saved 2.5 million barrels of oil per day and \$40 billion per year for con-

sumers. Despite the auto industry's fears that the standards would harm them, they managed to meet those standards.

But fuel efficiency in the United States is slipping and legislation is necessary to continue the progress in energy conservation, environmental protection, and balancing the trade deficit that was initiated by the 1975 CAFE law. Unfortunately, the success of the 1975 CAFE standards began to level off in 1985. The average new vehicle fuel efficiency in 1988 was actually lower than the standards set in 1985. And we have witnessed a decline in fuel efficiency of some manufacturers.

The Bryan bill will reverse this decline. And it establishes standards which are technologically feasible. The Office of Technology Assessment says that the technology exists now to make these improvements without sacrificing performance or switching to smaller cars.

Higher fuel efficiency makes sense for many other reasons. This Nation faces considerable economic difficulties because of our trade deficit. Forty percent of our trade deficit is due to oil imports alone! Driving cars that consume less fuel will help wean the United States from our dependence on foreign oil.

In addition to saving oil, the Bryan bill is an important step in saving our planet. Carbon dioxide emitted from motor vehicles is a significant contributor to the threat of global warming or "the greenhouse effect." The combustion of a single gallon of gas produces almost 20 pounds of carbon dioxide. And it is estimated that an average car emits about 58 tons of CO<sub>2</sub> over its lifetime. The United States emits more CO<sub>2</sub> than any other nation—about 20 percent of the world's CO<sub>2</sub> emissions. Automobiles account for 25 percent of the U.S. contribution of CO<sub>2</sub> emissions.

Carbon dioxide is accountable for almost half of the gases that contribute to the greenhouse effect. As greenhouse gases become trapped in the Earth's atmosphere, temperatures will increase around the globe. The impacts are far reaching. Mass extinctions will result as species are unable to adapt to rapidly changing environmental conditions. Reduced soil moisture and altered weather patterns will disrupt U.S. and world agricultural cycles. Rising sea levels due to melting of the polar ice caps will inundate coastal areas around the world, resulting in loss of low lying coastal lands where millions of people reside.

Although there is some disagreement as to the rate and magnitude of change, there is a remarkable degree of scientific consensus that global climate change is upon us. This change presents a serious threat to the continuation of life on Earth as we know it.

The standards proposed in this bill would decrease carbon dioxide by about 500 million tons per year by the year 2005. By setting these new CAFE standards, the United States can assume a leadership role for the development of efficient technologies that can help us to reduce greenhouse gas emissions and address the problem of global climate change.

Mr. President, the Motor Vehicle Fuel Efficiency Act gives us the opportunity to fight wasteful energy consumption and unstable supplies of oil, to reduce our trade imbalance and curb global warming. The decline in auto fuel efficiency poses a serious threat to the Nation's economy, to our national security and to the health of the global environment. Increasing auto fuel efficiency is the single most important step Congress can take to reduce our dependence on foreign oil, enhance our economy and protect the natural systems that support life on this planet. I urge my colleagues to support this legislation.

• Mr. KERRY. Mr. President, the need to reduce our dependence on foreign oil can no better be illustrated than by witnessing what is at stake in the Persian Gulf.

I rise today to join with Senator BRYAN and more than 30 of my colleagues in refiling legislation to jumpstart the auto fuel efficiency program. The legislation we are reintroducing today is absolutely critical in order to improve the Nation's energy situation, reduce air pollution, protect our consumers and enhance our national security.

The issue of conserving gasoline is one that many of us tried to raise during the Clean Air debate; and it is an issue that holds equal importance today, particularly in view of the energy situation in the gulf.

The energy situation in the Middle East has sadly made this debate a timely one. Our dependence on foreign oil is demonstrated each day by the news we receive from the gulf—by the risks being taken by our soldiers in the desert—and by the fears of their families and friends each day at home. At home, every one of us notices the additional costs to us from our dependence on foreign oil, from the direct cost of gasoline at the pump, to those passed on costs for heating and transportation that increase the price of airline travel, food, health care, and every manufacturing industry in the Nation.

The United States is the largest consumer of oil in the world, accounting for almost 25 percent of the consumption. Oil imports have grown from 28 percent consumption in 1982 to more than 50 percent this year. That amount exceeds our previous high of 48 percent set in 1977. This excessive dependence on foreign oil clearly reflects a lost decade with no national energy strategy. The President is expected to make

reference to his forthcoming energy strategy tonight in the State of the Union Address. However, if the stories coming out of the White House are true, the President's energy strategy will provide an economic infusion for the ailing domestic oil business and stalled nuclear power industry, and reflects a myopic view of a few advisors that conservation and renewables be excluded from the energy equation. Such shortsighted vision during the Reagan years resulted in the unfortunate situation we find ourselves in today.

Many recall that during the oil embargo of 1973 Democrats and Republicans alike got serious about conservation and renewable energy resources. In 1975 Congress, through the leadership of Senator HOLLINGS and others, enacted CAFE standards which increased automobile fuel efficiency from 14 miles per gallon to today's 27.5 miles per gallon. Funds poured into research and development for renewable sources. Congress passed tax credits for conservation initiatives. Today after a decade of neglect, a decade with no energy policy, we have arrived at the economically risky and environmentally dangerous position we are in today. In the past decade funds for renewable energy sources were cut from \$557 million in 1981 to \$94 million last year. Meanwhile the price of the Persian Gulf war ranges from \$500 million to \$1 billion a day. In the 1980s tax credits for renewables such as the solar hot water heating were eliminated. And as our R&D dollars dried up for America's universities and research institutions the Japanese and the Germans passed us by to become the world's leaders in exporting technologies. It is disgraceful that complacency and the lack of an energy crisis permitted not only our competitive edge to slip away, but shelved the Nation's conservation efforts.

With new problems come new opportunities. The Persian Gulf war highlights the need for action, and provides a new chance to renew our conservation effort and to continue to curb environmental degradation.

Mr. President, before we debate the merits of the CAFE approach, I want to address the fact that many of my colleagues have received frightening and distorted and exaggerated assessments of the measuring impact on our automobile industry. Let me put this into perspective.

Fifteen years ago Congress enacted legislation which adopted CAFE standards designed to improve automobile fuel efficiency by 100 percent in just a decade. Ten years later the automobile industry to their credit, achieved that 100 percent improvement standard and in some instances went beyond.

Let's review what the automobile industry told us 15 years ago when CAFE

standards first passed. In 1974 the Ford Motor Co. told us:

This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick.

Chrysler stated that the provision "would outlaw a number of engine lines and car models, including most full-size sedans and station wagons."

Needless to say, these dire predictions proved false. But that does not prevent the automobile manufacturers from recycling them again. For example, General Motors has suggested that the new CAFE targets "would force us to consider drastic measures, such as cutting production of our larger, family-sized cars."

Well, Mr. President, they were wrong in 1974 and they are wrong now. Because of the success of the CAFE standards, new cars rolling off the assembly line today average over 28 versus only 14 miles per gallon in 1975.

More important, these standards have saved the Nation 2.5 million barrels of oil every day and, in 1989 alone, lowered carbon dioxide emissions by over 360 million tons. This means savings from the pocket book of virtually every American family, not some abstract national oil account.

Contrary to what the auto industry says, the availability of this fuel saving technology means that the size of vehicles need not be reduced and that there is no trade off of fuel economy with safety. In fact, the Center for Auto Safety, long time watchdog of auto safety, assures us that this amendment will not compromise safety. Moreover, experts tell us that our bill will offer buyers the same size and comforts as automobile models from 1987. Certainly consumers will continue to have choices in the cars they buy.

Increasing our fuel efficiency will decrease our dependence on foreign oil. This dependency not only poses the economic threat to consumer pocketbooks, as we witnessed in October when oil prices rose to \$40 a barrel, but is a direct threat to the overall economic security of our Nation. Oil imports account for close to 55 percent of our trade deficit. If you eliminate oil imports and automobile imports, we actually have a national trade surplus.

The legislation before us today will reduce our Nation's oil consumption by 2.8 million barrels of oil per day by 2006. This accounts for close to four times the amount of oil we have been importing from Kuwait and Iraq combined.

Increasing our fuel efficiency also makes sense because it will decrease the pressure to drill in environmentally sensitive areas, such as the Arctic National Wildlife Refuge in Alaska. Some predict that if we reduce our oil consumption by 2.8 million barrels per day as set out in this legisla-

tion, by the year 2006 we will save 10 times the amount of oil they expect to produce in ANWAR. It will minimize the need for off shore oil and gas drilling in environmentally sensitive coastal areas such as Georges Bank and the California coast.

Increased fuel efficiency would save consumers hundreds of dollars every year at the gas pump. It is estimated that the additional cost to produce a car achieving 40 miles per gallon may be \$500. This sum would be offset by savings of more than \$2,000 per year from lower gas use. And with continued rising prices of gasoline maybe even more.

In addition to saving oil, raising our CAFE standards is the single biggest step Congress can take to reduce global warming.

There is no one panacea for addressing global warming. Although experts may disagree on the extent of global warming no one will dispute the overall benefits of reducing carbon dioxide. We need a broad strategy to achieve CO<sub>2</sub> reduction. Our utilities must be made more efficient. We must take action to promote industrial efficiency. Deforestation must be limited while reforestation should become a priority. But cars and light trucks are the major contributors to global warming and we must move immediately to improve their efficiency.

Today, the United States is responsible for 23 percent of all carbon dioxide emissions produced by human activities worldwide. Cars and light trucks generate about 20 percent of the Nation's carbon dioxide emissions.

Every single gallon of gasoline our cars and light trucks burn produces nearly 20 pounds of carbon dioxide, the primary global warming gas. According to calculations by Environmental Action Foundation, the average car on the road today produces 58 tons of CO<sub>2</sub> over its lifetime. In stark contrast, cars averaging 40 mpg would emit only 26 tons of CO<sub>2</sub> over their lifetimes. That's right. Each and every car will produce 32 tons less CO<sub>2</sub> if this legislation is enacted.

More than half of America's Nobel laureates and 700 members of the prestigious National Academy of Sciences earlier last year called global warming "the most serious environmental threat of the 21st century."

These distinguished scientists were not extreme to express such alarm. Last spring a meeting of the UN's Intergovernmental Panel on Climate Change confirmed the general consensus of the world's scientific community: the earth's temperature is expected to rise 3 to 8 degrees by the early part of the next century.

Such a temperature rise could have devastating consequences for the Earth's fragile environment—sea levels could rise; droughts may occur; and extreme weather conditions could pre-

vail. The economic, social, and political implications of these climatic changes would be enormous, even apart from the environmental losses.

The legislation that we are introducing today requires each manufacturer to increase the fuel efficiency of its fleet by 20 percent over 1988 levels by 1996 and by 40 percent by 2000. These increases would result in an overall national new car average of 34.4 mpg in 1996 and 40 mpg in 2000. The measure also sets new efficiency standards—an average of 25 mpg in 1995, 30 in 2000—for light trucks. Raising the efficiency of light trucks is especially critical since they currently account for a third of all new vehicle sales, yet on average are 25 percent less efficient than cars. By 2006, these standards would help curb global warming by reducing U.S. carbon dioxide emissions by over 300 million tons per year.

Mr. President, we need to act now and move this bill through the 102d Congress as soon as possible. The Motor Vehicle Fuel Efficiency Act of 1991 is not just about energy efficiency, but also about our national security, improving our environment, and protecting our consumers.●

● Mr. CHAFEE. Mr. President, I am pleased to join today as an original cosponsor of the Motor Vehicle Fuel Efficiency Act, which Senator BRYAN is introducing today. I am cosponsoring this bill because it realizes important energy and environmental goals.

This legislation is an essential part of what must now be a renewed effort towards fuel efficiency and conservation. The crisis in the Persian Gulf reminds all of us just how vulnerable the United States is to political disruptions in oil-producing countries.

Mr. President, the oil embargoes of the seventies gave us our first warnings of the dangers of dependence on foreign oil. For a time, the Federal Government and consumers focused on conservation as one solution. But, again, in the eighties we were lulled into complacency about the future of the energy supply with cheap prices and plentiful supplies. It is my strong hope that, this time, the United States will heed the most recent alarm by making some serious efforts at energy conservation.

As Senator BRYAN has indicated, the Motor Vehicle Fuel Efficiency Act would require that current corporate average fuel economy [CAFE] standards be improved by 40 percent over the next decade. When fully implemented, the savings in fuel will be many times the amounts that used to be imported from Iraq and Kuwait combined.

Mr. President, in addition to addressing our energy conservation needs, the Motor Vehicle Efficiency Act seeks to solve a serious environmental problem as well. Requiring improvements in fuel economy will force a significant decrease in emissions of carbon diox-

ide, a greenhouse gas that many scientists have found contributes to global warming.

I had hoped that the 101st Congress would have included a carbon dioxide emissions standard in the final clean air bill that was sent to the President. I was a strong backer of a CO<sub>2</sub> standard, because it would have begun to address the global warming problem, while bringing about much-needed energy conservation at the same time.

Unfortunately, the carbon dioxide standard became too controversial and was dropped. Then, at the end of the Congress, Senator BRYAN's bill amending the CAFE law was also derailed, despite his persistent efforts and the support of many Senators, myself included.

Senator BRYAN, I commend you for your leadership on this important subject, and for bringing this legislation back before the Senate early in the new Congress. I plan to work with you and the many other cosponsors of this bill to make this year the year we improve automobile fuel efficiency.●

● Mr. LIEBERMAN. Mr. President, I rise to speak in favor of the fuel economy bill introduced by Senator BRYAN of which I am privileged to be an original cosponsor. I commend my colleague from Nevada for his leadership and perseverance on this very crucial issue to the Nation's energy, environmental, and economic problems.

This is a critical bill for energy conservation. Fuel economy measures must be a central part of a national energy strategy. Oil is a finite resource, and most of it comes from a region of the world which is politically unstable, to say the least. This bill would, when fully implemented save 2.8 million barrels of oil per day, and that would have a profound impact on our economy, and on our national security.

This is also a critical bill for the environment because it takes a large step forward in addressing the potentially catastrophic consequences of global warming. By making millions of automobiles burn less gas, we can dramatically reduce the amount of carbon dioxide that goes into the atmosphere. We can take 500 million tons of CO<sub>2</sub> out of our air each year and that will have dramatic, positive effect on our efforts to reduce global warming.

This bill also means economic relief for millions of American motorists. Simply put, the better the fuel efficiency of automobiles, the less money consumers will have to pay to operate them.

American consumers and our economy are being held hostage by the big oil and OPEC oil producers. We must act now to break their hold over us. There are short term measures we can pursue. But in the long term, we need to reduce our dependence on oil itself. Raising the fuel efficiency of automobiles is one major way to do just

that. We as a nation depend too much on oil, no matter where it comes from. It does us little good to reduce reliance on foreign oil if the price of oil from Alaska or Texas still goes through the roof everytime the global price of crude goes up. We need to reduce our reliance on all oil. And by reducing how much gasoline goes into the tanks of our cars, we can do just that.

Despite the oil shock of the 1970's, the Nation has not responded by reducing our dependence on petroleum in vehicles. While records show that oil consumption has declined in many major sectors of our economy: In electricity generation it is down 50 percent, industrial use of oil has dropped 10 percent, but the use of petroleum in transportation has grown 20 percent since the boycott of 1973. In 1989, transportation accounted for 63 percent of the total oil consumed in this country every day, with more than half the amount allocated to transportation consumed by automobiles.

The energy conservation numbers associated with this bill are dramatic. The Department of Transportation estimates that if we pass the bill now by the year 2000 we would save a total of more than 49 billion gallons of gasoline. By 2005, the bill would save more than 2.8 million barrels of oil every single day.

Mr. President, these savings would have dramatic effects on protecting the independence of our economy and our ability as Americans to protect the quality of our life and our standard of living.

I believe it is especially significant that we are introducing this bill several days before the start of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change which will be held in Washington. That committee is seeking a world agreement on reducing greenhouse gases, including carbon dioxide. Many other countries throughout the world already have acted and committed to reducing carbon dioxide emissions. Yet this administration has steadfastly refused to make any such commitment.

Prime Minister Brundtland of Norway, I think said it well when he stated:

The importance of climate change may be greater and more drastic than any challenge mankind has faced, with the exception of nuclear war.

In a handful of generations our scientists are now telling us, we have unleashed a potentially lethal mix of pollutants into our atmosphere which will literally—not just symbolically—threaten us for generations to come.

Nothing in history provides us with precedents to deal with this kind of threat. But the bill before us allows us to act decisively and responsibly to address global climate change by signifi-

cantly reducing carbon dioxide emissions.

Carbon dioxide is, everyone agrees, a dangerous greenhouse gas. It accounts for almost 50 percent of the gases that contribute to global warming. The United States, with about 5 percent of the world's population, generates more than 20 percent of all manmade emissions of carbon dioxide. We are doing more than our part, unfortunately, to pollute the atmosphere.

Transportation accounts for almost one-third of all of the American carbon dioxide emissions. Remarkably, we in this country generate more than most other developed countries produce from all sources.

This bill is the biggest single step that we can take to control the carbon dioxide emissions that contribute to global warming.

The testimony of scientific experts clearly indicates that it is time for us to act on this problem. Last year, 49 Nobel laureates and 700 members of the National Academy of Sciences called on Members of Congress to act as soon as possible to prevent the warming of the planet. In May 1990 the U.N. Intergovernmental Panel on Climate Change issued a report, adopted by delegates from 39 countries which concluded that scientists were certain that emissions resulting from human activities are substantially increasing the greenhouse effect, and that if nothing were done, the global mean temperature would rise by 5.4 degrees Fahrenheit by the end of the next century, bringing the Earth to its warmest level in at least 150,000 years.

The report states that with this temperature rise, ocean water would expand and ice at the poles would melt, raising the level of the sea by as much as 25.6 inches. That would be enough to submerge the Maldives and inundate the coastal planes.

An average temperature rise of only 5 percent Fahrenheit could, in addition to causing the thermal expanding of oceans, cause the melting of land-based ice and increase sea levels by 2.5 feet, which is more than enough to flood vast unprotected coastal lands, inundate low-lying areas, erode shorelines, worsen coastal flooding, and increase the salinity of rivers, bays, and aquifers.

The cost of holding back the sea in countries such as The Netherlands and ours—where a large and growing proportion of the population lives in coastal areas, cannot even be estimated in this country.

This administration's failure to take any leadership role on global warming stands in sharp contrast to the conclusions of its own Environmental Protection Agency. In its recently released report "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," EPA's Scientific Advisory Board examined and ranked 31 environ-

mental risks. Global warming ranked as one of the four highest risks to our natural ecology and human welfare. Administrator Reilly told the Environment and Public Works Committee last week that the areas of highest risks are those where he believes the Nation should be devoting its resources.

Mr. President, this is what we have the opportunity to stall and hopefully over time overcome, by taking an enormous step forward in the effort to control carbon dioxide emissions.

The automobile industry will argue that the improvements from this bill are not possible and that improved fuel economy requires smaller, less safe vehicles. But the evidence is clear that the standards in this bill can be accomplished by using the full range of fuel economy technology currently available and that consumers will not be forced into smaller or less safe cars.

There's been a lot of talk about our advances in weaponry lately and I am extremely proud of what American technology has accomplished in helping our military forces respond more quickly, accurately and efficiently in wartime.

But if we can make smart bombs, we can make smart cars. We can use American technology to improve the performance of America's automobiles, to make our environment cleaner, to conserve energy, to save consumers money, and to protect our national security. We can make our cars more fuel efficient; all we need now is a policy to make it happen.

In conclusion, Mr. President, mandating better fuel economy is one of the most effective ways to deal with the oil crises that continue to wreak havoc with our lives and our environment.●

By Mr. DOLE (for himself, Mr. SASSER, and Mrs. KASSEBAUM):

S. 280. A bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of nondeposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

#### DEPOSIT INSURANCE FAIRNESS ACT

Mr. DOLE. Mr. President, today I am joining with my distinguished colleagues, Senator KASSEBAUM and Senator SASSER, in introducing legislation which will inject a strong dose of fairness into our Nation's deposit insurance system. For too long, banks have competed on a playing field which is tilted heavily in favor of the large money center and superregional insti-

tutions, at the expense of smaller, community-based banks.

Without a doubt, the too-big-to-fail doctrine is alive and well today. How many times do we need to see Federal banking regulators protect all liabilities at the large banks, like the Bank of New England, and then tell depositors at a smaller institution, like the Freedom National Bank of Harlem, that they are subject to the \$100,000 insurance limit? How can we justify "making whole" unassessed deposits in the Bahamian branch of the National Bank of Washington, while depositors in a failing community bank somewhere in rural America do not receive the same guarantee? Mr. President, the too-big-to-fail doctrine has created a two-tiered deposit insurance system, one that protects big banks and treats community banks as "too small to save." That's unfair. The system must be changed.

Mr. President, the Deposit Insurance Fairness Act of 1991 attempts to level the deposit-insurance playing field in the following five ways.

First, it mandates the assessment of insurance premiums on foreign deposits in the overseas branches of U.S. banks. It simply isn't fair that foreign deposits receive de facto insurance coverage when they are not subject to insurance premiums. In addition, the Congressional Budget Office estimates that assessments on foreign deposits will provide at least \$1.5 billion in much-needed revenue for the bank insurance fund over the next 5 years.

Second, the Deposit Insurance Fairness Act gives the FDIC discretion to assess premiums on nondeposit liabilities, such as bank notes and promissory notes, which are "securities-type" instruments issued by banks to raise capital. Although they are technically uninsured, nondeposit liabilities, like foreign deposits, receive de facto insurance coverage in large bank failures. And like foreign deposits, nondeposit liabilities should be assessed if they are going to enjoy insurance protection.

Third, this legislation requires the FDIC to develop and implement a risk-based deposit insurance premium structure within 6 months of the date of enactment. Premiums would be determined largely by capital levels, but the FDIC would have the discretion to take into account other factors in a bank's risk profile, such as diversity in its investment portfolio and the default rates on certain investment instruments. It is just simple common sense that those banks posing the greatest risk to the deposit insurance fund should be assessed higher premiums.

Fourth, the Deposit Insurance Fairness Act requires the FDIC to establish within 6 months a system for early regulatory intervention in banks with weak or deteriorating capital levels.

This provision gives regulators the authority not only to act quickly to stanch the flow of capital from unhealthy banks, but also to help banks develop sound strategies to return to financial health. If we can learn one lesson from the savings and loan debacle, it's that early action in preventing bank failures could help save the taxpayers billions of dollars.

And finally, this legislation gives Federal banking regulators the authority to restrict, or prohibit, insured depository institutions from accepting brokered deposits. Experience shows that brokered deposits are often used by troubled institutions as a quick-fix solution to improve weak capital positions. Unfortunately, this quick-fix often turns to quicksand as healthy, regional competitors are forced to draw from capital reserves to offer customers inflated, but competitive, interest rates on deposits.

Mr. President, the bill I am introducing today addresses the fundamental issue of deposit insurance fairness. The small and medium-sized banks of America are a vital part of our national and regional economies. And I can certainly attest to the importance of these banks to the small towns and rural communities of my home State of Kansas. It's time we put an end to the two-tiered deposit insurance system and achieve a level playing field for all banks, regardless of size. Mr. President, I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that the full text of the Deposit Insurance Fairness Act of 1991 be inserted in the RECORD immediately after my remarks. I also ask unanimous consent that a recent letter to Secretary of the Treasury Nicholas Brady, which outlines some of my concerns about deposit insurance fairness, be inserted in the RECORD.

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

S. 280

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Deposit Insurance Fairness Act of 1991".

(b) TABLE OF CONTENTS.—

#### TITLE I—FDIC ASSESSMENT AMENDMENTS

Sec. 101. Foreign deposits included in assessment base.

Sec. 102. Non-deposit liabilities included in assessment base.

Sec. 103. Risk-based assessments.

#### TITLE III—FINANCIAL INSTITUTION EARLY INTERVENTION

Sec. 201. Short title.

Sec. 202. Early intervention.

#### TITLE III—RESTRICTION OF BROKERED DEPOSITS

Sec. 301. Restriction of brokered deposits.

#### TITLE I—FDIC ASSESSMENT AMENDMENTS

##### SEC. 101. FOREIGN DEPOSITS INCLUDED IN ASSESSMENT BASE.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1881 et seq.) is amended—

(1) in section 3(l)(5) by striking "the following" and all that follows through the end of subparagraph (B), and inserting "obligations to a Federal Reserve Bank or a Federal Home Loan Bank shall not be deposits for any of the purposes of this chapter, or be included as part of the total deposits of an insured deposit."; and

(2) in section 7(b)(5)(B) by striking all through "except" and inserting the following:

"(B) any deposits or other obligations which would constitute deposits under section 3(l), and which are received in any office of the depository institution, except".

(b) ASSESSMENT RATE.—Section 7(b)(1)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting a new clause (iii) as follows:

"(iii) The annual assessment rate applicable to obligations and deposits described in subparagraphs (A) and (B) of section 3(l)(5) shall be not less than 75 percent of the assessment rate applicable to domestic deposits."

##### SEC. 102. NON-DEPOSIT LIABILITIES INCLUDED IN ASSESSMENT BASE.

Section 3(l)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)(5)) is amended by inserting " , including non-deposit liabilities, such as notes, bonds and other similar liabilities," after "such other obligations".

##### SEC. 103. RISK-BASED ASSESSMENTS.

(a) IN GENERAL.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by adding at the end the following new paragraph:

"(10) ASSESSMENTS BASED ON RISK CRITERIA.—

"(A) ESTABLISHMENT OF RISK-BASED ASSESSMENT STRUCTURE.—The Corporation shall, by regulation, establish and implement a risk-based deposit insurance premium structure for insured depository institutions.

"(B) AMOUNT OF ASSESSMENT BASED ON RISK.—The assessment made by the Corporation against an insured depository institution under paragraph (1) in any year shall be determined by the Corporation on the basis of the Corporation's evaluation of the risk posed by such institution in accordance with the criteria established under subparagraph (C).

"(C) RISK ASSESSMENT CRITERIA; CAPITAL.—In establishing a risk-based insurance structure in accordance with subparagraph (A), the Corporation shall establish criteria for assessing the risk posed to the Bank Insurance Fund or the Savings Association Insurance Fund by an insured depository institution, based on such institution's capital levels. In assessing such risk, the Corporation may consider—

"(i) the diversity of investments made by the institution;

"(ii) the institution's history of default on particular types of its investment instruments; and

"(iii) the comparative risk posed to the Bank Insurance Fund and the Savings Association Insurance Fund by each type of investment made by such institution."

(b) EFFECTIVE DATE.—The Corporation shall promulgate final regulations to imple-

ment the amendment made by subsection (a) not more than 6 months after the date of enactment of this Act. Such regulations shall become effective with respect to the first semiannual assessment period that commences on or after the expiration of 6 months following the date of the enactment of this Act.

#### TITLE II—FINANCIAL INSTITUTION EARLY INTERVENTION

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Financial Institution Early Intervention Act of 1991".

##### SEC. 202. EARLY INTERVENTION.

(a) SYSTEM OF EARLY REGULATORY AGENCY INTERVENTION.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

##### "SEC. 35. EARLY REGULATORY INTERVENTION.

"(a) PURPOSE.—The purpose of this section is to ensure that the problems of insured depository institutions are resolved at the earliest practicable time, and at no cost, or at the lowest cost possible, to the Bank Insurance Fund or the Savings Association Insurance Fund.

"(b) EARLY REGULATORY AGENCY INTERVENTION REQUIRED.—In order to carry out the purpose of this section, each appropriate Federal banking agency shall—

"(1) take prompt action to curtail investments by insured depository institutions that pose a risk to the Bank Insurance Fund or the Savings Association Insurance Fund;

"(2) work with insured depository institutions with weak or deteriorating capital positions to develop capital building strategies; and

"(3) take prompt corrective action to resolve the problems of insured depository institutions,

as described in subsections (c) and (d).

"(c) RESTRICTIONS ON UNDERCAPITALIZED INSTITUTIONS.—With respect to an undercapitalized insured depository institution, the appropriate Federal banking agency may, by regulation or order—

"(1) restrict capital distributions by such institution;

"(2) require such institution to submit a capital restoration plan that specifies how the institution will satisfy capital standards, without increasing the risk (including credit risk, interest-rate risk, and other types of risk) to which the institution is exposed;

"(3) prohibit such institution from increasing its total assets, except to the extent of increases in capital or net interest credited on deposits, as determined by the agency;

"(4) appoint a conservator or receiver for the institution to protect the interests of the Bank Insurance Fund or the Savings Association Insurance Fund;

"(5) restrict any material transactions by the institution that would pose any risk of failure for the institution;

"(6) require periodic monitoring of the institution, including review of any capital restoration plan; or

"(7) impose any other requirements or restrictions that the agency determines to be necessary to carry out the purpose of this section.

"(d) FAILURE TO COMPLY.—With respect to an insured depository institution that fails to comply with or implement any regulations or orders issued in accordance with subsection (c), the appropriate Federal banking agency may—

"(1) require the institution to sell any or all of its shares or obligations in order to meet capital requirements;

"(2) restrict the institution's activities, including the payment of dividends, transactions with the institution's affiliates, and increases in the compensation of executive officers of the institution; or

"(3) restrict the interest rates the institution may pay on deposits.

"(e) DEFINITIONS RELATING TO CAPITAL COMPLIANCE.—For purposes of this section:

"(1) UNDERCAPITALIZED.—An insured depository institution is undercapitalized if it is not in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(2) SATISFYING CAPITAL STANDARDS.—An insured depository institution satisfies capital standards only if it is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(f) GAO REVIEW.—The General Accounting Office shall from time to time—

"(1) review any reports required to be made by undercapitalized insured depository institutions in accordance with subsection (c); and

"(2) recommend any improvements in the supervision of insured depository institutions (including the implementation of this section)."

(b) REGULATIONS.—The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision shall each promulgate final regulations to implement the amendment made by subsection (a) not more than 6 months after the date of the enactment of this Act. Such regulations shall become effective not more than 6 months after their promulgation in final form.

#### TITLE III—RESTRICTION OF BROKERED DEPOSITS

##### SEC. 301. RESTRICTION OF BROKERED DEPOSITS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

##### "SEC. 36. RESTRICTION OF BROKERED DEPOSITS.

"In addition to any actions authorized under section 35 with respect to undercapitalized depository institutions, the appropriate Federal banking agency is authorized by order to impose restrictions on, or to prohibit, the acceptance of funds obtained, directly or indirectly, by or through a deposit broker, as defined in section 29(f)(1), by an insured depository institution."

U.S. SENATE,

OFFICE OF THE REPUBLICAN LEADER,

Washington, DC, January 16, 1991.

Hon. NICHOLAS F. BRADY,

Secretary, Department of the Treasury, Washington, DC.

DEAR NICK: As the Treasury Department concludes its study of the deposit insurance system, I thought it would be appropriate at this time to highlight several issues of particular concern for me.

Too-Big-to-Fail. It is my hope that the reform package that Treasury will soon transmit to Congress will adequately address the so-called "too-big-to-fail" issue.

I will not give you yet another lengthy explanation of the inequities of too-big-to-fail. As you probably know, these inequities were vividly highlighted by the FDIC itself, in three recent board decisions. In two of these decisions, the FDIC concluded that it was appropriate to make whole all of the depositors of two fairly large banks—the Bank of New England (depositors with accounts of \$100,000 were protected) and the National Bank of

Washington (depositors in NBW's Bahamian branch were protected even though these deposits were not assessed insurance premiums). These decisions were in sharp contrast to the FDIC's less-than-fair treatment of Freedom National Bank of Harlem. As you know, the FDIC liquidated Freedom National, but gave its uninsured depositors only 50 cents on the dollar.

It appears that Freedom National's only "crime" was that it happened to be a relatively small community bank, much like the hundreds of small community banks throughout my home State of Kansas.

As you know, one way to reduce the inequities inherent in too-big-to-fail is to assess foreign deposits. Assessing foreign deposits is not only a matter of simple fairness, but it is also a way to raise revenues for the dangerously undercapitalized Bank Insurance Fund. According to a recent preliminary estimate of the Congressional Budget Office, the potential revenue raised through an assessment of foreign deposits could be significant: Assuming a rate increase to 19.5 cents per \$100 of insured deposits on January 1, 1991, and a subsequent increase to 23 cents per \$100 of insured deposits on January 1, 1992, the CBO estimates cumulative savings of \$2.16 billion over a five-year period.

Deposit Insurance Coverage. Any limitation on deposit insurance coverage makes sense if, and only if, the too-big-to-fail doctrine is excised from the lexicon of federal banking regulators. For example, proposals to limit insurance coverage to \$100,000 per individual consumer, without taking significant steps to eliminate too-big-to-fail, will have a very negative effect on our nation's small and mid-sized banks. It's just simple common sense that individuals with deposits in excess of \$100,000 will feel more comfortable placing their deposits in a large bank, believing—perhaps correctly—that federal regulators will not let a large bank fail or leave depositors uninsured. This problem will only be exacerbated if we limit deposit insurance coverage without equalizing the deposit insurance system's treatment of large and small banks.

Interstate Branching. Finally, any proposal to lift the current restrictions on interstate branching must be carefully crafted to take into account the legitimate concerns of our community bankers. It's one thing to encourage competition; it's something quite different to uproot banks that have ably served local communities for generations.

As always, Nick, thank you for your kind attention to these concerns and suggestions. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

• Mr. SASSER. Mr. President, I rise with my colleague the Republican leader to introduce the Deposit Insurance Fairness Act of 1991. This reform legislation addresses the weaknesses in the deposit insurance system that contributed to the savings and loan crisis and ensures that this tragic situation is not repeated with the commercial banks and their insurance fund.

Our bill, if enacted, will help restore fairness and stability to the banking system. I believe that this is particularly important now, at a time when our economy is in recession. Our bill will ensure the safety of the savings of

millions of American families. It also will rebuild the financial resources of the Federal Deposit Insurance Corporation [FDIC] and in doing so reduce the Federal budget deficit.

The central thrust of the bill is a requirement that depository institutions pay for the insurance protection that they receive from the Government in direct proportion to their protection. The bill ensures that premiums flow into the FDIC commensurate with the risk to which the FDIC is exposed.

Mr. President, William Seidman, Chairman of the FDIC, has projected that the bank insurance fund will dwindle to \$4 billion in reserves by the end of 1991. Just a few years ago the FDIC had over \$18 billion in reserves. This situation calls for urgent action; adoption of our bill will be a major step in the right direction.

The bill has five major provisions that work together to achieve its goals. First, deposits of U.S. banks in foreign branches would be levied against by the FDIC the same as are domestic deposits. Second, the FDIC would be required to restructure deposit insurance premiums so that they directly correspond to the level of risk at individual banks. Third, the FDIC would have the authority to assess premiums against so-called nondeposit liabilities of banks. Fourth, Federal regulators would be given more power for early intervention to clean up banks before they become wards of the U.S. taxpayer. And last, this bill would eliminate the abusive and dangerous practice of weak banks accepting brokered deposits.

The most prominent application of our principle, that banks should pay for the risks they assume, would be to apply insurance premiums to deposits at foreign offices of U.S. banks. I think few would dare argue that foreign deposits are not in fact insured by the FDIC. The recent rescue of the Bank of New England included \$600 million in foreign depositors. After the collapse of the National Bank of Washington, the FDIC paid out \$37 million offshore. I don't think there has ever been a foreign depositor in a U.S. bank that has not been bailed out. Indeed, it is the stated policy of the FDIC to cover foreign deposits.

Yet currently, deposit insurance premiums are only assessed against domestic deposits of U.S. banks. In effect, foreign depositors get free deposit insurance protection from the U.S. taxpayer. This leads to a radically inequitable situation—two banks with the same amount of deposits will pay totally different sums in premiums to the FDIC depending on whether or not the deposits are held offshore.

Why is this a problem? Because the banks with offshore deposits tend to be the larger banks that the regulators are very reluctant to actually close. Because of this so-called too-big-to-fail

policy of the Federal banking regulators, we have a situation where a big bank has total protection for all its deposits, but a small bank depositor is only covered up to \$100,000. The bigger bank isn't paying for the full measure of deposit insurance coverage it receives.

Indeed, according to President Bush's 1991 budget, large institutions receive greater protection against failure than small ones while paying premiums on a smaller proportion of their liabilities.

A bank with significant foreign accounts pays less in insurance premiums, and therefore has a lower cost of funds, than a bank with predominantly domestic deposits. It gives such a bank a competitive advantage over other banks, thus further contributing to instability and inequity in the banking system.

In sum, Mr. President, assessing foreign deposits will help ensure that the FDIC has the funds available to pay on its liabilities.

The second major provision of our bill—risk-based assessments—goes even further to bring premiums into accordance with coverage.

Under the present system, banks pay a flat rate for deposit insurance no matter how they invest their funds. In other words, if a bank makes a loan to Donald Trump, it pays the same premiums on its deposits as does a bank that makes a loan to a young family to buy a home. These loans imply two very different risk scenarios. Yet, no matter how risky the loan portfolio at the first bank may be, it pays the same rate for deposit insurance protection as the bank with the more prudent lending practices. Premiums do not vary according to the known level of insured risk.

As a result, Mr. President, deposit insurance under the current structure does not provide an incentive to make a safe loan. There's a moral hazard because there's no reward for pursuing avenues that place the FDIC at the least risk.

The present system flies in the face of the basic principles of insurance. If bank deposit insurance practices were applied to auto insurance, drivers with clean records would pay the same as reckless drivers.

The situation is illogical. The Government may well have to pay off deposits, but it doesn't have adequate tools to protect itself from the disaster of speculative investments gone sour.

Mr. President, our legislation addresses this issue directly. It requires the FDIC to assess premiums against an institution based on an evaluation of the specific risk posed by that institution.

Making banks pay more on funds that they may use on speculative investments will decrease the likelihood that they'll make such investments. But if they do, risk-based assessments

will ensure that there's money in the fund to pay for the losses.

The third major provision of our legislation is a clearly delineated procedure for early intervention. This provision forces regulators to take action against weak banks well before they fail and cause the insurance fund to incur losses.

The bill gives the regulators authority to keep an undercapitalized bank from paying dividends. Under the bill, the regulators can require weak institutions to submit a capital restorative plan and to curtail growth. Indeed, the regulators will be required to prohibit activities they deem to present a risk to the insurance fund.

The fourth major provision of the bill gives the FDIC discretionary authority to assess deposit insurance premiums against nondeposit liabilities of banks. This issue is similar to that of foreign deposits. To an increasing extent, larger banks are relying on financial instruments to raise funds that are substitutes for traditional deposits. Even though these funds are not deposits, they are however insured under the too-big-to-fail policy.

For instance, at the Bank of New England, nondeposit liabilities amounted to \$2 billion. While not one nickel was paid into the FDIC fund by the Bank of New England to cover these liabilities, they were covered in full by the FDIC when the bank collapsed.

Lastly, Mr. President, our bill provides authority to restrict the acceptance of brokered deposits by undercapitalized banks. Mr. President, brokered deposits are very large denomination certificates of deposit that are placed into failing financial institutions by money brokers. The availability of this financing has permitted weak banks and savings and loans to make risky loans and further compound the fragile financial condition of the institution. Brokered deposits have greatly increased the cost of the savings and loan clean up; our bill will prevent them from exacerbating the condition of the FDIC.

Mr. President, this legislation is a significant first step toward resolving many of the problems in our banking system and protecting the savings of American families. It does not cut back on the \$100,000 level of insurance coverage, and therefore would not diminish public confidence in banks, particularly small banks. The bill addresses the flaws and excesses of the current system without unravelling the core.

Although our bill does not explicitly address the too-big-to-fail policy, it does so implicitly. It does not tie the regulators hands, but by imposing risk-based assessments, assessing foreign deposits, requiring earlier intervention, and restricting brokered deposits, it makes it far less likely that banks

get into a situation leading to an expensive bailout.

Mr. President, there will obviously be much debate on these issues as the year progresses. This is a matter of significant importance to the administration and I anticipate that they too will have far reaching proposals in this area.

This bill is meant to be a statement of our intentions—of the policies we would like to see upheld. I am sure that there are refinements that could be made, and I am open to any suggestions for improvements.●

By Mr. BINGAMAN:

S. 282. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

#### NATIONAL FOREST RECYCLED PAPER ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to direct the General Services Administration to make paper with recycled content available to the Secretary of Agriculture for use by the Forest Service.

It is a disturbing fact that 5 billion acres of the Earth's forest have been cut and not replaced. What makes this fact even more disturbing is that most of this destruction has occurred in this century. We all know that forest provide many benefits and this trend must be reversed.

Fortunately, trees are a renewable resource and paper can be recycled. I believe we must take the challenge and encourage measures which will improve forest conservation and the use of recycled paper products.

I have always considered the USDA Forest Service as a leader in forest conservation. As a part of this leadership role of a forest in my home State of New Mexico, the Carson National Forest, has proposed using recycled paper for their general office operations. To my surprise this proposal was denied by the General Services Administration which would not allow the forest to purchase recycled paper.

There is obviously a problem when the Agency directed to conserve the Nation's forests is not allowed to utilize recycled paper. The bill I have introduced today will authorize the Forest Service to purchase and use recycled paper as a pilot test program for 1 year. At the end of 1 year the General Services Administration will report to Congress on the results of the pilot program and the opportunity to expand the program government-wide.

I urge my colleagues to consider the importance of recycling and the use of recycled products as a practical means of saving energy and conserving natu-

ral resources by reducing the use of raw materials.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 282

*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 "National Forest Recycled Paper Act of 1991".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) one third of the earth's forests, 5,000,000,000 acres, have been cut and not replaced;

(2) each man, woman and child in the United States annually uses enough paper and packaging to equal 7 trees;

(3) paper with recycled content is available for many types of uses;

(4) while many people have begun to recycle paper, a stronger market needs to be developed for the use of paper with recycled content;

(5) the General Services Administration does not offer or allow the purchase of paper with recycled content;

(6) the mission of the Forest Service is to manage and conserve forests for the future generations; and

(7) the Forest Service should be a leader in the use of recycled paper because of their leadership role in the forestry conservation.

**SEC. 3. PILOT PROJECT AND REPORT BY THE GENERAL SERVICES ADMINISTRATION.**

(a) **PILOT PROJECT.**—

(1) For a period of one year, the Director of the General Services Administration shall make available to the Secretary of Agriculture paper with varying amounts of recycled content for all standard uses. If available, other departments and agencies of the Government may also request on to use paper with recycled content and purchase this paper through the General Services Administration.

(2) The Secretary of Agriculture, acting through the Chief of the Forest Service, shall use paper with recycled content for paperwork and printing during the one-year project authorized by this subsection.

(b) **REPORT.**—At the end of the one year authorized by subsection (a), the Director of the General Services Administration shall report back to the Congress on the results of the pilot program and the opportunity to expand the program government-wide. Included in the report shall be an assessment from the Chief of the Forest Service describing environmental benefits of the pilot project.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.■

By Mr. KOHL:

S. 283. A bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available; to the Committee on Armed Services.

**MILITARY FAMILY PRESERVATION ACT**

● Mr. KOHL. Mr. President, today I introduce the Military Family Preservation Act of 1991.

Perhaps the most heart-wrenching scenes from the Persian Gulf crisis have been the pictures of parents leaving their children so that those parents could serve their country. Even young infants, weeks or months old, have been handed over by teary-eyed mothers and fathers en route to the gulf. That strikes many Americans as somehow not being right, even though we recognize that a soldier's duty requires sacrifice. I think we have a new reality in our Armed Forces, and this bill attempts to address it.

By no longer relying exclusively on young males for military service, the military has become a fundamentally changed institution. This bill addresses some of those changes by acknowledging that our military, while meeting its primary responsibility of defending our national security, also has a responsibility to those children, elderly, and disabled persons who are dependent on a military member. The military, if it is to employ both parents, single mothers and fathers, incurs an obligation as an institution to its dependents. This bill suggests that the changing composition of American military families necessitates addressing the dynamic needs of those families.

The bill is simple and straightforward. It calls on the military to develop regulations, within the constraints of its primary mission, to prohibit placement of personnel who are solely, or together with a spouse also in the military, responsible for minor children, dependent elderly and disabled dependent adults in locations where facilities for the dependent are not reasonably accessible. For example, if both parents in a family are called up for deployment, the regulations might presumably specify that one be sent to a location where minor children could accompany one parent. The bill would ask DOD to do its best to see that single parents are not unreasonably called away from their children or dependent parents. It is not the intent of this legislation to waive the obligations of members of the armed services, nor is it the intent to deny those individuals who seek to fulfill their obligations of that right and responsibility. It is simply the intent that, to the extent possible, we do all we can to keep some semblance of family for these men, women, and dependents during current and future deployment. I believe that this proposal leaves the Defense Department plenty of room to develop these regulations in a way that will be least disruptive to military requirements.

Mr. President, I do not mean to imply that our Armed Forces have been callous to the needs of its dependents. There are many services available

to families, from DOD schools to CHAMPUS to child care to shopping at military exchanges. But I think the deployment for Operation Desert Storm opened our awareness that more needs to be done—both on the front end and upon return and readjustment.

For example, the Clare Ansberry and Carol Hymowitz article titled "Left Behind" that appeared on the front page of today's Wall Street Journal poignantly outlines the problems of children whose parents are called away to service. Fred Rogers said that "Nothing is more difficult for a child to deal with." The Army itself acknowledges in the article that thousands of children are being left without parents. We all know that reservists and active duty personnel have always been required to designate someone to care for their child in the event their duty calls them away, but I don't think we really have thought through all the implications for these children or the parents. Nor have we prepared for the reality that increasing numbers of military personnel are women, often with spouses who are also members of the Armed Forces. It is, frankly, a phenomenon which we have not had to deal on such a large scale in previous wars. It is not, in this Senator's mind, merely a matter of protecting children from becoming orphans—it is a matter of family preservation.

In the above mentioned article, a therapist from the National Childhood Grief Institute was quoted as saying that separation from warbound parents can place kids at risk for low self-esteem, chronic sorrow, substance abuse, and other self-destructive behavior. Can we stop anywhere short of doing all we can to see that the next generation of military children grow up in as healthy an environment as possible?

Mr. President, the care of dependents of our service personnel is an issue which we must begin to face. The reasoned approach in this bill will go a long way toward supporting the people and families that make up the proud Armed Forces of America.

I ask unanimous consent that the text of the bill be placed in the RECORD immediately following my statement.

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

S. 283

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

**SECTION 1. TITLE.**

This Act may be cited as the "Military Family Preservation Act of 1991".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the first obligation of the Department of Defense is to meet the military needs of the United States;

(2) the military effectiveness of members of the Armed Forces is increased when they know that their families are taken care of; and

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces.

#### SEC. 3. REGULATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations with respect to the stationing of members of the Armed Forces with dependents. Those regulations shall, to the extent possible and consistent with military requirements, prohibit the stationing at a location at which facilities for dependents are not reasonably available of a member of the Armed Forces who is solely responsible for (or who together with a spouse also in the Armed Forces is solely responsible for) minor children, dependent elderly persons, or disabled dependent adult children.

(b) ASSISTANCE FOR ALTERNATIVE PLANS.—When a member of the Armed Forces described in subsection (a), at his or her request or when such deployment is otherwise required, is to be stationed at a location at which facilities for dependents are not reasonably available, the Secretary of the military department concerned shall provide assistance to the member and the member's family members to develop alternative plans for the care of the family members during the period that the member is stationed at such location.

(c) APPLICABILITY.—The regulations prescribed pursuant to subsection (a) shall apply with respect to current and future deployments.●

By Mr. SARBANES:

S.J. Res. 49. Joint resolution to designate 1991 as the "Year of Public Health", and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health; to the Committee on the Judiciary.

#### DESIGNATION OF "YEAR OF PUBLIC HEALTH" AND ANNIVERSARY OF THE FOUNDING OF JOHNS HOPKINS SCHOOL OF PUBLIC HEALTH

● Mr. SARBANES. Mr. President, the Johns Hopkins University will celebrate the 75th anniversary of the founding of its School of Public Health from April 1991 to April 1992. In conjunction with this celebration, I am introducing a joint resolution to designate 1991 as "the Year of Public Health," and to recognize the Johns Hopkins School of Public Health for its leadership in the campaign for global health. I am pleased to have Senator MIKULSKI as an original cosponsor of this important measure.

Since its founding in 1916 by Dr. William Welch, the Johns Hopkins University School of Public Health has grown to be the largest school of public health in the world with activities extending across every continent and involving faculty, students, and alumni from over 75 countries. Its integration of research, training, and community service has served as the prototype for other institutions around the world.

In an effort to take the results of 75 years of public health research and discoveries to the world and to continue its global leadership in public health, the Hopkins School of Public Health is launching a major public awareness

campaign by working with the Congress to declare 1991 "the Year of Public Health." Hopkins' 75-year heritage is a testimony to its ability to lead this campaign to further global health, with its past achievements coincident with many of the most important developments in public health to date. Since its founding, the school has pioneered:

The development of vaccines against many of the most debilitating and infectious diseases;

The delivery of safe drinking water through chlorination and effective sewage disposal;

The control of disease-bearing vectors;

Improved nutrition through research culminating in the discovery of Vitamins A and D;

Education of the public regarding appropriate diets;

Improved occupational and environmental health;

The establishment of family planning and well-baby clinics;

The use of entertainment to strengthen health communication;

The development of health policy financing initiatives which have led to improvements in Medicare and Medicaid programs; and

The establishment of the first injury prevention research and education program in the Nation.

The need for an increased awareness of the pressing problems facing our Nation in the area of public health has never been greater than it is today. Public health campaigns which educate people to prevent diseases and promote health, and which extend resources and services like immunization and prenatal care of all segments of society can provide simple, cost-effective, and comprehensive solutions to the Nation's health problems.

Increasing global awareness of public health is equally important. Global trends and the enormous cost in dollars and quality of life caused by not preventing disease and its consequences have increased the need for worldwide public health solutions. The Johns Hopkins University School of Public Health is uniquely situated to lead a campaign to generate an awareness of public health on a worldwide basis. The school's international health program is by far the largest in an academic center anywhere in the world, and a full partner in the new emphasis on improving world health. Work in the school's 10 academic departments has earned global recognition, and as a result the school serves as a participant in six World Health Organization centers.

Mr. President, a promising new era in public health awaits us. New technologies, shared international research, and modern communications abilities have maximized the potential for a national and global public health

campaign. As Dr. William Welch, the founder of the Johns Hopkins School of Public Health, said in 1916:

There are no social, no industrial, no economic problems which are not related to public health.

We can ill-afford to ignore the critical need for increased national and global awareness in the area of public health. We must expand public health initiatives in order to extend a higher quality of life to all segments of society in every corner of the world. To this end, I strongly urge my colleagues to join me in supporting the important resolution I have introduced today to recognize and further these critical efforts.●

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 50. Joint Resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on the Judiciary.

#### NATIONAL STUDENT-ATHLETE DAY

● Mr. BRADLEY. Mr. President, I rise to introduce a joint resolution designating April 6, 1991, as "National Student-Athlete Day". Joining me today is my colleague from Minnesota, Mr. DURENBERGER.

Mr. President, this day focuses attention on the positive role that sports can have on the physical and mental development of young people. Within the proper framework of a school program, sports can build confidence, cooperation, integrity and maturity. These qualities are necessary for our future leaders.

In spite of all the positive aspects of sports, over-emphasis on sports can cause serious harm to young people, even those who pursue sports professionally. The single-minded devotion to athletics among our Nation's schools and colleges too often leads to exploitation and abuse of the student-athlete. Only 1 in 10,000 high school athletes who dream of a career in professional sports ever realize that aspiration, while those who do can expect a professional sports career of less than 4 years. Too many young people sacrifice academic achievement to the dream of professional athletics. And all too frequently schools are willing accomplices—demonstrating no interest in students' academic progress and keeping students eligible even when their real academic achievement levels do not warrant it. Students must realize that education is a lifelong asset, and schools have to remember that their primary responsibility is education.

Mr. President, I understand that all 50 States along with the District of Columbia proclaim April 6 as "Student-Athlete Day." With the help of a broadened observance of National Student-Athlete Day, educators will be able to promote the role of sports within education to stress the need for a balance between academics and athletics. This

effort will direct young people away from the idea that sports can be a substitute for education. The programs planned include having professional athletes, who have returned to college to complete their degree, speaking to students about the importance of education. Since athletes are role models for many young people, the day will stress the positive role sports can play in development of personal character. Athletes will also speak frankly to students about the dangers of alcohol and drug abuse that threaten our society.

In supporting this important effort we, the U.S. Senate, join with coaches, parents, and educators throughout the Nation to encourage the pursuit of excellence in both academics and athletics.

On behalf of Senator DURENBERGER and myself I ask that the attached resolution be inserted in the RECORD at this point.

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

S.J. RES. 50

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division 1 college athletics;

Whereas although college athletes graduate at the same rate as other students, fewer scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high-school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1991, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.\**

By Mr. SARBANES (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. ADAMS, Mr. BUMPERS, Mr. BRADLEY, Mr. HEINZ, Mr. BURDICK, Mr. CONRAD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. JEFFORDS, Mr. RIEGLE, Mr. MOYNIHAN, Mr. NUNN, Mr. MURKOWSKI, Mr. HOLLINGS, Mr. AKAKA, Mr. THURMOND, Mr. COHEN, Mr. SASSER, Mr. LEAHY, Mr. D'AMATO, Mr. PELL, Mr. BOREN, Mr. KERRY, Mr. STEVENS, Mr. LEVIN, Mr. ROTH, Mr. GORE, Mr. KENNEDY, Mr. DECONCINI, Mr. REID, and Mr. DODD):

S.J. Res. 51. Joint Resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

FEDERAL EMPLOYEES RECOGNITION WEEK

• Mr. SARBANES. Mr. President, today I am introducing a joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week." Senators GLENN, ROTH, MIKULSKI, WARNER, ROBB, ADAMS, BUMPERS, BRADLEY, HEINZ, BURDICK, CONRAD, CHAFEE, LAUTENBURG, WELLSTONE, JEFFORDS, RIEGLE, MOYNIHAN, NUNN, MURKOWSKI, HOLLINGS, AKAKA, THURMOND, SASSER, LEAHY, D'AMATO, PELL, BOREN, KERRY, STEVENS, LEVIN, GORE, KENNEDY, DECONCINI, REID, COHEN, and DODD are joining me in introducing this measure. I have introduced similar resolutions in previous Congresses to honor the men and women who work in jobs that are so critically important to the strength and vitality of our Nation.

I am indeed proud to bring special attention to the dedicated individuals who have chosen public service as a career and who, through years of hard work, have helped to contribute to our Nation's growth and prosperity. Their important work includes protecting our Nation, keeping our food supply safe, participating in medical and scientific research, and maintaining highway and air safety. The excellent service provided by Federal employees to their country often goes unrecognized and it is only when these services become necessary for an individual or when the services are unavailable that people truly recognize the importance of Federal employees. It is with this in mind that I again want to thank and

recognize the more than 3 million men and women in the Federal work force who perform these extremely important jobs every day.

I view public service as a honorable career and a high calling, and I am proud that our Government has such a conscientious and highly qualified work force. Despite previous attempts to undervalue the ideals which make public service rewarding and attractive to many, Federal employees continue to work positively and responsibly, while also accomplishing many valuable tasks. As John F. Kennedy once stated:

Let the public service be a proud and lively career. And let every man and woman who works in any area of our national government, in any branch, at any level, be able to say with pride and honor in future years: "I served the United States Government in that hour of our Nation's need."

The Nation as a whole and others throughout the world have benefited from the many wonderful achievements of Federal employees. By setting aside a week as "Federal Employee Recognition Week," we will all have an opportunity to give Federal employees the recognition which they greatly deserve. I am very pleased to introduce legislation today which acknowledges and commends such a worthy and committed group of men and women and I urge my colleagues to join in support of this resolution.\*

• Mr. GLENN. Mr. President, I am pleased to have this opportunity to co-sponsor this resolution which would designate the week of March 4-11, 1991, as "Federal Employees Recognition Week."

All too often, Federal employees are taken for granted without giving much thought to the fact that the success of Government programs depends heavily upon the expertise, quality, and commitment of professional career employees.

Thomas Jefferson is quoted as saying that:

There is a debt of service due from every man to his country proportional to the bounty which nature and fortune have measured to him.

Without those in Government service who are willing to make sacrifices and go the extra mile to do a job well, our country would not be able to solve the serious problems we face today.

Mr. President, with this resolution, we can and should say: Keep up the good work, and we salute those dedicated public servants who are paying their debt to this country.

I commend the Senator from Maryland [Mr. SARBANES] for introducing this resolution.\*

By Mr. DECONCINI:

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month," to the Committee on the Judiciary.

## NATIONAL CHILD ABUSE PREVENTION MONTH

• Mr. DECONCINI. Mr. President, I am introducing today a joint resolution to declare the months of April 1991 and 1992 as National Child Abuse Prevention Month. I am hopeful that a great number of my distinguished colleagues will join me in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of poverty.

Mr. President, America's child abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that three of every four cases of child abuse go unreported and the number of reported incidents continues to rise. The data collected by the National Committee for the Prevention of Child Abuse and Neglect organization and others show that 2.4 million cases of child abuse are reported, so as many as 6 million of our Nation's children are being tragically abused. When I introduced this resolution in 1986, I cited national statistics which stated that reports of child abuse and neglect were up 39.8 percent. Today, I regret to report that the incidence rate has increased 78 percent between 1981 and 1987. And all experts agree that the numbers will escalate further since victims in turn, will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The

only all day, every day, national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accommodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1990 and April 1991 as National Child Abuse Prevention Month, is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join me in this effort to have April 1990 and April 1991 designated as National Child Abuse Prevention Month.♦

## ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 3

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

S. 8

At the request of Mr. DOLE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation.

S. 9

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 9, a bill to amend the

foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 10

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 16

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 16, a bill to provide emergency Federal assistance to drug emergency areas.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 65, a bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State.

S. 107

At the request of Mr. GRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 107, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 140

At the request of Mr. WIRTH, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of gen-

eral local government, and for other purposes.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 175

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 175, a bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes.

S. 215

At the request of Mr. JOHNSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

S. 217

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 217, a bill to clarify the Congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

S. 237

At the request of Mr. NUNN, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 239

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 250

At the request of Mr. FORD, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr.

DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 255

At the request of Mr. BINGAMAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 255, a bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable.

S. 270

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 270, a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from California [Mr. CRANSTON] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 35

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from Massachusetts [Mr. KERRY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. GLENN], the Senator from Montana [Mr. BURNS], the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. HEFLIN], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 4, a concur-

rent resolution condemning Iraq's unprovoked attack on Israel.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 5, a concurrent resolution demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution to express the sense of the Congress that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

#### SENATE RESOLUTION 19—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 19

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed \$2,844,527, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganizations Act of 1946, as amended), and not to exceed \$2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed \$2,949,780, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed \$2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationary supplies purchased through the Keeper of the Stationary, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

### NOTICES OF HEARINGS

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 6 and Thursday, February 7, 1991, at 9:30 a.m. on each day, to receive testimony from committee chairman and ranking members on their 1991 and 1992 committee funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on extension 40278.

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 20, 1991, at 9:30 a.m., to markup Senate committees' funding resolutions for 1991 and 1992. The committee will also consider other legislative and administrative business pending on its agenda.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on extension 40278.

### ADDITIONAL STATEMENTS

#### AFL-CIO: TIME FOR HEALTH CARE REFORM

• Mr. KENNEDY. Mr. President, I urge my colleagues to examine the AFL-CIO's recent report, "The Case for Health Care Reform." This report provides an excellent overview of the health care crisis facing our Nation.

Last fall, the AFL-CIO conducted a series of eight regional hearings to determine the human toll of this crisis. As the AFL-CIO's health care hearings so dramatically reveal, the Nation's health care system is in a state of crisis.

More and more, access to affordable health care is as serious a problem for middle-class families as for low-income citizens.

We start with the almost unbelievable fact that in this rich land of 250 million Americans, 37 million of our fellow citizens, including 24 million working men and women and their dependents, have no health insurance at all.

An additional 26 million Americans will have no insurance for substantial periods of time this year, often as long as 6 or 7 months. And there are 60 million more Americans who have insurance, but whose insurance is so poor that even the Reagan administration said it was inadequate.

Those who are adequately insured today are only one missed heartbeat away from losing their coverage—one management cost-cutting decision away—one pink unemployment slip away in this recession—from joining the ranks of the uninsured. Virtually all Americans are at risk—but it is low- and middle-income families who are most at risk.

Every year millions of citizens are turned down for needed health care or do not even seek it because they cannot afford it. Four out of every 10 hospital admissions in Washington, DC, could be avoided if patients had obtained timely medical care when their symptoms first began. Four out of 10 American children do not even get basic childhood immunizations against disease.

Americans are also paying more and more for health care, and getting less-and-less value for the dollar. We spend more on health care than any other country—40 percent more per person than Canada, 90 percent more than Germany, and twice as much as Japan.

This is the year for action. Labor, business, hospitals and physicians, and consumers are mobilized as never before, and it is time for Congress to act.

I commend Lane Kirkland and the unions of the AFL-CIO for their leadership in calling for reform of our national health care system. Together we must work to make health care a basic right for all, not just an expensive privilege for the few.

Providing access to decent health care for all Americans takes on even greater urgency because of the war in the Persian Gulf. One of the best ways to support our soldiers fighting in the gulf is for us to work harder here at home to achieve the ideals they are fighting to defend.

I ask unanimous consent that the attached remarks from AFL-CIO President Lane Kirkland be included in the RECORD.

The material is as follows:

#### STATEMENT BY LANE KIRKLAND

The state of America's health care system is deplorable.

The AFL-CIO conducted a series of eight public hearings in cities throughout the nation in an effort to assess the human toll of America's health care crisis.

What we found—and what the hearing record shows—is a growing problem that is no longer exclusive to the fringes of our society.

It's now hitting at the solid, working middle-class—the backbone of the country—people who do their level best to pay their bills and meet their obligations.

Medical costs which soar upward at 18 to 30 percent a year are putting basic health care beyond the reach of a steadily increasing number of Americans. As many as one in three Americans has either inadequate health insurance or none at all.

Consequently, millions of working people are living under the threat of financial disaster striking at any moment with the illness or injury of a family member.

Many of the under-insured simply pray for good health. Others postpone needed medical care. Those who can't often find themselves buried in medical bills they'll be paying for the rest of their lives.

Everywhere we looked, Americans who need health care are losing their homes, their life savings and their dignity.

Clearly, now is the time for fundamental changes in our nation's health care system. We need a comprehensive program of reform that will make basic health care available to all who need it—without bankrupting them in the process.

The AFL-CIO is firmly committed to the task of working with members of Congress and the business community to address this crisis and thereby alleviate this grave threat to our standard of living and the economic vitality of the nation.●

#### TERRY ANDERSON

• Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,145th day that Terry Anderson has been held captive in Lebanon.●

#### UKRAINIAN INDEPENDENCE DAY

• Mr. PELL. Mr. President, 73 years ago, on January 22, 1918, the Ukrainian Republic declared its independence, and established a democratic government guaranteeing many of the basic rights which we in the United States enjoy. Regrettably, just a few years later, the young republic was overtaken and incorporated into the new Soviet regime.

Last year, we witnessed many promising developments in Ukraine. We welcomed the steps toward greater religious freedom, the organization of political parties and civic organizations, and the adoption of a declaration of sovereignty in July. During the last few months, however, there have been disturbing signals about Soviet actions in Ukraine, including the arrest of political dissenters. And of course, after the bloody crackdowns in the Baltic States, the people of Ukraine cannot help but question whether their young democratic movement will be destroyed by the old Soviet regime.

This week, as we commemorate Ukrainian Independence Day, we call upon the Soviet Government to reject the course that it took in 1922, and to renew its commitment to greater openness and democratization.●

#### PROPRIETARY SCHOOLS

● Mr. SIMON. Mr. President, there have been some negative stories about proprietary schools, some of them deserved.

But the proprietary schools of the Nation offer aid and educational opportunity to non-college-bound students that is extremely important.

The so-called business schools of whatever variety are making an extremely important contribution to the Nation.

Only about 8 percent of those who do not go on from high school to college get any kind of skills training during their school years.

That's a grim statistic.

I do not suggest that the proprietary schools can or should fill this gap by themselves, but they are making an important contribution.

I ask unanimous consent to insert an article from the Chicago Tribune titled "Proprietary Schools Offer Training, Job Guarantees," written by Merrill Goozner.

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

[From the Chicago Tribune, Jan. 6, 1991]

#### PROPRIETARY SCHOOLS OFFER TRAINING, JOB GUARANTEES (By Merrill Goozner)

College students aren't promised a job after four years of tuition payments. Community colleges are an even dicier proposition for students, if the measurement is a guaranteed job placement at the end of the two-year program.

But proprietary schools are held to that standard. These profit-making educational institutions—usually known for training people in fields like cosmetology, truck driving, electronics and office work—can't offer their students the excuse that at least they got a liberal arts education for their tuition money.

Their only reason for being, and their promise to the students who pay thousands of dollars to attend the schools, is that they hold the tickets to jobs in their fields.

Unfortunately, as numerous government crackdowns and newspaper exposes over the years have shown, very few of them do it right. One Illinois proprietary school regulator, who did not want his name used, despairs of every being able to clean up the "proprietary school mess."

"You wonder why the kids are going there in the first place, especially when they have community colleges to go to," he said.

However, there are proprietary schools that give their students real value for their money. The good ones:

Have rigorous academic standards for admission into the program. No student is accepted who can't do the work;

Give students a realistic sense of the career and what is expected of them before they enroll in the school;

Constantly update the curriculum so that it is in tune with the needs of the industry; and

Have an active and successful placement program for graduates.

Looking at one proprietary school that does it right provides some valuable lessons for young adults who are considering plunking down their hard-earned cash or taking out a loan to attend one of these schools.

Fox College in southwest suburban Oak Lawn has been training executive assistants for downtown corporations, law and accounting firms since 1957. Housed in a former District 123 elementary school building, the college trains more than 100 students a year in a rigorous curriculum of word processing, shorthand, business math and English and office management.

Before any young women—and in a world where sex-role stereotyping remains imbedded in the work culture, 100 percent of its students are women—enrolls in the one-year course, school president Edward Japelinski Sr. encourages the prospective student to contact employers about the school. Graduates can be found at downtown employers like Amoco Corp., National Life Insurance Co., Coopers & Lybrand and First National Bank of Chicago.

"Fox is dedicated to turning out qualified students," said Laura Bellis, a recruitment specialist at Arthur Andersen & Co., one of the firms that recruits from Fox College. "It's been fairly difficult to find skilled, qualified executive assistants because there aren't as many people interested as there were in the past."

"Plus, the grammar and vocabulary skills tend to be lacking in students coming out of school. But Fox doesn't skimp on the program. They don't just pass people through," she said.

Fox requires its students to have a high school diploma and a certain level of math and English proficiency before starting the program. The school gives prospective students a battery of tests to insure they are capable of performing the work.

About half of its student body comes directly from high school, where most were "B" and "C" students. The other half are college dropouts.

"We've really looking for a level of desire when we screen people, not the academic background," said Edward Kapelinski Jr., who is director of marketing for the school.

The desire has to be there because of the rigors of the program. Classes run from 8:30 a.m. to 2 p.m. every day with three hours of homework per night, mostly in typing and shorthand that can be done between 2 and 5 p.m. on the Fox premises.

Fox's academic calendar corresponds to the work world, not the vacation/laden school year. Students are required to dress as if they were headed downtown for a job. The program can be completed in nine months, although most students take up to a year.

"There are some dropouts," said Kapelinski, Sr. "If a young lady falls behind on her work, she's given a probation for a month. And if she doesn't catch up, she's dismissed."

Tuition for the program is \$4,950 plus an additional \$450 for course materials. About a third of the students get government grants and loans. Its default rate is about 5 percent according to government figures.

Another third accept a loan from the college, which must be repaid within one year. The school charges 9 percent interest on the one-year loan.

When asked how young adults just entering the work force can afford to pay back nearly \$5,000 in one year, the Kapelinskis pointed to the salary, ranges and placement rates of their graduates. The school says it has placed 100 percent of its graduates in the last year. The average starting pay was \$19,000.

It's that kind of salary that continues to draw students to Fox College. Most of whom hear about it by word-of-mouth.

"I heard from my beauty shop that their friends got real good jobs," said Elaine Tajdus of Alsip, who at 56 is attending Fox with her 19-year-old daughter Michele. She's hoping in a year's time to leave her job as a cook at Westgate Country Club. Michele wants something better than waitressing.

"These people make or break the executives they work for," said Arthur Andersen's Bellis. "Our starting salary for executive assistants ranges from the upper teens to the low twenties and an executive assistant with experience can earn up to the mid- to upper-thirties."

Despite employer raves for Fox College's program, school enrollment has suffered in recent years. Newspaper reports about abusive proprietary schools have scared away prospective students, Kapelinski, Sr. said.

Gary Osga, acting manager of the non-public school approval section of the Illinois Board of Education, said the state passed new rules for proprietary schools in 1989 in the wake of a Chicago Sun-Times investigation of proprietary schools.

Those rules won't be effective for some time. The rules require that all proprietary schools report their government-backed student loan default rates and placement rates to the state. The state then will be able to refuse a license to any school that falls below 50 percent of the statewide average.

However, the state is still months and possibly years away from developing its database. Moreover, the rules will only eliminate the worst of the student loan abusers.

That leaves the relatively unsophisticated education consumers populating the proprietary school marketplace on their own. Osga recommends that prospective students go and spend time talking to the students before enrolling in a school.

They should also get the names of graduates and see where are they wound up working. "Did the kid spend \$10,000 to learn auto mechanics and wind up changing oil at a Jiffy Lube?" he said.

"Unfortunately, most of these kids aren't that sophisticated," he said. "I don't know if there is any way to save them from their own gullibility."●

#### THE CAFE BILL

● Mr. CONRAD. Mr. President, I am pleased to join my distinguished colleague from Nevada, Mr. BRYAN, as a cosponsor of legislation to improve the fuel economy of the U.S. vehicle fleet. This bill received considerable support in the Senate last year, but was killed when a cloture vote failed in the Senate near the end of the previous Congress. During the intervening time, our consumption and imports of oil have continued to rise.

Many of us have long argued that we need to take aggressive action to reverse these trends. The jittery response of oil prices to each day's events in the

Middle East, in spite of a short-term surplus in the oil supply, only underscores this need. Our actions should include conservation, vigorous development and implementation of alternative energy sources, and a strengthening of our domestic energy industry. These goals can only be achieved in the context of a coordinated national energy policy where each component is carefully thought out. Only in this way can our diverse needs be met and true energy independence be achieved. Indeed, we all realize that such a policy will strengthen our economy and improve our lives in the long term.

More to the point, the current corporate average fuel economy standards, passed by Congress in 1975, have not increased since 1985. In fact, they were decreased during the latter part of the Reagan administration.

Motor vehicles account for the large majority of our oil consumption, are the main component of urban smog, and are a contributor to toxic and CO<sub>2</sub> emissions as well. Conservation is the best method to improve all of these conditions. We have the ability to achieve this, but experience has shown that it will not happen without Congress setting appropriate goals.

The auto industry has claimed that these standards would adversely impact the size, performance, utility, and safety of automobiles and would cost jobs. In response I would say three things. First, experience has shown that such adverse impacts are not as dramatic as feared. As an example, care might actually become after if this bill caused a reduction in average horsepower.

Second, the increases called for are a percentage of each manufacturers fleet average for 1988. This will insure that all manufacturers are treated fairly. Foreign manufacturers will have as difficult a job as their American counterparts, perhaps even more so. Both the position of American cars in the marketplace and the jobs of American autoworkers will be protected.

Third and most importantly, we must decrease our consumption of energy, within the context of a coordinated, sensible national energy policy. Indications are that no single method will be sufficient, and that many approaches must be taken. While the improvements mandated by this bill may be a challenge, we must achieve them, and we can achieve them.

Both the Office of Technology Assessment and the Department of Energy agree that the fleet average could be raised above 30 miles per gallon and perhaps as high as 40 miles per gallon using conventional technology. The standards incorporated in the proposed legislation reflect these goals and require their attainment. I commend Senators BRYAN and GORTON for their insight and for the research they have put into this bill. The required percent-

age increase in each manufacturers fleet fuel economies represents a workable, fair, and effective method of conservation.

Finally, Mr. President, reducing the use of large but definitely limited resources like oil sets a precedent for intelligent and civilized husbandry of the planet we live on. For all of these reasons, I am happy to cosponsor this bill and urge my colleagues to join in supporting it.●

#### CONCERNING THE HOOKSETT, NH, TOWN COUNCIL

● Mr. SMITH. Mr. President, the town council of Hooksett, NH, has unanimously voted to endorse a proposed amendment to the Constitution which would, upon ratification by the States, empower the Congress and the States to prohibit the physical desecration of the American flag.

I agree that the "law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes \* \* \* (the) reverence, respect, and dignity befitting the banner" of our Nation. Therefore, I join with the town council of Hooksett in urging Congress to pass a constitutional amendment to protect the American flag.

Mr. President, I ask unanimous consent that the resolution of the town council of Hooksett, NH, be printed at this place in the RECORD.

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

#### TOWN COUNCIL RESOLUTION

This measure would request Congress to propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states shall have the power to prohibit the physical desecration of the American flag.

Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the

banner of that most noble experiment of a nation-state; and

Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

*Resolved*, That the Town Council of the Town of Hooksett, New Hampshire respectfully requests the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

*Resolved*, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of New Hampshire and the New Hampshire House of Representatives, the State Senate and the Governor and Governor's Council.●

#### OREN HARRIS FIFTY YEARS OF PUBLIC SERVICE

● Mr. PRYOR. Mr. President, later this week U.S. district judge and former Congressman Oren Harris will be honored for 50 years of public service. On February 1, 1991, friends and associates will gather in the U.S. district courtroom in El Dorado, AR, to take note of this historic event.

Oren Harris holds the distinction of being the only American public servant to have served in the legislative body of our Nation for 25 years and in the judicial branch for 25 years.

Judge Harris, of El Dorado, was elected to Congress in 1940 and was to serve until February 1966 when he resigned to become U.S. district judge for the eastern and western districts of Arkansas. While in the House, he served as chairman of the Committee on Interstate and Foreign Commerce beginning in 1957.

When I was a lad of 16, Oren Harris gave me the opportunity to work as a page in the summer of 1951 in the House of Representatives. That experience made lasting impressions on me. Oren Harris was my mentor and it was a difficult assignment to follow in his footsteps as representative of the people of the 4th District of Arkansas when he was elevated to the Federal bench. Oren Harris never lost sight of his roots and the people who elected him.

Mr. President, I regret that I will not be able to join his many friends and associates throughout Arkansas and the Nation who will gather to mark this 50-year landmark. We could all learn from the stewardship example of Oren Harris. I am proud to call him my friend and mentor.●

#### SUPPORTING VETERANS DISABILITY COLA LEGISLATION, H.R. 3

● Mr. PELL. Mr. President, I strongly support H.R. 3, legislation to provide a

5.4 percent veterans disability compensation COLA retroactive to January 1, 1991. I commend the majority leader and the distinguished chairman of the Senate Veterans' Affairs Committee for having worked to bring this issue to the floor so quickly. Indeed, when Senator MITCHELL introduced his package of legislative priorities for the 102d Congress, his No. 1 priority was ensuring that service-connected disabled veterans receive their 1991 cost-of-living increase.

Regrettably, in the final days of the last session, Congress failed to enact a COLA for service-connected disabled veterans and their survivors, the only group of Federal beneficiaries who did not receive a 1991 COLA. These veterans depend on Congress for this essential COLA to protect them from the impact of inflation. We now have an opportunity to correct this injustice and fairness dictates that we act immediately to approve this measure.

As we ask the young men and women of our Armed Forces to take on the grave responsibilities of war, we in the Congress must remember the responsibility we have to the men and women who went into battle before them. The debt we owe to our Nation's veterans is sacred, and we send the wrong message to our disabled veterans and to the service men and women in the gulf if we fail to honor the fundamental obligations we have to veterans in recognition of their invaluable service to our country.

I am glad my colleagues have given their full support to this bill.●

#### THE PASSING OF CHRISTOPHER J. JACKMAN

● Mr. BRADLEY. Mr. President, I sadly note the passing of Christopher J. Jackman of West New York, NJ. Mr. Jackman, a New Jersey State senator representing the 33d district at the time of his death, was born, lived his 74 years, and died in Hudson County, NJ. He was elected to the New Jersey Assembly in 1967 and reelected seven times. He was chosen majority leader for 1977 and was speaker of the New Jersey Assembly from 1978 to 1982. He was serving his second term in the New Jersey Senate. He was a beloved politician and public figure whose colorful personality, wit, and trenchant good sense endeared him to people of all political persuasions, social classes, races, and creeds. Senator Jackman loved the political arena and the tumult of the political process. Yet, in his heart he was first and foremost a labor leader and a spokesman for working people. He rose to the post of vice president and regional director of the United Paper Workers International Union, AFL-CIO.

In political matters, his word was a bond, but his real loyalty and his strength were devoted to the working

people he respected and protected. His ascent to many positions of high public responsibility speaks eloquently of the hope that our country continues to hold out to those not born to privilege who have the capacity to lead their fellow citizens. Chrissy stood up for what he believed in. He was my friend. I will miss him.●

#### THE WEEKLY MAIL OF SOUTH AFRICA

● Mr. SIMON. Mr. President, the Weekly Mail of South Africa is no longer suspended occasionally because of government action. It is one of many positive changes that have been brought about in South Africa, thanks to the leadership of President De Klerk.

And the Weekly Mail continues to point out real problems that exist in South Africa. There is no better illustration of the problems that nation faces, even if the finest agreement is reached tomorrow, than the article, "One Day at Two Schools," by Samantha Weinberg.

The contrast is between a white school and a black school, and it shows that South Africa has a long way to go. I do not insert this article into the CONGRESSIONAL RECORD suggesting that the United States does not have a sizeable road to go yet. We do.

But because it gives some insight into the South African situation, I ask unanimous consent to insert the article at this point.

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

#### ONE DAY AT TWO SCHOOLS (By Samantha Weinberg)

Bhukulani High School in Soweto is perched on a hill overlooking the Jabulani men's hostel. Students recently avoided classes for a month; they were afraid of being caught in the cross-fire between warring supporters of the African National Congress and the Inkatha Freedom party.

It wasn't the first time they had stayed away. Earlier in the year, classrooms were empty as pupils and teachers staged boycotts and sit-ins, protesting against severe textbook shortages and inadequate classroom facilities.

While disparities in education provision are not as bad as five years ago, the government still spends almost eight times as much on every white pupil, as it does on each black pupil.

With two weeks to go before the start of their exams, only 44 of the 120 matric candidates are at Bhukulani High. Three classes have merged into one and the pupils are sitting, two to a desk, waiting for a teacher. No one is quite sure what lesson they are due to have now.

The matric classrooms are on the second floor of a two-story building. The staircase is covered with broken glass and rubble. The deputy principal, Mr. Nkosi, said the damage was caused when the fighting from the hostels moved into the schools ground. Another teacher blamed the pupils.

Pupils hang out around the classrooms, laughing and joking.

The teacher, Daisy Noke, walks in and it takes her some time to quell the chatter. The boys sit at the back of the class, the girls nearer the front. One neatly dressed boy, Colin, wipes the wooden desk and bench before sitting down. Few pupils are wearing school uniforms, some are chewing gum.

It appears the lesson is to be Afrikaans as Noke hands out a comprehension exercise with the title *Engel by die Vleiland* (Angel by the Swamp). She reads out the story, which is practically archaic, chauvinist, and has an all-white cast. No one asks any questions and occasionally she translates a sentence into English.

Colin said he didn't know how long Noke has been teaching at Bhukulani, but he thought she might have come in to help with exams. It later transpires she has been there for seven years and is head of the Afrikaans department.

The pupils follow the text, sometimes writing notes. The classroom has a caving-in cardboard roof, the windows are broken, and graffiti on the wall reads: "How can a hungry teacher teach a hungry child?" Judging by the noise outside, there is a riot in progress.

Noke finishes the story and starts working through the questions on the worksheet. She reads them out and after rather unenthusiastically asking for answers from the floor, writes the correct answer on the board. Everyone copies it onto their sheets.

Colin answers a question correctly and the class breaks out into spontaneous applause: "Well done, clever friend," they cry. It takes Noke a few minutes to calm them down again.

Eventually the board is covered with 25 answers to questions about the text and the students have copied them all down—word for word.

Colin says it is not the kind of question they will get in the exam, but he doesn't know as the pupils have not seen old exam papers yet. They don't even know the exam timetable.

Noke leaves; it is time for break, but most of the pupils stay for a chat. The rest of the class, they say, are studying at home. They study in groups, sharing the textbooks they do have—one book among four to eight pupils is about the norm—and cramming from study guides. The government promised to give every black matric candidate three study guides, but only a few have arrived—not nearly enough to go around. Some fellow pupils have spent the last couple of days cleaning cars in Johannesburg, scraping together enough money to buy study guides.

The pupils are unsure as to how many schooldays have been lost this year, but agree it had been "more than three months".

"We came to school, but the teachers were protesting, so there were no lessons," one pupil said. "We couldn't come in winter because it was too cold," said another with a meaningful look at the gaping windows. "They must repair the classrooms first thing."

Were they confident of passing their exams? "We will try, we will try." Their teachers are less optimistic, and fear a majority will fail—even to achieve the 20 percent needed before they are allowed to re-take.

The principal, Mr. Mahloko, said he was expecting this year's exams results to be the worst yet—and last year only 37 percent passed matric, whereas in 1988, the pass rate was 66 percent. "There have been so many disruptions this year, very little effective schooling has taken place," he said.

The school for whites is also perched on a hill—in a leafy and comfortable suburb of Johannesburg.

It is a government school, one of the oldest and most respected in the city. Most of the pupils live nearby, their parents are English-speaking, educated and well-off.

The school buildings are covered in flowering creepers, airy and spacious, nestling on manicured lawns. Across the courtyard a group of matric pupils are engrossed in a history lesson.

The sun is streaming through arched windows into the large, tiled and painted classroom. The walls are covered with maps, posters, pupils' projects and covers of *Time* magazine depicting world leaders of the twentieth century. Ten pupils sit, relaxed—school blazers hanging on the backs of their chairs—at desks arranged in a semi-circle around the teacher, who is gesticulating energetically.

"Look guys, I just want to emphasize to you the importance of East Germany's role in the consolidation of communism after World War II," he says.

It is hard not to get caught up in the lesson, which is conducted more in the manner of a university seminar. The class is taken straight into post-war Germany and quickly and enthusiastically gets caught up in the feelings of the Germans who were there. Frequently they stop the teacher to ask questions or make contributions. You got the feeling they would call him by his first name—out of the classroom.

Shakespeare, Milan Kundera and Arthur Miller, plays and films, all are brought into the debate to emphasize a point or explain a feeling. A recent article in *Newsweek* magazine is referred to, and the textbook is hardly consulted—the lesson seems almost to be spontaneous.

Every now and then the teacher offers an exam tip: "Look here chaps, remember to spell out what Nato stands for, it'll be worth an extra two points at least." At one stage he lunges at one of the pupils and extracts a copy of a history study guide from where he had been concealing it, under the desk. "These things, they take all the joy out of teaching," he says, replacing the guide on top of the boy's pile of five history textbooks.

The hour-long lesson is soon over, amid much laughter, jokes and concentration. The pupils have made individual notes in their files—nothing was dictated—and there is a sense of upliftment that comes from having spent a productive period. It was not necessary to hear his confirmation that the pupils would all pass—some with distinction. All but one expected to go to university, the exception is a talented sportsman.

The teacher urged them all to relax, to go out and enjoy some fresh air at the cricket match on Sunday. ●

#### PUERTO RICO STATUS REFERENDUM ACT

● Mr. JOHNSTON. Mr. President, last week I introduced the Puerto Rico Status Referendum Act, S. 244, to provide the people of Puerto Rico with an opportunity to vote on their future political relationship with the United States. In my introductory remarks, I referred to the contributions of several Senators and committees to this bill. One such contribution, which was made at the last minute, was to include the recommendations of the chairman of

the Committee on Agriculture, Nutrition, and Forestry, Senator LEAHY.

These recommendations provide for the increase in food stamp benefits under both the statehood and the commonwealth options, as set forth under S. 244. However, these recommendations were made, and were included, with the express intent that revenues will be available so that the bill remains revenue neutral. In the case of the statehood option, as reported by the Finance Committee, the phaseout of section 936 of the Internal Revenue Code would provide, with perhaps some minor changes, the necessary offsetting revenue. The commonwealth option, however, does not currently have offsetting revenues and would therefore require more substantial changes to the existing language. It is my intention to seek the necessary language to provide these offsetting revenues from the Committee on Finance, which identified this problem in its report (Senate Rept. 101-481) on last year's version of this bill.

Mr. President, I would like to reiterate that one of the guiding principles of this legislation is to maintain revenue neutrality. Accordingly, if the necessary revenue generating legislative language is not developed and included in this bill, then it will be necessary to delete these provisions. I look forward to the continued assistance of the Committee on Finance on resolving this matter.

Mr. President, I would like to reaffirm, again today, my commitment to the enactment of this legislation by the July 4 target date, and my expectation that Congress will meet this schedule.

Mr. President, I ask that the letter from Senator LEAHY to myself be printed in the record.

The letter follows:

COMMITTEE ON AGRICULTURE,  
NUTRITION, AND FORESTRY,  
Washington, DC, January 22, 1991.

Hon. J. BENNETT JOHNSTON,  
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your January 8, 1991, request for my recommendations regarding the draft Puerto Rico referendum bill which you intend to introduce in the near future.

The Agriculture, Nutrition and Forestry Committee has recently addressed this issue in an October 25, 1990, letter signed by ten Members of this Committee.

In that letter we pointed out that any referendum bill should assure equal treatment between the statehood and Commonwealth options and be revenue neutral. It was also our intent to provide a balanced package of increased nutrition benefits phased in over time.

Based on those concepts, I recommend that your draft bill be modified to include the changes as set forth in the attachments to this letter.

One major item is omitted from my recommendations. Language providing for increased revenues to pay for the increases in nutrition assistance would need to be added

before I, and I assume most Members of this Committee, could support final passage of this bill. My staff has alerted your staff and staff of the Finance Committee regarding this need for statutory language assuring that the attached changes are revenue neutral.

I will certainly assist you in this major undertaking of ensuring that Puerto Ricans have a fair opportunity to express their views on the political status of that Commonwealth.

Sincerely,

PATRICK LEAHY,  
Chairman.

#### DRAFT TO THE PUERTO RICO STATUS REFERENDUM ACT

These changes are to the draft "Puerto Rico Status Referendum Act" dated December 6, 1990, as supplied to the Committee on Agriculture, Nutrition and Forestry.

Add to section 213 ("economic adjustment") the following:

( ) Nutrition Assistance and Food Stamp Program.

(a) INCREASED FUNDING LEVELS FOR THE NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO.—Notwithstanding any other provision of law, from the sums appropriated under the Food Stamp Act of 1977 the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(1) \$112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Statehood" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(2) \$250,000,000 for the fiscal year immediately following the first fiscal year after ratification; and

(3) \$337,500,000, for the second fiscal year after the first fiscal year after ratification.

(b) FOOD STAMP PROGRAM.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union—

(1) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States; and

(2) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(c) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"SEC. 19(a). SPECIAL RULES.—Notwithstanding any other provision of this Act, any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except as follows:

"(1) a household within any such State shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds

65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for the purposes of determining benefits in such State shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the State may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"SEC. 19(b). Any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except that any such State must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program in any such State."

(d) LEGAL RIGHTS TO ADDITIONAL SUMS.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts for nutritional assistance required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act and section 19 of the Food Stamp Act of 1977. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

Add to section 407 of the "Puerto Rico Status Referendum Act" the following:

( ) Nutrition Assistance and Food Stamp Program.

(a) INCREASED FUNDING LEVELS FOR THE NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO.—Notwithstanding any other provision of law, from the sums appropriated under the Food Stamp Act of 1977 the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(1) \$112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Commonwealth" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(2) \$250,000,000, for the fiscal year immediately following the first fiscal year after ratification; and

(3) \$337,500,000, for the second fiscal year after the first fiscal year after ratification.

(b) FOOD STAMP PROGRAM.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs:

(1) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States except as provided in section 19 of such Act; and

(2) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(c) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"SEC. 19(a). SPECIAL RULES.—Notwithstanding any other provision of this Act, the Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except as follows:

"(1) a household within such Commonwealth shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds 65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for purposes of determining benefits in such Commonwealth shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the Commonwealth may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"SEC. 19(b). The Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except that the Commonwealth must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program.

(d) LEGAL RIGHT TO ADDITIONAL SUMS.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act to operate the Nutrition Assistance Program under section 19 of the Food Stamp Act. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

Additional Changes to the December 6, 1990, draft:

On page 16 strike the reference to the Food Stamp Program in "(b)".

On page 62 add: "or the Committee on Agriculture, Nutrition and Forestry" after "Committee on Finance of the Senate".

On page 65: add "or the Committee on Agriculture, Nutrition and Forestry" after "Senate" on the first line of that page. Strike "consolidation of grant-aid programs" near the bottom of page 65.

On page 66 add: "or the Food Stamp Act of 1977" after "the Social Security Act" on the fifth line.

It is anticipated that language providing revenue from Puerto Rican sources to cover the additional costs to the Federal Government of these amendments will be included in the enacted "Puerto Rico Status Referendum Act" and that the entitlement language (paragraph (d) added to sections 213 and 407) in the document would be replaced with that revenue language.●

CHARLES BEACH, JR.

● Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky banker, Charles Beach, Jr. Mr. Beach has made his mark as president and CEO of the \$70.3 million Peoples Exchange Bank of Beattyville, KY.

However, it is not just as a banker that Mr. Beach has distinguished himself. He was a major factor in the founding of Lee County Constant Care, Inc., a combination rest home and senior citizen apartment complex for which he has served as volunteer chairman for more than 20 years. Beach's service to the community also means prompting the Beattyville Chamber of Commerce to sponsor a "most improved property contest", designed to encourage residents to clean up area yards dominated by junked cars and other trash.

Additionally, working with students and faculty at Lee County Senior High School has been, and still is, a top priority for Mr. Beach. In his program, the bank donates funds to the school, and the students, via a student advisory board, learn to budget the funds and make a case to the bank board. This helps students develop their leadership skills through hands-on dealings with money matters.

These are but a few things in a long list of Mr. Beach's accomplishments, which is why I ask unanimous consent that a copy of his profile article in December's ABA Banking Journal be inserted in the RECORD. It is people like Mr. Beach who inspire others and provide an excellent example to youth, showing that it is important to care about others and the community in which you live.

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

[From the ABA Banking Journal, Dec. 1990]

EX-GENERAL ATTACKS HOME FRONT PROBLEMS

(By Steve Cocheo, executive editor)

Charles Beach, Jr. could have been nicknamed "Charlie Hustle," if that name hadn't already been bestowed on a famous baseball player. Whether he's bustling through his bank, driving along the backroads of rural Kentucky showing a visitor the sights, or trying to get something done for his hometown of Beattyville, this banker moves.

But the nickname's taken. Instead, those employees and residents who don't call him "Mr. Beach" simply call him "General." This is in recognition of Beach's second career in the Army and Army Reserve, from which he retired as a two-star general. More than a decade after leaving the service, Beach, 71, still carries himself like a soldier.

As president and CEO of \$70.3 million-assets Peoples Exchange Bank, Beach now fights the Battle of Beattyville. His enemies include economic stagnation, rising costs, and government red tape.

IRAQ FACTOR

On the outskirts of Beattyville, which is 75 miles east of Lexington, Ky., sits one of Peoples Exchange Bank's commercial customers, Perdue-Davison Oil Co.

Charles Perdue's oil and natural gas drilling operation is the biggest in Lee County, with more than half of its 600 wells active. Until recently, the firm was facing tough times. Oil prices were depressed and little good news was in sight.

The Iraqi crisis changed the outlook. Oil prices shot up. Perdue, who is president of the oil company, talks enthusiastically of "infield drilling," a technique that promises to coax more oil out of older wells.

Falling production, falling prices, and costly government environmental regulation drove many of the major producers away from Lee County. This contributed to the high unemployment that continues to plague it.

Perdue started as supervisor of the operation he now runs. Up to now he's been able to make enough to stay in business where bigger companies' overhead made the economics impractical. For example, Ashland Oil, former operator of Perdue's leases, pulled out when it cost \$18 to produce a barrel of \$12 crude.

While driving visitors back to his office after touring his operations, Perdue talks happily about the prospects for the business: "I'm going to put up a sign and call this 'Hussein Lane,'" he tells Beach with a grin and a gesture at his private road. While he's sorry the Iraqi situation has put U.S. troops at peril, Perdue says the crisis "has been a shot in the arm" for his company.

#### TEMPERED OUTLOOK

Back at the bank, Beach makes a call to an official of Ashland regarding one of the company's unused properties.

Beach has been trying to convince Ashland to donate the site for a hoped-for expansion to Lee County Constant Care, Inc. and is just chivvying things on a bit further.

"I'll make myself so obnoxious that they'll find somebody who will give me the deed," says Beach.

The Ashland property abuts the combination rest home and senior citizen apartment complex, which is a pet project of Beach's. Besides being a major factor in its founding, Beach has served as its unpaid chairman for more than 20 years.

After finishing his call, Beach discusses the outlook for Beattyville.

Oil has been a major part of the area's economy since the 1920s, so Beach understands Perdue's enthusiasm. But Beach is also a realist.

"I'm not as optimistic as he is," he says, "partly because all of the major oil companies dismantled their research and development departments. I hear it will take five years to get these back up."

Environmental issues and related federal regulation will also slow a comeback, Beach continues. He believes a resurgence of the oil economy will require tax incentives and relaxed regulation.

#### ECONOMIC PICTURE

Sustained good news for Beattyville is something Beach would welcome. Unemployment in the 7,000-person county has hovered around 7% or 8% for several years, though Beach thinks the situation is even worse than the official numbers suggest. He believes some people aren't even trying to find work anymore. He maintains that government aid killed some people's incentive to work.

As an example, he cites the experience of a friend and customer who experimented with growing crops unusual for the area such as oriental vegetables. The friend, retired Air Force Brigadier General James W. Little,

found that getting people to come to his farm for harvesting required picking them up and providing both breakfast and lunch. He tired of making such accommodations and switched to tree farming.

The traditional area crops include corn, hay, tobacco, and timber. But some farmers, strapped for cash, have taken to planting marijuana. The resulting publicity hasn't helped.

#### LOSING THE FUTURE?

Then there is the problem of "youth brain drain."

"What you have here is a survival economy," says Beach. He explains that many local residents have learned how to make out when things are rough, but many aren't entrepreneurs who can get things moving again.

"Our problem is that most of our talent leaves," says Beach.

Venture capital is also scarce. Major undertakings—such as talk of establishing a large outlet-store mall in Beattyville to attract trade from Lexington and elsewhere—require more money than can be raised locally.

#### SOURCES OF HOPE

In the long term, Beach thinks better chapters are coming for Beattyville. He believes the area has a strong future in tourism.

Leaders have already obtained the state's commitment to help it develop brochures detailing one- and three-day walking tours of Beattyville and its environs. The bank is trying to convince the chamber of commerce to sponsor a "most improved property" contest that Beach believes could encourage some residents to fix up yards dominated by junked cars and the like.

There is also potential in natural gas, which is plentiful in the area. Interest in using gas is increasing as the Iraqi situation and other factors have refocused national attention on energy costs.

"It would be greatly helpful" to the area for gas activity to pick up, according to Beach, although making a successful business from this resource requires construction of a transmission pipeline. This could take several years.

#### BANK EFFORTS

An effort that Beach is proud of is the bank's participation in Lee County Senior High School.

Rather than simply donating funds for student activities, the bank works with officials and students to develop some leadership experience—and obtain some feedback about the bank.

A student advisory board to the bank is put in charge of the kitty of funds the bank makes available. Among its duties are devising a budget and then making a case to the bank's own board.

This kind of community spirit in not a new thing for Beach. He's been at it for years, participating on a long list of state and civic bodies.

He pushed to make the Lee County care center a reality, both to take care of the area's aged and to provide jobs.

The Ashland Oil Co. land he is lobbying for will provide space for a day care center that will serve both adult and Alzheimer's patients and preschoolers. The Alzheimer's patients, the center finds, often respond to children when they will react to nothing else.

The hoped-for expansion would provide roughly 14 new jobs. Meanwhile, Beach is

searching for foundation funding to upgrade the main facility as well.

#### COMPLIANCE BURDEN

Considering his bank's record of community service, it is understandable that Beach is no fan of the Community Reinvestment Act.

That's mild—he calls it "an abomination."

"It is a burdensome requirement which cannot be cost-justified," says Beach. "All community banks are intensively community-oriented. Often they are the most responsible corporate citizens in the community."

Keeping all the records to document CRA performance is extremely time consuming, Beach continues, and means using resources that Beach believes could be better used.

Overall, Beach says compliance with the Bank Secrecy Act and related laws is one of the bank's toughest regulatory challenges. But what really annoys him is Internal Revenue Service taxpayer reporting, with its attendant duties of backup withholding. Tax compliance, he states, is the government's job.

#### CHANGING ATTITUDES

Being nestled in the hills of Kentucky is no protection from the change in federal attitude. Beach is concerned that regulations are becoming so complex that even community banks like his must consult with large out-of-town law firms to reach decisions on every new rule.

"And even then there can be differences in interpretations between us and the examiners," says Beach. "But it goes their way—they are always right."

When the possibility of additional burdens such as lifeline banking is raised, Beach grows even warmer.

"What's more important," he asks, "a strong banking system or overreacting to the whims of small advocacy groups?"

In a time of industry trouble—when customers in Beattyville are worried by what they have heard about deposit insurance funding—Beach thinks Congress and regulators must stop thinking of banking as an adversary.

"In any capitalistic society," says Beach, "there has to be a sound depository for depositor funds." This won't be maintained, he says, by trying to turn banks into public utilities.

#### BIT OF HISTORY

Beach is second in a line of three Charles Beaches who have worked at Peoples Exchange. Beach's father, Charles Sr., worked for several local banks predating Peoples Exchange and was among the incorporators of Peoples Exchange in 1912. At the time of his death in 1966, he was the bank's executive vice-president and a member of the board. Nowadays Charles Beach III, the general's son, is executive vice-president and mayor of Beattyville.

Beach's military activity started with attending the Virginia Military Institute. He graduated in 1940. He was also a graduate of the Reserve Officers Training Corps and received a commission as a second lieutenant, artillery, in 1940. After brief employment at the bank, he entered active Army service in 1942.

Much of Beach's wartime service was spent in the "pack artillery." This form of mountain warfare consisted of running mule trains carrying pieces of small howitzers where conventional heavy weapons couldn't go.

Beach served in the Aleutian Islands and in Italy. He was wounded in action in May 1944

near Minturno, Italy, and subsequently received the Purple Heart.

After the war Beach returned to the bank and became assistant cashier; his father was cashier at the time. Meanwhile, he continued his military service in the reserves. In 1957 Beach received a commission as a major in the reserves.

The year 1961 saw two milestones for Beach: appointment to the position of cashier and active duty in the U.S. during the Berlin crisis, the time when the now-destroyed Berlin Wall was erected. During that active duty Beach became commander of the 397th Regiment's 1st Battalion. In 1966, when his father died, Beach became executive vice-president.

Beach continued to advance in both the reserves and at Peoples Exchange, becoming president of the bank in 1975. The next year he became commander of the 100th Division, and was promoted to the rank of major general. He retired from the service in 1979.

#### PRACTICAL APPLICATION

Beach is modest about his military career. Rising to division command and two stars, "was not solely my effort," he says. "There were many 'acts of God,' including deaths, illnesses, and transfers."

While the military periodically took him away from the bank, he found the experience helpful in his financial career. "I learned chain of command, respect for authority, and military organization," he says.

The military trains officers to spot strengths and weaknesses in soldiers, he continues, and he believes this helped him learn to recognize and reward good employee performance.

#### COST CUTTING

Whether Beach learned expense control in the Army isn't clear, but he knows its importance in a bank in 1990. Rising regulatory and other costs have prompted Beach and his board to keep a tight rein on expenses, beginning with the bank's boardroom. It's austere, with small chairs and few trimmings.

In addition, many of the bank's 34 employees wear more than one hat. Nearly every teller, for example, has some other function or responsibility.

After a special management meeting last year, department heads were asked to cut expenses by 10%.

"This has made everyone in the bank cost-conscious," says Beach.

Still, cost cutting doesn't create revenue, and with local loan demand rather flat, the bank has had to seek out-of-county loans. Most of these are equipment financing deals and adjustable-rate mortgages on homes.

This has helped improve the prospects for 1990 over 1989. Beach expects 1990 ROA to rise to 1.35% from 0.99% in 1989 and ROE to rise to 14% from 12%.

#### THE LONG HAUL

Beach, whose family owns the majority of the stock in the bank's holding company, is committed to keeping the bank independent.

"There is a bright future for the community bank," maintains Beach. "It has the opportunity to deliver quality service to a diverse customer base in a responsive manner."

That suits Beach fine. He likes working with people and enjoys the "ability to assist a worthy credit risk to do well."

The Beattyville campaign has proved the longest of General Beach's long career, but the results, modest though they may be to the rest of the world, have made the community a better place. ●

#### REFITTING TRIDENT SUBS FOR CONVENTIONAL WARFARE

● Mr. PELL. Mr. President, on January 22, I had the honor of touring the Electric Boat submarine yard in Groton, CT, in the company of the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUE, together with the distinguished Senators from Connecticut, Senators DODD and LIEBERMAN, and Congressman GEJDENSON.

It was a memorable day not only because of the frigid winds blowing off the Thames River, and the steep ladders we negotiated to descend into a Trident submarine, but most of all, for some remarkably creative thoughts which were expressed by Senator INOUE regarding flexible use of our undersea forces to meet new threats.

Most notable was his suggestion that the Tridents, which are currently used exclusively as a platform for launching strategic nuclear missiles, can be modified to be used as a platform for launching the Tomahawk cruise missiles which proved so successful in the opening hours of the campaign in Iraq.

I am advised that there are a number of configurations and options by which such a shift could be implemented. Assuming the changeover would involve tactical, non-nuclear weapons and that it could be achieved within the framework of pending arms control agreements, the concept could prove to be a wise approach to strengthening conventional weapons capabilities.

It seems to me that such a shift would be a most welcome step away from excessive dependence on strategic nuclear weapons, and a creative way to use existing resources to bring maximum strength into play in future regional disturbances.

I commend the Senator from Hawaii for speaking out on this matter. And I congratulate Senator DODD for arranging for this memorable visit. I know he shares my great satisfaction at the words of recognition and encouragement expressed by Chairman INOUE with respect to southern New England's superb submarine production facilities.

Mr. President, I ask that an article from the New London Day reporting on Senator INOUE's visit be printed in the RECORD at this point.

The article follows:

[From the New London Day]

TOMAHAWK MISSILES CONSIDERED FOR TRIDENTS—INOUE PLEDGES SUPPORT TO ELECTRIC BOAT FOR SECOND SEAWOLF CONTRACT  
(By Barbara Nagy)

A Senate subcommittee plans to look into the possibility of basing Tomahawk cruise missiles, popularized by the war in the Persian Gulf, on a Trident submarine platform.

U.S. Senator Daniel K. Inouye, chairman of the Senate defense appropriations subcommittee, raised the idea publicly for the first time Tuesday, and pledged also to support Electric Boat's fight to win a contract

to build the second Seawolf attack submarine.

The Hawaii Democrat spoke to 500 people at the Norwich Sheraton during a program sponsored by the region's two chambers of commerce. He came to the area at the invitation of U.S. Senator Christopher J. Dodd, D-Conn.

The massive 560-foot Tridents now being built by EB carry Trident missiles, long-range nuclear intercontinental ballistic missiles with multiple warheads. The shorter-range Tomahawk, which is carried by smaller 688-class attack submarines and several Navy surface ships, targets a single site or a small area.

The sophisticated and highly accurate Tomahawks are suddenly popular because of the war in the gulf, where they have been used to target facilities that could not easily be reached by warplanes. Those used in the war are conventional armaments, but Tomahawks can also carry nuclear weapons. The missiles are manufactured by the Convair Division in San Diego, like EB a subsidiary of General Dynamics Corp.

Newer 688-class submarines carry 12 Tomahawks and a complement of torpedoes for sinking enemy shipping. A Trident outfitted to carry Tomahawks instead of ICBMs could carry about 100 missiles. Some surface ships can carry more than 100 Tomahawks, but a submarine would be harder for an enemy ship to detect.

A congressional source said EB told congressmen Monday during a briefing at the shipyard that the idea of basing Tomahawks on a Trident platform is feasible. He said four of the missiles could be put in the area now occupied by each of a Trident's 24 missile tubes. The submarine is extremely quiet and stealthy.

"It is doable," said EB spokesman Neil D. Ruenzel, but he would not discuss such specifics as the configuration of missiles. Ruenzel said he did not know where the idea originated, but he added that the defense establishment routinely evaluates the possibilities for varying and improving many weapons systems.

#### WAR MAY HAVE IMPACT

Inouye predicted the war in the gulf will affect the decisions Congress makes this year about defense spending.

"This war seems to indicate high technology will receive massive support in the Congress," he said.

The F117A stealth fighter will be well received, he predicted.

"I think it's time we begin concentrating not only on stealth in the air but stealth in the water," Inouye said.

He said the number of submarines in the 1992 defense budget will depend on whether a cap on defense spending is lifted. He said Dodd has convinced him that EB's future and the future of southeastern Connecticut will depend on whether the company gets the contract for the second Seawolf.

EB already has a contract to build the first of the Navy's new attack submarines, and is competing with Newport News Shipbuilding of Virginia for the second. Money for that submarine is in the 1991 defense budget.

EB has said that because of cuts in the number of Seawolfs to be built, there is not enough work to keep both submarine builders in business. In a worst-case scenario, EB would have to lay off up to half its 23,000 workers by 1996, the company has said.

It is in the national interest for EB to get the second Seawolf contract and continue operating, said Inouye, a member of the committee that investigated the Watergate bur-

glary and co-chair of the panel that looked into the Iran-Contra affair. The Navy wants to maintain both yards, but that might be impossible because of budget constraints, Inouye said.

"I'm well aware of the plight you're in," Inouye told the chamber audience. "Chris Dodd convinced me this was not a contest as to who gets a contract."

Inouye said he normally would have stepped back and let the two states resolve their differences, but decided to become an advocate for Connecticut.

"There are many things at stake here. One is the life and death of that company," Inouye said. He said Newport News builds aircraft carriers, cruisers and other ships and can manage without the submarine work.

He added that the United States needs EB because world events indicate submarines will continue to have a useful purpose. The Soviets have maintained the pace of their submarine construction, Inouye said, adding that during fiscal year 1991 the United States allocated money for two submarines while the U.S.S.R. set aside money for nine. He said recent events show the Soviet leadership is still instable.

#### WAIVER UNCERTAIN

Inouye said that under the Gramm-Rudman deficit reduction legislation, a cap on defense spending can be waived during war. But he added that long-term military construction projects are in a five-year plan, and said it is not clear yet whether spending limits in that plan can also be waived during a time of war. If the waiver does apply, more money could go to submarines, he said.

After a tour of EB and a briefing by shipyard officials including General Manager James E. Turner, Inouye said he was impressed by the company, its construction methods and its ability to deliver ships ahead of time. With the technical expertise and trained people at EB it would be a "national shame" to lose EB, he said.

Before going to EB, Dodd and Inouye met briefly with representatives of EB's two major labor unions.

Kenneth J. Delacruz, president of the Metal Trades Council, said he was pleased by Inouye's message.

"He basically said what we wanted to hear," Delacruz said. "He understands that the survivability of the region remains heavily on the functioning of Electric Boat."

Without the second Seawolf, EB and its workers will be in "major trouble" in a few years, he said.

Melvin E. Olsson, president of the Marine Draftsmen's Association, said he also was impressed by Inouye and Dodd.

"He's certainly 100 percent behind us," Olsson said of Inouye. "I feel we're fortunate to have him on our side." ●

#### VETERANS COST-OF-LIVING ADJUSTMENT LEGISLATION

● Mr. KERRY. Mr. President, I would like to begin by thanking Senator CRANSTON for his leadership on many

issues of concern to veterans, perhaps the most important of these issues is the cost-of-living adjustment which is before us today. Senator CRANSTON has long been a strong voice for the needs of our veterans and it is always an honor to work with him. I would also like to thank Senator MITCHELL for his strong support of our disabled veterans. The majority leader, by introducing the cost-of-living adjustment for disabled veterans as title I of S. 1, has shown his deep concern about this issue.

Perhaps the greatest disappointment of the last Congress was the failure to pass the omnibus veterans bill, which would have provided a cost-of-living increase for disabled veterans and their survivors. These brave individuals placed their lives on the line for the United States; but the Republican leadership were opposed to some agent orange and other provisions included in this proposal. Thus, our disabled veterans did not receive the COLA which they deserved.

Mr. President, today we are here to rectify that mistake. There are 2.2 million veterans with service-related disabilities and 911,000 survivors of veterans who died from service related disabilities who depend on the COLA in order to survive. Without this adjustment, survival will be even more difficult for these individuals who have sacrificed so much for America.

As the pressures on their budgets have increased dramatically with the growing recession and Federal Government cuts, this legislation, H.R. 3, will provide a 5.4 percent COLA to beneficiaries which would be retroactive to January 1, 1991. In this way, our disabled veterans will receive the increase which they would have received if the Senate had acted prudently last October.

In the past several weeks and months, this Chamber has heard a lot of impassioned speeches of support for our service men and women in the gulf. The Senate even unanimously passed a resolution in moral support of our troops; we now have the opportunity to provide real support for troops which have made similar sacrifices. Let us now give the same support to our disabled veterans to thank them, in some small way, for their sacrifices. I hope that this Chamber will follow the example of the House of Representatives, which passed this legislation with a unanimous vote. I urge my colleagues to support this important and worthy measure. ●

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

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

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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.

#### JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 8:40 p.m., the Senate, preceded by the Secretary of the Senate, Walter J. Stewart, and the Sergeant at Arms, Martha S. Pope, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

#### RECESS UNTIL TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:58 p.m., the Senate recessed until tomorrow, January 30, 1991, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess of the Senate on January 24, 1991, under authority of the order of the Senate of January 3, 1991:

##### U.S. TAX COURT

RENATO BEGHE, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE B. JOHN WILLIAMS, JR., RESIGNED.

##### DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102D CONGRESS:

JAMES C. SMITH, II, OF SOUTH CAROLINA.  
HOWARD H. CALLAWAY, OF COLORADO.  
JAMES A. COURTER, OF NEW JERSEY.  
JAMES A. COURTER, OF NEW JERSEY, TO BE CHAIRMAN OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

## EXTENSIONS OF REMARKS

WHEN A PLAYGROUND BECOMES A  
BATTLEFIELD

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. GINGRICH. Mr. Speaker, I read with great sadness the report last week of the untimely death of young Jermaine Daniel. Jermaine was not a casualty in the successful early days of Operation Desert Storm. He was, instead, a casualty in the other war that we are engaged in—the war that we are losing—the one here at home.

Jermaine was a 15-year-old student here in the District of Columbia. Jermaine would remain merely another number in the rising death toll in our Nation's Capital if it were not for the notoriety he obtained 2 years ago when he was "adopted" by former D.C. Police Chief Maurice Turner. Chief Turner "adopted" Jermaine to show other D.C. children that people do care and opportunities do exist for children to rise above the drugs and crime that permeate our inner cities. Young Jermaine had both a father and a brother in prison. Chief Turner recognized that Jermaine had only negative influences in his life and was determined to show at least one youngster that he was not doomed to failure because of where he was born. Chief Turner knew that it would be an uphill battle.

Jermaine wasn't old enough to drive a car. He couldn't vote, enlist in the Army or even drop out of school. And yet, he was a soldier in a war—and now he is just another casualty.

We are losing this war at home. This is a ground war with an immense future at stake—the future of an entire generation. It is even more disturbing to know that Jermaine's murder on the playground of his school is not an isolated instance.

Two weeks ago another teenager was stabbed in a D.C. high school over the theft of a bag of corn chips. Earlier this month, a 14-year-old was charged with the fatal shooting of someone who was stopped at a traffic light on Capitol Hill. In December, a group of junior high students drove by a corner and sprayed gunfire into a crowd of children walking home from elementary school—seriously injuring a number of them. Where will this all end?

Last weekend approximately 75,000 antiwar protesters came to Washington to voice their protest of the war—but not one word was mentioned about the war here at home. Many of those interviewed stated that, in their opinion, we are waging a battle overseas to have lower fuel prices here at home. They don't see that as a just cause for people to lose their lives.

I would challenge those protesters—is a 15-year-old junior high school student who is shot down in cold blood over a bag of corn chips enough motivation to get involved and stop

the war here at home? Imagine the impact 75,000 people could have on stopping these senseless crimes.

We need new solutions for the nineties. We cannot sit back and listen to the murder statistics in our cities and believe that they have no effect on our lives.

I hope that each of my colleagues will read the attached article and join me in developing new solutions for the nineties to finally cause a cease-fire on our playgrounds. Let us all learn a lesson from young Jermaine's brief life.

The article follows:

[From the Washington Post, Dec. 16, 1990]

THE KILLING FIELDS OF D.C.—ARE WE CROSSING A LINE INTO ANARCHY? HOW CAN WE CROSS BACK?

(By Joyce Ladner)

Two years ago, writing on this page about the murders in our city, I tried to explain what I called a "new kind of terror, pain and confusion." Today I am wondering this: Has Washington become a Beirut, a place wholly accustomed to death and desensitized to violence? Have we crossed a critical line that separates a law-abiding society from a society in which life is anarchic, brutal and short?

When I put this question to Harvard psychiatrist Dr. Alvin Poussaint, he replied, "I don't think anyone knows where the line is. We know something's happened. In the past five years, we've come to feel that anything goes. There is an immunity to violence and an acceptance of it by the perpetrators as a legitimate way to deal with things. The perpetrators use violence as a tool to negotiate the environment."

In fact, there have been so many murders here this year that most people take little more than momentary notice of the grim statistics. The daily routine of violence requires a special accommodation for those who live in neighborhoods where it is commonplace. "You get used to the killing," said one woman, as she explained to me her strategy for survival. She lives around the corner from a drug-infested street where the police often carry out searches of men as they lie straddled on the pavement.

When asked if there is anything that shocks her, she replied, "I did get shocked one night when two boys came down the street shooting wildly. I dove under the counter at the grocery store. When something like that actually happens, you get shaken but you have the capacity to get used to anything so long as it happens with a lot of routine."

But even in our collective numbness and apparent apathy, some of these murders arouse our worst fears, our sense of vulnerability, and provoke our strongest moral outrage. Three of them occurred this month:

Clarene Collier-Wilson, 27, was murdered by a knife-wielding man in the Adams-Morgan neighborhood as she carried her 3-year-old daughter and held the hand of her 10-year-old daughter.

James "Jay" Bias, 21, was shot to death, allegedly by a man who accused him of flirting with his wife.

Frank Gibson, manager of a Tenleytown clothing store, was gunned down in an apparent robbery attempt.

A month earlier, attorney John Winston was shot and killed outside his Chevy Chase Circle townhouse. The latter two murders, in predominantly white Ward 3, were a reminder that there is no sanctuary from the violence.

These murders touched us so deeply not only because of their depravity, but because they told us of our own seeming helplessness. How, we wondered, could anyone put a knife through the heart of a woman carrying a child? Could we be next?

The violence, to be sure, is not confined to our metropolitan area. Homicide rates for New York City and Atlanta also have exceeded last year's; young men are shooting each other gangland style in broad daylight. "There's a lot of retaliation going on right now," a Washington homicide detective told me. "Money is tight. They're [drug dealers] robbing each other and getting killed between robberies. The idea is, 'If you kill my friend, I'll kill yours.' And then they know how the system works. They know the court system will give them a low bond. They'll be out of jail quickly."

Drug dealers have taken control of once-stable neighborhoods. Consequently, the violence has changed the way many live. "A lot of people do not allow their kids to go outside to play anymore," said the detective. They have retreated to the fragile security of their homes, while the streets have been taken over by dangerous young men.

In high-risk neighborhoods, people's homes have become their jails, as they venture out only when absolutely necessary. In a conversation with several fifth-graders, one stated emphatically, "I don't go outside." But he also recounted, "I heard somebody get shot; I was walking past and I saw all this blood coming out." Another told me, "I get scared walking home at night. I know a couple of people around my way who got shot in the leg and arm." And one boy told me he was afraid of being shot when he became a teenager.

It has become a society in which fisticuffs are as outmoded as the cavalry horse. As one youth told me several years ago, "It's easier to shoot it out and get it over with rather than spend the whole night fighting." Many in this generation have not been taught to use verbal skills, such as negotiation, to solve problems. The availability of weapons continues to raise the stakes for all-out warfare. A 14-year-old junior high school student told me, "We were over to a girlfriend's house. We saw a boy get shot in the leg. It made me sad."

Violence, Poussaint said, "is one of the strategies, along with other forms of anti-social behavior, they take for granted on a day-to-day basis. So it's live fast, die young and have a good-looking corpse."

These distortions often originate from, and are reinforced by, various stimuli. Consider simply the television and film industry. Not only are films getting more violent, but a growing number of black actors are cast as the leads in them. Danny Glover's roles in "Lethal Weapon" and "Predator II" and

• 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.

Eddie Murphy's roles in "Harlem Nights" and "Another 48 Hours" are good examples. A lot of youths see these films; they must get the message that this is reality, or at least a large slice of it.

Once the perpetrators of crime were poor; they were either older teenagers or adults, and they came from troubled families. That pattern has shifted. According to the D.C. detective I interviewed, "Some come from good homes, even upper-class homes as well. Some are well-educated. I recently dealt with a murderer who was a college graduate."

Perhaps some aspects of the problem cut across racial and class boundaries and predispose some individuals more than others to be drawn into this web. Poussaint addresses the issue this way. "This generation of youth is less empathetic toward people. Some of the old rules such as 'do not hit elderly women' aren't functioning anymore. Now anything goes."

Authorities, meanwhile, say that some parents tacitly approve the involvement of their children in the drug trade; they ignore the new-found riches, the jewelry and cars. When I asked the D.C. detective if the parents seemed surprised to learn their sons have been arrested, injured or killed as a result of drug involvement, he replied, "They always appear surprised. Most should know something is wrong when the kids do not come home until 3 a.m. The parents pretend they don't know, but they do."

"[Most] parents are really sorry when they find out their kids have gotten killed. [Some] see it as a case of the money going down the drain." The detective, who has investigated many of the city's killings, says he knows of cases when parents call the police "and want to know where their son's \$100 tennis shoes are. They're more concerned with the kid's property—the car, tennis shoes, how much money he had in his wallet. They say they didn't know about their kid's involvement with drugs, but you find out they did when you look at their bank account."

When you look at this generation of young people, you realize their parents were shut out of the "second reconstruction"—the fruits of the civil-rights struggle. If they were poor, they had little of the social "safety net" to offer their children:

Starting with the Nixon administration, funds have shifted away from funding poor urban communities; the federal government, by drastically cutting back funds for social programs, effectively began to abandon these communities.

Ironically, many large cities are now run by black mayors, policymakers and service providers. But the presence of black leadership alone cannot by itself alleviate the problems of bad schools, poor housing and jobs without a future. "Everyone is angry with the state, but blacks are running the programs of the state," said Walter Stafford, a professor of urban policy at New York University. "The black community hasn't expanded the economic base to incorporate the youth. Everyone is saying, 'Cut the local government payroll. Get rid of the surplus workers.' But no one is saying what we should do with these kids."

No one knows what to do about a generation of latch-key children—kids who have grown up without the heavy investment of parental involvement so many of us received. A number of parents are also extremely young themselves—some had their children as teenagers and have not had enough experience to know how to raise their children. Others are simply neglectful.

Eleanor Cox, director of a program for at-risk youths in Washington, said, "The kids feel that as far as the adults are concerned, they are just there. They don't sit and talk with them, laugh with them. It's more a matter of criticizing them where they're pointing out the kids' faults and telling them what to do without any interaction with them."

Cox recounted this recent incident: "I saw a baby crawling out onto the sidewalk, going into 15th Street Northwest, and I didn't know whom he belonged to. A 2-year-old boy ran into the house and left this infant on the sidewalk! The little baby was trying to get up the walk. I picked him up and took him into the hallway of the building."

No doubt this was unusual, but how can such a thing happen even once? How can such a child grow up to be a normal human being? Whose responsibility is it to make sure this infant has the appropriate level of care?

I certainly endorse the idea that those who inflict harm on others should be punished. But it is important for us to understand and acknowledge the roots of the anger now unleashed upon society. You don't have to be a bleeding heart to understand how serious it is that a lot of young people never formed primary relationships with other human beings during their early years. Had they done so, they wouldn't be able to kill, at least not so easily. "Some kill and go on out to a party at a club, or they go home and go to sleep," the detective told me. "When it's time to go to court, they show remorse."

Dr. Cuthbert Simpkins, a surgeon at D.C. General Hospital, has treated many gunshot victims. When I asked him what should be done, he said, "They are approachable when they come into the hospital. They really didn't realize their actions would bring them to this. You can talk to them about their lifestyle. They've got a tube in the nose; they have a hole in their stomach. They're in pain and they're afraid they're going to die. You can get them to reflect on their lives."

Simpkins has seen drug dealers express humility. He has seen the toughest of them cry. But the toll is awful, he said. "It gets to be really sad. As an inquisitive person, I want to get to the bottom of this problem. I'm tired of holding a chest together. I'm tired of holding an aorta together with my hands. I'm tired of closing up wounds inflicted by trauma."

All of us, on some level, have been affected by the horrifying escalation of violence. Eleanor Cox says that even the rules of robbery have escalated. She described an incident when, after the perpetrators took the victim's jewelry, they stabbed her in the stomach.

In my case, Clarene Collier-Wilson's death touched me in a deep and personal way. When I moved to Washington in the early 70's, I lived in the building where she lived. I still have friends there.

The night following Collier-Wilson's murder, I went to pay my respects to her family. As I parked, I saw a group of people I've known in the neighborhood for years nail a sign to the tree, admonishing all who read it not to allow her death to be in vain. Candles were lit and flowers were brought to this modern-day urban shrine, as Washingtonians gathered and tried to make sense of what had happened. As I stood looking at the flickering candles, a woman drove up and shouted from her car, to no one in particular, "I don't live in this neighborhood. But I had to come over here to see where this murder took place."

Then she began to scream, repeatedly, "When is this violence going to stop? When is it going to stop?"

We know that if the devastation doesn't stop, we will, as a community, have crossed the line. We know that if the killings in the past represented a disorder and deviation from the norm, today's violence is rapidly being accepted as the way large numbers of people relate to each other. Normalcy is being turned inside out and there are fewer challenges to this distorted way of behaving.

Still, we must not forget the other side. In many neighborhoods, citizens have organized to take back their communities; if those most affected have become numbed, they have not stopped caring.

We must also remember the young African-American men and women in this nation—the great majority—who are thoughtful, law-abiding and serious. A case in point: M. Kasim Reed, an international-business major at Howard University who currently serves as the undergraduate representative on Howard's Board of Trustees.

Recently, Reed was on the "MacNeil/Lehrer NewsHour" to discuss how his generation feels about the military build-up in the Persian Gulf. When the program ended, friends called me to ask about this "clear-thinking, erudite, charismatic young man," as they described him. A veteran journalist friend called him "truly special"; another said, "We can surely expect great things from him in the future. He will be one of the new breed of leaders in the African-American community."

Reed is, indeed, a special person, but there are tens of thousands of others very much like him, on and off campuses across the nation. (He is featured in the November issue of Black Enterprise magazine with two fellow entrepreneurs at Howard.) But why are these young blacks virtually invisible? Why do we hear so little about them and their views on international, political and economic issues, while we are inundated with news about the latest body count of youths involved in the drug market?

Surely, a bridge can be made between the two sides of this generation. It is, after all, Reed and his peers who will inherit the burden of the terrible present.

#### REFORM OF THE FEDERAL BLACK LUNG PROGRAM

#### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am introducing legislation to reform the Federal Black Lung Program.

This is the legislation being advanced by the National Black Lung Association. It is a comprehensive bill to reform the Federal Black Lung Program. The changes envisioned by this measure reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely

harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Joining me in the introduction of the Black Lung Benefits Act Amendments of 1991 are my colleagues FRANK MCCLOSKEY of Indiana, RICK BOUCHER of Virginia, CHRIS PERKINS of Kentucky, and BOB WISE of West Virginia.

In general, this measure contains the following proposals:

**New eligibility standards:** A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

**Application of new eligibility standards:** The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

**Elimination of responsible operators:** All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

**Widows/dependents:** A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

**Offsets:** The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

I believe that in light of the many hearings that have been held by the Subcommittee on Labor Standards, we have established a strong record in support of legislative reform of the Federal Black Lung Program. It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by a program that was intended to bring them relief.

TRIBUTE TO WFMJ-TV 21 ACTION  
NEWS TEAM

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the fine men and women of the WFMJ-TV 21 Action News team, in my 17th Congressional District of Ohio, who gen-

erously donated their time to Mahoning County libraries this January.

Our Mahoning County libraries hold preschool story times for youngsters three times weekly at the Broadman and North branches. This month, various personalities from WFMJ-TV 21 Action News volunteered to read selected stories to the children during some of those times. Volunteers included Sheila Patrick, producer; John Bindas, executive producer and assistant editor; and Dana Balash and Evonne Woloshym, reporters.

Mr. Speaker, I would like to take this opportunity to pay tribute to these fine individuals of WFMJ-TV. As news professionals, they have already made a sincere professional commitment to the well-being of the Mahoning community. But by taking time out of their hectic schedules to read to our local children, these women and men have expressed a deep personal commitment and generosity toward our community. The work of Sheila Patrick, John Bindas, Dana Balash, and Evonne Woloshym for the service of the community and the children of Mahoning County deserves special commendation. I am honored to represent such outstanding individuals.

C.K. MA RECEIVES AN HONORARY  
DOCTORATE

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ACKERMAN. Mr. Speaker, it is my honor to pay tribute to Mr. C.K. Ma, chairman of the Oriental Daily News, who is receiving an honorary doctorate degree from St. John's University.

The Oriental Daily News is the largest newspaper in Hong Kong, with a readership of over 2 million per day. Mr. Ma's contribution to journalism has helped to make the Oriental Daily News one of the most respected and widely read newspapers in Asia. North American editions will begin publication this year.

Mr. Ma is avidly involved in charitable causes. The Oriental Daily News Charitable Fund has had a significant impact in aiding the poor, the sick, and the needy. The fund receives a majority of its contributions from the paper's readers. Mr. Ma has been inspired by the willingness of those with few resources to help others in more dire need. "How much one person can afford to donate is unimportant," Mr. Ma has written. "It is the love, the concern for another human being that counts. In this sense, 10 cents from 10,000 caring souls becomes much more meaningful than a generous donation from 1 single person. Through this fund, I \* \* \* hope to foster greater social consciousness and participation from all members of society."

Mr. Ma's eloquent words are testimony to his compassion and his significant contribution in helping the less fortunate among us. In addition to his extensive charitable work for the needy, Mr. Ma has made a substantial gift to the Government of Grenada to erect a memorial to those American servicemen who gave their lives in the liberation of that country. His generosity is most appreciated.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in congratulating C.K. Ma on the honor of receiving an honorary doctorate degree from St. John's University, and in saluting him for his generosity and compassion. His contributions to society are greatly admired.

A CONGRESSIONAL SALUTE TO LT.  
MICHAEL G. MARKULIS

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. On January 30, Lt. Michael G. Markulis of San Pedro, CA, will be honored by the Harbor City-Lomita Lions Club as their "Citizen of the Year" for his outstanding contribution to both its members and the community at large.

Not only a veteran of 34 years of dedicated service with the Los Angeles Police Department [LAPD], Lieutenant Markulis loyally served 2 years with the U.S. Army during the Korean conflict. He received his honorable discharge after attaining a rank of corporal with a spotless service record.

His distinguished law enforcement career has included a great variety of positions and responsibilities, but if one were to draw a common thread through it all, it would be his tireless service to his community. Currently the commanding officer of the Harbor Detective Division, Lieutenant Markulis' commitment to his men on the job and his fellow citizens during his time off makes it no surprise that there is a long waiting list to join his nearly 40-member elite investigating team. In addition to his duties with the LAPD, Lieutenant Markulis is very active with the Harbor City Chamber of Commerce and as the cochairman of the Harbor Area Gang Alternatives Program.

A graduate of San Pedro High School and University of California at Long Beach, Lieutenant Markulis furthered his education by taking numerous additional courses including earning his teaching accreditation. Focusing on police science and education courses, Mike Markulis not only excelled at his police work, he also educated his fellow officers and the members of his community so that they might all live in a more peaceful and harmonious social environment. Not surprisingly, he is a sought after public speaker and frequent representative of the LAPD because of his consummate professionalism and obvious leadership qualities.

The Harbor City-Lomita Lions Club is grateful for the contributions Lt. Michael G. Markulis has made to the life of his community both as a distinguished law enforcement officer and a civic leader. My wife, Lee, joins me in extending a congressional salute to him today.

## BRAVO FOR AMERICAN POWER

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HYDE. Mr. Speaker, a fresh perspective on America's role in the gulf war is always welcome, and I offer to my colleagues the article of January 20, 1991, by Peregrine Worsthome in the London Sunday Telegraph:

[From the Sunday Telegraph Jan. 20, 1991]

## BRAVO FOR AMERICAN POWER

(By Peregrine Worsthome)

President Bush has been proved right and his critics, this paper included, have been proved wrong. Delay in going to war was not due to loss of nerve or weakening of resolution, as we feared. He always knew what he was going to do and has now done it in his own good time in the most favourable diplomatic and military circumstances. Bravo for President Bush. Bravo for the allies, particularly Britain (coupled with the name of Mrs. Thatcher), who put their faith in American leadership. Let us give praise to this man. Not since Marlborough created, and held together, his great and victorious coalition has there been so successful an act of international statesmanship.

The war, admittedly, is not yet won. Agonising weeks of carnage could lie ahead. But the worst is over. The worst was over as soon as war began. For an ignoble peace was the worst thing that could have happened. Compared to that, any military cost will be sustainable. So there are already grounds for rejoicing. The coalition has set its hand to a necessary task from which there can be no retreat. From September 1939 until June 1940 there was a phoney war, not unlike the phoney peace that has prevailed in the last six months. Then in June 1940 hostilities began in earnest and everyone with an ounce of honour felt enormous relief. So it is today.

Not that the danger from the peace movement has wholly passed. If hostilities in the Gulf are at all protracted, and casualties mount, pressure for a shameful peace will soon return. Even now, there are peace marches, although only on a relatively small scale. Jingoism is not the danger of today. Of that excessively maligned enthusiasm there is no sign whatsoever—no crowing or triumphalist rhetoric. Quite the contrary. In both speech and demeanour President Bush is the very model of a peaceful man. So is Mr. Major. History without histrionics—that is their hallmark. Neither man at all gives the impression of walking, let alone marching, with destiny. No stirring of the blood from them. Up to a point, this coolness is a virtue. Most people respect it; feel at ease with it. The grandiloquence of a Churchill would not suit the present mood. But if things start going wrong in the Gulf, we may need to have recourse to jingoism, if only to combat the fire and fervour of the peace movement. Responsible newspapers should not dismiss jingoism as some primitive, irrational emotion, quite unsuitable to modern war. For so long as primitive, irrational pacifism can continue to cloud the minds of men—as it can and does as never before—so long will it be necessary for there to be an equally strong and emotional antidote on the other side. One hopes that this war can be sustained without recourse to jingoism. But it would be a foolish Western leader who threw this indispensable, if ancient and primitive, psychological weapon onto the scrap-heap before victory was assured.

It would be a foolish Western leader, too, who got into the habit of drawing too much satisfaction from the United Nation's amazingly supportive role in the current crisis. Great satisfaction is certainly in order. Without UN backing for this war the Labour Party would not have been able to give it their support; nor, almost certainly, would France. And the same goes for the Arab allies, even more so. UN war good; US war bad. Many think like that. But because this is a deplorable fact of modern political life, it is plainly right to get UN backing for American intervention wherever possible or, if not right, at any rate prudent. On his occasion it was possible, thanks to the very special circumstance of Saddam Hussein's peculiar ferocity, and thanks also to President Bush's diplomatic skill amounting to genius. But it won't always be possible and it would be undesirable for America to conclude that UN approval was a necessary condition for intervention in the future. Just as it would be a mistake to suppose that all wars can be brought to victory without the benefit of jingoism—because arguably this one can—so it would be a mistake to think that all American interventions must have UN backing, because this one was lucky enough to get it.

I see hostages to fortune being given here—or rather hostages to unsound liberal thinking or non-thinking, i.e., sentimentality. This war in the Gulf would not have been less necessary, less desirable, if the UN had refused to sanction it. President Bush and Mrs. Thatcher took the decision to go to war long before there was any hope of getting UN sanction, and they did so with a justifiably clear conscience. But will their successors feel equally free to decide first and then take the matter to the UN? Or will they henceforth feel bound to go to the UN first, since so much rubbish has been written in recent weeks about UN backing being the essential legitimizing factor? One is all for high-minded rubbish or hypocrisy—the tribute that vice pays to virtue—so long as people don't start taking it seriously. The danger is that rubbish repeated often enough begins to take on the shape of truth or at any rate myth. President Bush has undoubtedly pulled off a superb *coup de theatre* in getting the Third World, and the liberal elements of the First World, to go along with this war. But the danger of exemplary achievements of this order is that in time they come to get taken by subsequent generations for the norm, the expected, even the required. This must not be allowed to happen. On no account must America lose her freedom of action.

Here we move on to treacherous ground. Why must the US never lose her freedom of action for the UN? How one wishes it were possible to answer this question without sounding cynical. To say that the UN is largely made up of poor and backward countries—a third of its members are now African—whose interests are not our interests, does sound cynical. But it also goes to the heart of the matter. For there is a clash of interest between the First World and the Third World, and no international order satisfactory to the former should rely on the say-so of an institution dominated numerically by the latter. The riches of the First World provoke passionate envy in the Third World, and so do all other appurtenances of civilization. We are envied both materially and non-materially, and the Third World would dearly love to pull us down. Nothing blocks this aim except Western strength. And it is this Western strength which must on no account be trammelled. So much can be ceded to the UN but no more. This was

well understood by the UN's founders, and America's recent good fortune at the hands of the UN must not encourage that eternally and gloriously optimistic country to think that anything fundamental has changed.

The aim must be for America to win an overwhelming victory; for Western technology to prove devastatingly, chasteningly superior. Nobody can suppose for a moment that President Bush even sought this opportunity to demonstrate Western might, both moral and material. Never has a war been entered into more reluctantly. But enter it American now has, using all the terrifying weight of modern rocketry. Again, the purpose is not to terrify. The purpose is to avoid repeating the mistakes of Vietnam. In Vietnam the Americans escalated step by step, too little too late. This time they have gone for the jugular from Day One. Lots could still go wrong. But it is beginning to look as if Saddam Hussein has given the West a chance once again to establish its unchallengeable pre-eminence in a manner impregnable at once to moral obloquy and military resistance. Not only will our arms have prevailed in a most spectacular fashion. So also will our ideals. Nothing is ever for ever. Sooner or later the Third World will throw up other challenges. But if the Gulf war ends as it has begun, there can be no doubt who are the masters now—at any rate for another generation. We have the laser beams and they have not. And the we who matter are not the Germans or the Japanese or the Russians but the Americans. Happy days are here again.

Bliss is it in this dawn to be alive; but to be an old reactionary is very heaven.

BRAMWELL NATIONAL  
HISTORICAL PARK ACT OF 1991

## HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation to establish, as a unit of the National Park System, the Bramwell National Historical Park in the State of West Virginia.

As I have noted in the past, it is my intention to seek as part of my Southern West Virginia Coal Heritage Initiative the establishment of what I like to call the Colonial Williamsburg of coal towns. We have been fortunate to find in Bramwell some outstanding, and what I believe to be nationally significant, historical, cultural and architectural values relating to the coal mining heritage of southern West Virginia.

The proposed Bramwell National Historical Park is envisioned as being a living unit of the National Park System in a manner similar to the Harpers Ferry National Historical Park in West Virginia. People would continue to make the area their homes. For this reason, the legislation makes a number of specific provisions to protect private property rights: acquisition of land could only take place with "willing sellers" and the National Park Service would not have access to private residential property within the park without the advice and consent of the owner.

Development of the park would be outlined in a management plan, which would be devised by the National Park Service with public

input and through consultation with the Bramwell National Historical Park Advisory Committee established by the bill. However, the legislation does provide for the restoration of a brick surface to North River Street, Main Street, Rose Street, South River Street and Block Street to restore the historical and architectural character of the park; measures to mitigate the visual impact of public utility facilities such as phone and electrical lines on the historical and architectural character of the park; the reconstruction of the Bramwell Railroad Depot; and, the restoration of an edifice or edifices suitable to provide for the interpretation and visitor appreciation of the historical, cultural and architectural features of the park. Under the bill, the National Park Service would be authorized to enter into cooperative agreements with the owners of properties of historical or cultural significance within the park to mark, interpret, restore and provide technical assistance for the preservation and interpretation of the properties.

The 13 member Advisory Committee would consist of the Governor of the State of West Virginia or his delegate; one member to represent the West Virginia Division of Culture and History; the mayor of the town of Bramwell; one member to represent the Mercer County Commission; one member to represent the Mercer County Historical Society; two members to represent the Bramwell Historic Landmark Commission; two members to represent the Bramwell Millionaire Garden Club; one member to represent the West Virginia Preservation Alliance, Inc.; one member to represent Coalways, Inc.; one member to represent the West Virginia Association of Museums; and one member to represent the Pinacle Rock State Park Foundation, Inc.

A portion of the town of Bramwell, where the historic coal baron homes are located, is currently listed on the National Register of Historic Places as a historic district. The Bramwell Historic Landmarks Commission is in the process of working to expand the historic district to include the outlying Coopers, a former company-run coal camp, and other areas within the corporate boundary of the town. I expect this effort to be finished shortly. Under this legislation, we will adopt this boundary for the purpose of the park. As such, both sides of our coal heritage—management and labor—will be represented.

I would also note that a number of developments have taken place since I originally introduced this bill during June 1990. Aside from the progress that has been made on expanding the existing National Register listing, the legislation was the subject of a hearing conducted by the Subcommittee on National Parks and Public Lands on September 18, 1990, during which we received excellent testimony from the mayor of Bramwell, Harry Donnal Murphy, who has been extremely supportive of this initiative. In fact, early in 1990 the town council voted to endorse the bill. Also presenting testimony was Louise Stoker, the chairman of the Bramwell Historic Landmark District; Beth Hager, the curator of History at the Huntington Museum of Art; and Commissioner Bill Drennen of the West Virginia Division of Culture and History.

In addition, as part of the fiscal year 1991 appropriation bill for the Interior Department,

## EXTENSIONS OF REMARKS

with the assistance of Senator ROBERT C. BYRD of West Virginia, we were able to obtain funds for the National Park Service to conduct a new area study on Bramwell. I would expect this study to be forthcoming in the near future. Finally, I would add that I have received a commitment from the chief of the Historic American Buildings Survey/Historic American Engineering Record [HABS/HAER] to send a staff member to Bramwell for the purpose of considering a project.

Mr. Speaker, the purpose of the bill is to gain the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell for the educational and inspirational benefit of present and future generations. I do contend that it is in the national interest to preserve the unique character of Bramwell and its environs.

## PRIVATE RELIEF FOR PETRO RUBAN

## HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. TRAFICANT. Mr. Speaker, on January 18, 1991, I introduced H.R. 591, a private bill providing for the relief of Petro Ruban. I enter his story into the CONGRESSIONAL RECORD today so that you and the rest of my colleagues are apprised of the necessity of relief for this man in this situation.

Petro Ruban spent 22 years in a Soviet prison and was finally pardoned by President Gorbachev due to the direct intervention of President Reagan in 1988. Ruban proceeded to Rome, Italy, where he planned to obtain refugee status for entrance into the United States.

However, President Reagan wanted him in the United States by July 13, 1988, for a ceremony proclaiming that day as "Captive Nations Week." As a result, Ruban did not have sufficient time to process a refugee application. In order to cut through the red tape and get Ruban into the United States by the designated date, he was granted temporary humanitarian parole.

As you know, parolees are not entitled to the extensive benefits to which refugees are entitled. Ruban has since adjusted to refugee status but cannot qualify for refugee benefits because the deadlines associated with receiving those benefits have expired. Ruban feels that he is entitled to those benefits because, if not for the President's request, he would have obtained refugee status in Rome and received all benefits entitled a refugee prior to the expiration of those deadlines.

We have tried to solve this problem administratively to no avail. My bill states that Petro Ruban "shall be considered to be a refugee admitted to the United States as of the date of enactment of this Act."

January 29, 1991

## UKRAINIAN INDEPENDENCE DAY

## HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ACKERMAN. Mr. Speaker, I rise today in support of Ukrainian Independence Day. The people of the Ukraine have a long history of struggle to obtain independence. In January 1918, the leaders of the independent Ukrainian National Republic proclaimed the Ukraine's independence from the Soviet Union. Unfortunately, this autonomy was short-lived. In 1922 the Soviet Army, under the orders of Lenin, took control of the Ukraine and the Ukrainian people have sought independence ever since.

The world has been inspired by the changes in Eastern Europe and by the birth of democracy in countries long oppressed by the Soviet Union. Mikhail Gorbachev won last year's Nobel Peace Prize for bringing the Soviet Union out of the dark days of Stalin and allowing growing freedom and democracy. But recent events in the Baltic States have threatened the hopes of people within the Soviet Union who have longed for freedom and democracy for too long.

While the eyes of the world are focused on the war in the Persian Gulf, the Soviet Union has begun a brutal crackdown against the people of Lithuania. This aggression, in light of the hope inspired by President Mikhail Gorbachev and his policy of perestroika, has dampened the hopes of many republics within the Soviet Union which hope to gain independence, including the Ukraine.

All people deserve the right to self-determination. The people of the Ukraine have fought long and hard to obtain autonomy. Unfortunately, their struggle is not over. While our attention is focused on the war in the Persian Gulf, it is important that we not turn a blind eye to oppression in the Soviet Union and other parts of the world.

I commend the Ukrainian people for their perseverance in their long struggle for freedom. Ukrainian Independence Day is an important commemoration, and I give it my full support.

## SUPREME COURT FINDS MACHINE-GUNS UNCONSTITUTIONAL

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. ANDERSON. Mr. Speaker, on January 14, 1991, the U.S. Supreme Court refused to hear arguments from the National Rifle Association and other pro-gun advocates against the Federal ban on the sale of fully automatic machineguns. By refusing to hear this case, Farmer versus Higgins, the Supreme Court has upheld the principles of the second amendment while rejecting the notion that unrestricted access to any weapon is an unconditional constitutional guarantee.

Any gun control measures considered by Congress must bear the scrutiny of the second amendment, and the ban on machineguns

certainly passed this test. The case against unrestricted access to machineguns is a strong one. Machineguns are not used for hunting, target practice, or for the protection of home and family. They are used by criminals, drug dealers, and gang members against the men and women who bravely fight to uphold the law. For this reason, law enforcement agencies throughout the country fought to ban machineguns, and the Congress responded to their needs.

Individual States have also acted to remove dangerous weaponry that have turned their streets into battlefields. In California, the State supreme court upheld a ban on semiautomatic weapons, such as the AK-47 assault rifle and machineguns. The U.S. Supreme Court's action in *Farmer versus Higgins* verifies the constitutionality of the State's ruling and paves the way for other States to pass responsible gun laws.

It should be emphasized that a ban against machineguns will not curtail the rights of individual, law-abiding gun owners, nor was this the objective. People will always retain the right to protect themselves and their families under the second amendment.

For these reasons, I do not believe that the second amendment gives citizens unrestricted access to arms possessing unnecessary firepower that endangers the freedoms of others. The Supreme Court has justified this belief by ruling that Congress can curtail the proliferation of machineguns without violating the second amendment. This is a triumph not only for law enforcement officials, but for all Americans who support responsible gun control laws.

#### COMPETENCE WHERE YOU WANT IT

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BEREUTER. Mr. Speaker, in recent days it has become increasingly clear that U.S. military forces in the Persian Gulf are of the very highest quality. Similarly, it has become evident that our military commanders have earned the trust we have placed in them. In particular, Gen. Colin Powell has stood out as a remarkable commander. Throughout the current crisis, he has demonstrated the calm and steadfast resolve of a true leader of men.

Mr. Speaker, this Member will insert the following editorial in the *RECORD* which recognizes the obvious competence and talents of General Powell. According to the January 27, 1991 edition of the *Lincoln Journal Star*. "The four-star Army general who is Chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense that this guy is telling the truth." Indeed, Mr. Speaker, we should all be grateful to have military commanders such as General Powell.

[From the *Lincoln Journal-Star*, Jan. 27, 1991]

#### COMPETENCE WHERE YOU WANT IT

Millions of Americans should now have an understanding why Presidents Reagan and

Bush entrusted very major national managerial responsibilities—in uniform and out of it—to Colin Powell.

The four-star Army general who is chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense this guy is telling the truth.

A mark of Powell's competence, in our judgment, is his steady refusal to describe the Iraqi military forces in anything other than professional terms. There are no debasing overlays of either emotion or invective.

Powell says that in the war's first week, Iraq's military assets—human and otherwise—were terribly hammered. But the war also is not going to end at the conclusion of the second week, all that earlier jazz about our superhuman air power and the conflict being over in a finger snap to the contrary. Unfortunately, John Wayne-ism continues to infect beliefs.

A sturdy military core remains available to Saddam Hussein. Its extent is uncertain because the Iraqis have demonstrated particular skill disguising weapons and facilities. Powell made the following sober analysis, repeated here (in part) because additional Americans need to digest it:

"The Iraqi army in the Kuwait theater of operations is a large combined arms army. It has tanks. It has personnel carriers. It has air defense guns. It has very redundant and resilient communications between the different operating echelons of the army. It has stockpiles of food, ammunition and parts with the army in-theater. And they have a very elaborate supply system coming down from the interior of the country to sustain that army. \* \* \*

"They're spread out. They're dug in. They're hiding. They're not standing out there like a building. They're avoiding air attack. They are going to put out dummies to try to deceive you as to their exact locations. They are going to put in primary positions and alternate positions and supplementary positions. They are going to dig in their lines of communication. They are going to put in overhead cover. Those tanks are designed not to be easily destroyed.

"There is no question that this large force will become weaker every day. That's absolutely mathematical. We are going to do everything we can to make sure that army cannot be reinforced with new troops, and over time they will have increasing difficulty to resupply it. Yet that army has good soldiers.

"\* \* \* They still have a chemical weapons capability. Their artillery can fire chemical weapons; their multiple-launch rocket systems, their free rocket over ground systems, and their air force does have that capability. It's still a threat \* \* \*

"With respect to their national command authority and their command and control systems, they are very good at this. They have redundant systems, resilient systems they have work-arounds, they have alternatives and they are still able to command their forces."

Powell is confident the international military coalition applying lethal force against Iraq to compel its retreat from Kuwait will get the job done. So are we. Nevertheless, the general deserves thanks of adults for underscoring the rigors of the assignment.

#### HOPE FOR THE PACIFIC FLYWAY?

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MILLER of California. Mr. Speaker, a recent Los Angeles Times article provides a timely and important description of the tremendous losses to wildlife and waterfowl in California's Central Valley. This area is the most important wintering habitat for waterfowl in the United States. Over half of the waterfowl using the Pacific flyway—the long migratory corridor stretching to the Equator in the south and Alaska in the north—winter in the Central Valley.

The scope of the loss has been enormous. Wetland habitat has dropped from a historical level of 4 million acres to less than 300,000 acres. With the loss of habitat, waterfowl populations have plummeted to all-time lows. The remaining habitat suffers because State and national wildlife refuges do not have dependable or adequate water supplies.

I will soon again introduce legislation to restore waterfowl and fish in California's Central Valley. This bill will ensure that wildlife refuges receive adequate water supplies, additional habitat, and the North American waterfowl management plan is implemented.

My legislation will provide the Department of the Interior with the necessary direction to protect and restore wildlife resources. It will build upon ongoing efforts and programs.

I was delighted to learn in this article about the efforts of the Bureau of Land Management to restore wetlands in the Central Valley and elsewhere along the Pacific flyway. Every contribution—made by Federal, State, and private entities—toward protecting wildlife and their habitat is critically important.

Mr. Speaker, I commend this article to my colleagues.

[From the Los Angeles Times, Jan. 16, 1991]  
THE LAST REFUGE—FEDERAL BUREAU JOINS BATTLE TO ENSURE THAT PACIFIC FLYWAY HAS THE WETLANDS FOR WILDLIFE

(By Rich Roberts)

A thick layer of white blankets a harvested rice field near Colusa in California's northern Central Valley. It isn't snow. As visitors approach, the blanket stirs, and moments later rises like a cloud and disperses into a thousand snow geese on the wing.

"This gives me goose pimples," says Mike Mathiot, intending no pun. "These roost all the way up in Wrangell Island [in southeast Alaska]. The miracle of migration—I'll never get over it."

The Central Valley is used by 60% of the birds using the Pacific Flyway, the busiest of the four major seasonal migration routes for waterfowl in North America. Geese and ducks by the millions fly it south in the winter and north in the spring. About one-fourth of North America's waterfowl winter in the Central Valley. Others stop to rest and feed before continuing on to Mexico or Central America.

They need food, water, and shelter for nesting, but have found the selection of wetlands in California shrinking more than any other state—from more than 4 million acres before ranchers and farmers came, followed in recent years by developers, to fewer than 300,000 acres today.

The Central Valley, fed by the Sacramento and San Joaquin Rivers and their tributaries, has been hit hardest, losing 96% of its wetlands. It is estimated that since a peak in the mid-70s, flights along the Pacific Flyway have dropped by 40%, or 5 million birds.

When the decline became alarming, various conservation agencies and organizations—Ducks Unlimited, the Nature Conservancy, the California Waterfowl Assn., the Audubon Society, the Trust for Public Lands, the California Department of Fish and Game, the U.S. Fish and Wildlife Service—joined forces to regain some ground.

Now another major player has joined the fight, the U.S. Bureau of Land Management.

Historically overburdened and under-funded, the bureau brings one huge stake to the table—300 million acres of land, including 80% of Nevada. It owns 183 historic wetlands sites along the Pacific Flyway, encompassing 11 million acres, 271,100 in California. Mathiot's mission as Pacific Flyway wetlands administrator is to enhance what remains and restore the rest. The bureau plans to add 50,000 acres of wetlands in California.

In 1987 the bureau published "Fish and Wildlife 2000/a Plan for the Future," outlining its goals for this decade. A part of that was "Waterfowl Habitat Management on Public Lands," which became a mandate for the bureau's director, Cy Jamieson, when President Bush stated his strong feelings on wetlands—"no net loss"—meaning, if some wetlands are surrendered to development, they must be replaced elsewhere.

The bureau formed a partnership with Ducks Unlimited, coupling its massive landholdings with the know-how of that group, which has provided leadership in wetlands conservation since 1937. Then it hired Mathiot late last year.

Mathiot—dog trainer, coyote caller and most recently Quail Unlimited's successful organizer for Southern California—is no bureaucrat, and there are those who know more about wetlands. But there are not many with Mathiot's feel for the outdoors and his knack for getting things done. And what he doesn't know is at his fingertips. His office is in Ducks Unlimited's Western Regional headquarters in Sacramento.

But typically, Mathiot is found out in the gray, chill Central Valley, loping along levees and exploring potential wetlands. He is a determined, energetic man who attacks problems head-on. Since he lacks the patience for playing politics and bureaucracy wastes his time, his performance would be better measured by results than appearances.

Mathiot wrote his own program for implementing the bureau's plan. Wanting a catchy title to get people's attention, and without consulting Washington, he called it "WETT"—Wetlands Environments Today and Tomorrow. Then he got it approved.

Waving a copy of the plan, he vows, "I'm gonna bring that document to life."

He has already chalked up what he calls a "flagship project" in southern Oregon's Warner Valley, where 67,000 acres have been reclaimed for waterfowl, as well as other victories in Idaho and Montana.

"We're going to restore migratory waterfowl to 1970 levels," he says.

The only problem is money. In 1990 the U.S. Forest Service had a budget of \$102 million to administer its 191 million acres. The bureau had a little more than \$30 million for 270 million acres.

But Mathiot intends to acquire wetlands not only by purchase but through donation and what he calls "conservation ease-

ments"—one-time payments to farmers who agree to manage their property for waterfowl by planting the right crops and controlling their flooding and drainage.

The bureau also offer parcels of unsuitable land to developers and uses the money to buy and develop wetlands.

Historically, most of the money for wetlands has come from duck hunters. Some waterfowl fanciers don't reconcile killing with conservation but, traditionally, wetlands have been restored and maintained by wetlands hunters, either directly through their own projects or indirectly through their donations and licensing.

Last year Ducks Unlimited's 500,000 members kicked in \$67.5 million. About two-thirds of the Central Valley's wetlands is privately owned and managed for duck hunting. In California, it costs \$41.50 to hunt wetlands—\$21.50 for the basic license, plus a \$12.50 federal migratory waterfowl stamp and a \$7.50 state duck stamp.

Mathiot says, "Hunting clubs are absolutely critical to waterfowl survival. Without them we would be in serious trouble. Let's face it, it was a bunch of hunters that started Ducks Unlimited."

Colusa, set hard against a levee of the Sacramento River upstream from the capital, is a town where hunters walk the streets in camouflage clothing without drawing a second glance. At the Richmond Hunting Club, Mathiot watches a hunter bring down a snow goose.

"Out of a thousand geese, he got one and it cost him \$40, all of which goes to habitat," Mathiot says, "Hunting is a very legitimate use of the resource."

Not only legitimate but critical, says advocates, who fear that a successful anti-hunting movement would cripple wetlands and doom not only ducks but the 30% of the nation's endangered species that live there, not to mention the vast majority of nongame wildlife that make wetlands their home.

Currently, many rice fields are disc harrowed into dirt or burned after harvest to destroy straw that harbors the fungus that causes stem rot in the next year's crop, leaving them useless for waterfowl. There is a clear example on opposite sides of a levee bordering the Colusa National Wildlife Refuge: on one side, greenery and fields flooded to a few inches' depth, with an abundance of ducks; on the other, only dirt.

Mathiot hopes to acquire and turn 500 acres of that dirt into wetlands.

Elsewhere, it's a more congenial world for waterfowl.

"I'm going to show you what California looked like 250 years ago," Mathiot says.

He heads south toward the 1,400-acre Cosumnes River Preserve developed by Ducks Unlimited and the Nature Conservancy, where 1,200 acres of wetlands have been restored since 1987. Mathiot hopes to acquire 500 more adjoining acres.

The small river winds through groves of valley oaks into ponds where flocks of threatened sandhill cranes stand tall in ankle-deep water. The oaks themselves were endangered by clear-cutting years ago, but Nature Conservancy volunteers have replanted 15,000 seedlings.

Cosumnes, where no hunting is allowed, is managed by Ducks Unlimited biologist Ed Collins, who restored wetlands on 31 national wildlife refuges before retiring from the Fish and Wildlife Service. Now he spends his time educating adjacent farmers about waterfowl and their needs. Some rice farmers have been persuaded to leave their fields in stubble for feed and not to drain them until July, when the ducklings have grown.

Downstate, at the DFG's Mendota Wildlife Area near Fresno, hunting is allowed, but manager Bob Huddleston runs the 12,500 acres as he pleases, flooding and draining ponds at optimum times.

Huddleston is cryptic: "While 2% of Californians are hunters, only another 2% are environmentalists, and the others don't care." Because he cares, Huddleston grows crops, including rice, but only to feed the waterfowl.

"Basically, that's what we are—a farm, except we don't harvest the crops," he says.

North, at Los Banos, the birds are in trouble. Burlingame Investments, owned by a Hong Kong consortium, plans to build 1,500 homes between the north and south sections of the federal Grassland Wetlands, comprising 31,000 and 21,000 acres, respectively. Half of the Central Valley's waterfowl winter there.

Gary Zahm, who manages the areas for the U.S. Fish and Wildlife Service, was quoted by the San Francisco Chronicle recently, "What bothers us biologically is interrupting the Grasslands' water flow from south to north. Also, people living right next to a wetland impact the natural system. They want you to start spraying mosquitoes with pesticides, which hurts the food chain for waterfowl. Then you gets cats, dogs . . ."

This is what waterfowl have been up against, especially in California. But with Mathiot and the bureau adding their muscle to the cause, perhaps it can be what it was 20 years ago.

The prospect is enough to give someone goose pimples.

#### FEDERAL COAL EQUITY ACT OF 1991

#### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, it should be noted that the Federal Government owns about one-third of the Nation's coal, the majority of which is located in the Western States. Through the Bureau of Land Management, this coal is made available under a leasing program.

There are, to be sure, a number of issues relating to this program that continue to generate controversy. These matters all deserve consideration by the Congress. However, two issues in particular are deeply troubling to this gentleman from West Virginia.

First, by most accounts, the more stringent electric utility emission requirements contained in the recently enacted Clean Air Act reauthorization will foster a dramatic increase in demand for federally owned low-sulfur coal reserves in the Western States. In fact, BLM Director Cy Jamieson has been reported in various press accounts as relishing the prospect of increased Federal leasing activities.

A policy question I believe needs to be addressed is whether these publicly owned coal reserves would be developed to the detriment of coal already in production from private lands located in the Appalachian and Midwestern States, displace this coal from its historic markets and consequently, contribute to the loss of employment in the mining of this coal.

I, for one, believe that if market demand is being met with non-Federal coal resources it would not be appropriate for the Federal Government to arbitrarily become a competitor by utilizing its control over publicly owned coal.

However, BLM refuses to even consider the effects the development of a proposed Federal lease might have on coal markets that have traditionally been met by coal produced in the Appalachian and midwestern regions. This flat-out refusal to consider the full implications of Federal coal leasing activities is of grave concern to me and I hold that it reflects an inequitable approach to the management of public resources.

The fact is that Federal coal is owned by all of the people of the United States. The Interior Department and the Bureau of Land Management are simply the agents of the people in the management of these resources, and in my mind, good stewardship should include the interests of all of the people, not just a select few.

In an effort to broaden the scope of the BLM's consideration of market demand as it relates to the Federal Coal Leasing Program, today I am introducing the Federal Coal Equity Act of 1991.

Under existing law, prior to issuing a Federal coal lease, the Secretary of the Interior is required to consider the effects of leasing on communities in the area, the environment, on agriculture and on other economic activities and public services. The legislation I am introducing today would simply add one additional consideration.

The Federal Coal Equity Act of 1991 would require the Secretary of the Interior to consider the effects, if any, development of a proposed Federal lease might have on coal production, and the markets for that coal, located east of the 100th meridian. If development of the Federal coal lease would have an adverse effect on the production of this coal by displacing it from its historical markets, the Federal lease could not be issued.

Another issue of concern involves the increase in foreign coal entering the country, especially from Colombia and Venezuela. These coal imports represent a tumor on the energy security of this Nation. This tumor can only be diagnosed as being malignant; growing and spreading throughout the electric utility markets of the gulf and Southeastern States with foreign coal even penetrating the northeastern region.

The legislation I am introducing today seeks to address one of the factors which have been an essential element in the establishment of new mining operations in both Colombia and Venezuela: the financial and technical expertise of United States mining entities. In this regard, the legislation would prohibit the issuance of new Federal coal leases to any entity which is involved in the production and importation into the United States of foreign coal. From a public policy standpoint, I see no reason why the people of this country should award these companies with public coal resources when these very same entities are responsible for robbing citizens in my State of West Virginia, of employment opportunities.

Mr. Speaker, this legislation by no means represents my view that the matter it seeks to address is the only issue involving the Federal

coal management program that deserves consideration by the Congress. There are others, and I would imagine that as our investigations continue we will be in a position to consider them in the future as well.

IN HONOR OF HAROLD GENKIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Harold Genkin, who is retiring from his position as principal of John Jay High School in New York City. His retirement brings to a close 35 years of dedicated service in the New York City schools system.

Teachers are our communities' unsung heroes. We rely so heavily upon them to guide our children, to educate them and to be role models for them in their formative years. Often we take them for granted. We assume that they don't need accolades or other forms of outward appreciation. But when a man like Harold Genkin decides to retire and we see all of his accomplishments after 35 years, we are reminded of the great dedication of the teachers and administrators in our school systems.

During his career, Harold has been an exemplary figure in all of his capacities. He began as a teacher and grade advisor at Erasmus Hall High School, and moved on to be a guidance counselor and administrative dean of Canarsie High School. From there he became assistant principal and principal of Pacific High School. His final stop was as principal of John Jay High School. Harold was also active in positions beyond his regular school duties. He has served as president of Alternative High School Principals Association and chairman of the National Association of Secondary School Principals Urban Studies Committee. In these positions Harold has shown his leadership in education through an active participation in the organizations that help make policy in the New York City school system.

As a former teacher in New York City I am well aware of the many fine people who work in our educational system. They are underpaid and underappreciated. But their love of teaching and helping young people is what makes for people like Harold Genkin who spend their lives in education. Harold is a special member of his profession, one that will be sorely missed. I would like my colleagues in the House of Representatives to join me in paying tribute to Harold Genkin for his great service in our schools. We wish him the best in his retirement and congratulate him on an outstanding career.

PARLIAMENTARY SPEECH OF AUSTRALIAN PRIME MINISTER HAWKE ON ALLIED ACTION IN THE PERSIAN GULF

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SOLARZ. Mr. Speaker, On January 21, shortly after the historic U.S. Congressional debate on the Persian Gulf, the Parliament of Australia convened in special session to consider the Australian Government's decision to participate in military operations in the gulf authorized by the United Nations Security Council.

As you may know, Australia has been a strong supporter of United Nations actions during this crisis, and has sent to the gulf three ships of the Royal Australian Navy, which are serving as part of the Midway Carrier Battle Group. In addition, Australia has sent four medical teams that now serve on ships in the region, a logistic support team, and a clearance diving team of 23 men.

I am happy to say that the Australian Parliament overwhelmingly affirmed its support for Australian Government actions and policy in the gulf, and expressed "full confidence in, and support for, Australian forces serving with the UN-sanctioned multi-national forces."

Mr. Speaker, none of this should be surprising to those who are familiar with Australian foreign policy, as the Australian Parliament's action was thoroughly consistent with Australia's deep commitment to respect for international law.

In an eloquent speech at the conclusion of the Parliamentary debate on January 22, Australian Prime Minister Robert Hawke related allied action on this issue to the development of a system of collective security within the United Nations framework. Stating that the allied nations have resorted to the military option with "the greatest reluctance and deepest regret," he noted that the alternative in this instance would represent a failure for the newly developing system of collective security in its first major post-cold war test against aggression.

Mr. Speaker, it means a great deal to our country, and to me personally, to know that Australia stands with us—as it has in four previous conflicts during this century—in defense of common values and beliefs.

I insert the text of Prime Minister Hawke's Parliamentary speech on the Persian Gulf in the RECORD:

PARLIAMENTARY SPEECH BY THE PRIME MINISTER, MR. ROBERT HAWKE ON AUSTRALIA'S SUPPORT FOR THE UNITED NATIONS ACTION IN THE PERSIAN GULF

Following is the text of the speech made by the Prime Minister, the Mr. Robert Hawke, at the conclusion of the parliamentary debate on 22 January 1991.

Mr. Speaker, the last two days of Parliamentary debate have been of historic significance. This Parliament has exhaustively debated one of the most serious issues ever to come before it: The commitment of the Australian Armed Forces to support military action authorized by the United Nations in the Gulf.

I want at the outset to express my thanks to all those who have contributed to this debate, regardless of their party affiliation—a debate which has lasted more than twenty hours and has involved more than one hundred speakers. I realize that this has not been an easy issue for any of us to confront. For the first time in twenty years, Australian Forces are committed to combat. It will be to the lasting credit of this Parliament that we have confronted and debated this issue with realism, patience and a shared concern for the best interests of the nation.

I am deeply gratified that this resolution will clearly be passed, and with an overwhelming majority.

In concluding this debate, I want to repeat my thanks to the leader of the opposition, the leader of the National Party, and the other members of the opposition who have expressed their support for Australia's current involvement in the gulf.

It is vitally important, as we carry out our responsibilities in the gulf, that we maintain the shared spirit of commitment to Australia's national interests that has characterized this debate. It is important because we need to send a coherent and strong message to the world.

This message will fortify our serving personnel on board the Brisbane, the Sydney, and the Success.

This message will encourage our allies in the United Nations coalition, including those who have already in this war lost men and materiel. In the morning I will be meeting with the heads of mission of all countries who are taking action in support of the UN resolutions on the gulf and conveying to them the strength of this Parliament's support for those resolutions.

This message will, with its specific condemnation of Iraq's unprovoked attack on Israel, tell the people of Israel of this parliament's sympathy with them at this time of crisis, and of our respect for the restraint which they have displayed over recent days.

This message will underline our concern that once this crisis is over there will be intensified efforts to establish peace and stability in the Middle East—including a just resolution of the Palestinian issue and the continuing security of Israel.

And it will underline—very clearly and decisively—the support of this parliament for the resolute way this crisis has been handled by the United Nations, in defense of the principles of national sovereignty and collective security.

Mr. Speaker, it is also important that we send a clear message to the people of Australia. Because as I said yesterday, it is important as we confront this crisis in Iraq that every Australian understand the facts of the situation.

The message we will be sending to the people of Australia, with the passage of this resolution, will be a message that regardless of the widespread and innate distaste we all feel for war—regardless of the hazards being undergone by our Armed Forces in the gulf—we see support for this resolution as thoroughly and intrinsically consistent with our highest duties as the elected representatives of the people of Australia.

The allied nations did not want this war. We did not start this war. We tried hard to resolve the dispute by diplomacy. We have only with the greatest reluctance and deepest regret resorted to the military option.

And the majority of Australians understand the magnitude of Iraq's challenge to the world community and the importance of

our campaign to meet and overcome that challenge. Compassion and sorrow, including for the Iraqi people, are not the exclusive preserve of those who oppose the war but are shared by this government and by all Australians.

It would, of course, be much easier if we could simply sit this out on the grounds that war is terrible, but we members of Parliament, least of all people, cannot abrogate our responsibilities and opt for the easy arguments with which some may feel more naturally comfortable. We owe it to ourselves and to our fellow citizens to examine with intellectual rigor this very complex situation.

Throughout the history of humankind, some have found it easier to go to war than others. And it has not always been true that those who found it easiest were necessarily the wisest. Let me say that I understand that those members who have said they cannot bring themselves to support this resolution have spoken from the heart. But this grave issue requires not just the heart but the head.

As previous speakers have acknowledged, the stakes in this conflict are very high, not only for Kuwait but for all countries, great and small, who may depend on a system of collective security for national survival.

If this system fails us now, at its first major test against aggression, the consequences for our security are disturbing indeed.

I might mention here my disappointment at the comments of some opponents of Australia's stance who, while previously stressing the importance to United Nations mechanisms involving international disputes, have now abandoned that approach at the very time the UN is proving to be an effective body.

Let me remind honorable members, as I did in my statement to this Parliament on 4 December, of Dr. Evatt's prescient view about the obligations of nations in circumstances such as we face today. In 1945 he said:

"It must be made crystal clear that the nations seeking representation in the world's organization must be prepared to contribute their share of physical force to restrain the action of proved aggressors."

It was crystal clear in 1945, and it remains so today. This country did not question its truth then, nor should it now.

Mr. Speaker, both the leader of the opposition and the leader of the National Party made mention of the government's white paper on defense and questioned its adequacy as a framework for Australia's policy in the light of the current crisis and its global dimensions. On the contrary, the white paper explicitly recognized that we may need to deploy forces far from Australia's shores, and ensured that the Australian Defense Forces would be able to meet that threat.

Paragraph 1.17 of the white paper explicitly states, and I quote:

"Options will always be available to Australian governments for assistance to allies . . . the type of Australian force structure required to protect our interests in our area of military interest entails substantial capabilities for operations further afield. For example, our guided missile frigates (FFG's) equipped with Seahawk helicopters are capable of effective participation in a U.S. carrier battle group well distant from Australia's shores."

That is precisely what our ships are doing in the gulf.

The fact that we were able to respond swiftly and appropriately to this present cri-

sis in itself demonstrates, I believe, that our defense framework is right and appropriate to Australia's needs.

Mr. Speaker, this government firmly believes that we have taken the right decision on behalf of the Australian people.

The news of each passing day confirms that belief. Most recently, we have been treated to the news that Saddam Hussein's abuses of international conventions have reached new depths with his threats to use allied prisoners of war in Iraq as human shields at strategic sites.

It is difficult to find words which adequately express our outrage at this latest development. Iraq's treatment of prisoners of war is in blatant breach of the Geneva Convention and is against natural human decency.

This parliamentary resolution is one way, an important way, in which we can demonstrate, as a nation, where we stand in this dispute with this dictator. It is a way of sending a signal to the world.

Mr. Speaker, I take this opportunity to pay tribute to those Australian men and women serving in our embassies in the region, especially those in Riyadh, Tel Aviv and Amman, and, until just before the fighting began, in Baghdad itself. In Riyadh and Tel Aviv, of course, our staff have been hearing the missiles fall.

At considerable risk to their own safety, these staff have been working throughout the conflict to try to ensure the safety of fellow Australians who remain in the region. I am sure that all members of this Parliament join me in acknowledging their courage and professionalism.

Mr. Speaker, the 1990's began with the highest of hopes—that peace would be given a chance, that former superpower rivalries and tensions would give way to a new world order of cooperation among nations, one in which ordinary men and women could get on with their lives and enjoy the fruits which a peaceful world can bring.

Saddam Hussein's great crime is that he is destroying these hopes. If he is not stopped, the decade, the twentieth century, will end in hopes darkened and aggression again triumphant.

Young Australian defense personnel are in the gulf to stop this happening. It is important that they know that this Parliament and the overwhelming majority of the Australian population are fully behind them.

By supporting this resolution today, members of this Parliament will, on behalf of all Australians, demonstrate their understanding and support for the task these Australians are to perform.

#### RABBI SIMCHA FREEDMAN ON THE WAR IN THE GULF

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. LEHMAN of Florida. Mr. Speaker, the conflict on the Persian Gulf has made for intense feelings among the people of the 17th Congressional District.

Rabbi Simcha Freedman of Congregation Adath Yeshurun in North Miami Beach made some remarks during a recent rally in support of our troops which are shared by many in our community. I would like to reprint them in the RECORD at this point.

His statement follows:

INVOCATION

DEAR G-D—FATHER OF PEACE

Philosophers have said that all that is necessary for the triumph of evil is for men of good will to do nothing.

And that

The price of liberty is eternal vigilance—and our tradition has stated that the world is founded upon 3 pillars—Truth, Peace and Justice.

Peace cannot exist without Truth and Justice.

It is in the pursuit of truth and justice that the good men and women of the United States and her allies are demonstrating (at great sacrifice) their eternal vigilance so that evil might not triumph and that real peace shall be given a chance to prevail and so may it be.

Amen.

REMARKS

Dear Fellow Americans, I wonder about those who are singing "Give peace a chance", and I wonder about the slogan "No blood for oil!"

What would these same protestors have said during the War of Independence from England in 1776. They probably would have said "No blood for tea", not realizing that America came into being by demanding "No taxation without representation" and that Thomas Jefferson and Tom Paine and Benjamin Franklin and George Washington and the Minute Men fought for freedom against tyranny.

And I wonder what if the sloganeers would have been living during the Civil War. They would probably have screamed "No blood for cotton", not realizing that Abraham Lincoln and Ulysses S. Grant and Stonewall Jackson fought to preserve the Union and for freedom from slavery.

And if the protestors had lived during the World Wars they probably would have screamed "No blood for foreign entanglements", not realizing that America fought against the Nazi's and the axis powers and for freedom from racism, hatred and totalitarianism.

These wars were fought to preserve the very freedoms that the so-called peace protestors are abusing so blatantly. What irony!

We all want peace. Even Saddam Hussein. But he wants a piece of Kuwait and a piece of Saudi Arabia and a world in pieces so that he can devour it—piece by piece.

We know, our history has taught us, that peace must be fought for in order to be preserved.

Yes we can have the peace of the comatose, the paralyzed and the asleep but that is not the peace that we have fought for throughout our history.

Indeed, we can even "rest in peace"—under the domination of those who would enslave us—but that is not the peace we have fought for throughout our history.

What we want, what we have fought for, is Peace with Justice. Peace with decency and equality. Peace with Freedom.

That is the only peace worth living for

That is the only peace worth dying for

G-d bless the United States of America, one Nation, under G-d with liberty and justice for all.

BENEDICTION

Dear G-d, You have told us in your Holy Bible to pursue peace. But you have also in-

EXTENSIONS OF REMARKS

structed us "Thou shalt not murder," and that we must punish the murderer.

You have told us in your Holy Bible to pursue peace. But you have also told us "Thou shalt not steal" and that we should punish the thief and robber.

Saddam Hussein and his army are guilty of murder and stealing and raping and pillaging and destroying.

We understand that to pursue peace we must eliminate the perpetrators of such terrible crimes.

Dear G-d,

Bless the men and women of the armed forces of the United States of America and our allies so that we may do Thy will and create the kind of peace where evil is destroyed and justice and freedom shall prevail.

Amen.

ENCOURAGE RATHER THAN RESTRICT MINORITY-STUDENT SCHOLARSHIPS

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of the State of Florida's resolution opposing the U.S. Department of Education's recently announced policy on minority-student scholarships. The Department of Education has raised questions about the legality and appropriateness of minority-student scholarships. I am deeply concerned that the current administration, by issuing this policy, would restrict minority access to scholarships at a time when educational opportunities are already significantly hampered by the skyrocketing costs of post-secondary institutions. Mr. Speaker, I am inserting Florida's resolution in the CONGRESSIONAL RECORD in the hopes that my colleagues will actively support a change in the Department of Education's policy to encourage rather than restrict minority-student scholarships:

RESOLUTION OF THE STATE OF FLORIDA

Whereas, the United States Department of Education recently announced a six-point administrative policy prohibiting race-exclusive financial aid; and

Whereas, the chilling effect of this strict interpretation of administrative policy will severely hamper Florida's ability to grant scholarships as provided for in statute for minority students; and

Whereas, this most recent administrative policy has the potential for negative impact on efforts in Florida to recruit, retain, and graduate minority students from postsecondary education should statutes have to be repealed: Now, therefore, be it

Resolved, That the Governor and Cabinet of the State of Florida do hereby petition the President of the United States to intervene on behalf of all minority students to ensure that restrictive language, that would impede or otherwise prohibit minorities and disadvantaged persons from pursuing educational advancements through scholarship opportunities, be eliminated from federal policy; be it further

Resolved, That the Governor and Cabinet of the State of Florida hereby affirm their commitment to provide to the fullest extent possible, scholarship assistance to all minorities

in order to further their educational pursuits.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing legislation that if enacted, would legalize, validate and confirm, as far as U.S. Government interest is concerned, the conveyance of certain lands in California that were granted by the United States to the Central Pacific Railway through the act of July 1, 1862; 48 parcels of land in two counties are covered under the bill, all of which formed parts of the 400-foot wide right-of-way granted to the Central Pacific, now known as the Southern Pacific Transportation Co.

The need for this legislation arises from the terms of the 1862 act, under which the Federal Government provided land grants to individuals to encourage the development of railroads. The Central Pacific Railway, during the late 1800's and early 1900's transferred the titles of unneeded land along the 400-foot wide right-of-way to private property owners whose land abutted the railway. However, because congressional consent was not obtained at the time of these transfers, the titles remain clouded; only through legislation such as that I am proposing can the owners obtain clear title to the land they have held and paid taxes on for decades.

While the legislation may appear to be minor, the lack of congressional validation has created a host of difficulties to both communities and individuals along the railroad. In Truckee, CA, the right-of-way extended to the opposite side of a river from where the railroad was built—clearly, that land was never needed by the railroad and was transferred to the adjacent property owners. To this day, though, their titles remain in question.

The question has been raised as to whether the Government should obtain fair market value for the parcels of land covered by the bill; however, these small strips of land have little value to anyone but the adjacent property owners. For example, the total amount of land involved in this legislation in the Truckee area is about 2.035 acres of land. Unfortunately, this relatively small piece of property affects, I believe in a disproportionate manner, the title of 39 property owners in Truckee. Furthermore, it would cost the Federal Government more to conduct the appraisals necessary to attempt to determine the fair market value of each parcel than it could possibly get for the land, creating only an administrative nightmare.

Another issue that might be raised with respect to the conveyances in this bill is that of third party interest in the land. Southern Pacific, however, has carefully researched the history of each property before issuing quit claim deeds in order to ensure that claims to the property were not in contest and that only the successors in interest received the deed to the land. In addition, this legislation protects

third party claimants through language in section 7 which exempts any conveyance arising out of adverse possession from validation.

Mr. Speaker, only congressional action on this legislation can finally resolve the title uncertainties set in motion over 100 years ago. In light of the long delay endured by the individual property owners along the railway in obtaining clear title to the lands they have long believed to be legally their own, I urge my colleagues to support this legislation.

A TRIBUTE TO LT. THELMA  
SWARTZ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding resident of my congressional district. Recently, Lt. (Mrs.) Thelma Swartz assisted in her 10,000th call at the Clara Barton First Aid Squad Auxiliary in Edison, NJ, which is my place of residence.

As a volunteer since 1973, Mrs. Swartz has selflessly served Edison township, saving countless lives throughout the area. Through her years of dedicated service as an emergency medical technician [EMT], squad members and policemen alike throughout the community have grown to know and respect her judgment and look to her for guidance in times of great emergency. She never ceases to maintain her energetic, kind and pleasant demeanor—no matter how great the crisis. I understand that many in Edison will join together to honor Thelma and her invaluable contributions to the community on February 16, 1991. I am honored to join in this celebration and commend Thelma's 17 years of essential service to the citizens of Edison township. It is my hope that Edison will continue to benefit from Thelma's service for many, many years to come. I am certain her husband and two sons, Tom and Jerry, are equally proud.

Lieutenant Swartz is certainly deserving of this recognition. Her significant accomplishments to the emergency profession and the remarkable impact she has had on the lives of thousands of area residents, has certainly endeared her to the hearts of many throughout the Edison community.

THE FINE WORK OF THE UNITED  
JEWISH APPEAL

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SHAYS. Mr. Speaker, I want to let you and my colleagues know of the fine work being done by the United Jewish Appeal.

For more than half a century, the annual United Jewish Appeal/Federation Campaign has been the primary instrument for the support of humanitarian programs and social services for Jews in local communities throughout the United States, as well as in Israel and 33 other countries around the world.

To support these vital services, Sunday, February 3, 1991, has been declared National Super Sunday by the United Jewish Appeal. During the day, volunteers in communities across the United States will be calling their Jewish neighbors to seek contributions to the annual United Jewish Appeal/Federation Campaign.

In the United States, campaign funds help provide counseling for troubled families and individuals, Jewish education for children and adults, including recently arrived Jewish immigrants from the Soviet Union, visits for homebound elderly, Jewish cultural programs, and Jewish homes for the aged.

In Israel, campaign funds help absorb, educate and settle new immigrants, build villages and farms in rural areas, support innovative programs for troubled and disadvantaged youth, and promote revitalization of distressed neighborhoods. In 1990, nearly 100,000 Jews arrived in Israel from the Soviet Union. It is estimated that 1 million will arrive by the end of 1993. An extraordinary amount of funds will be needed to help Israel meet the challenge of integrating that wave of immigrants into their country.

In 33 other countries around the world, campaign funds provide kosher meals, Jewish education and culture, clothing, and health care to Jews to need.

The United Jewish Appeal/Federation Campaign strengthens local Jewish communities and establishes a secure and vital future for Jewish people worldwide.

I'm proud of all the good work the United Jewish Appeal/Federation Campaign accomplishes. And I salute the many volunteers throughout the country who give their time so unselfishly to help others.

DEPOSIT INSURANCE LIMITATION  
ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Deposit Insurance Limitation Act. When I offered this bill last year I pointed out the incredible cost of the S&L crisis, a staggering \$300 million and that cost has only increased. I said we had made a good start with FIRREA, but that we hadn't tackled the problem of deposit insurance reform, all we did was request a study. Well, I went after deposit insurance reform and this bill was the result.

The savings and loan crisis has shown us the flaws in deposit insurance. When it was introduced in the 1930s deposit insurance was intended to raise the confidence of depositors and put a halt to bank runs. Even then experts warned about the possible ill effects of deposit insurance; they worried about a decline in ethics in banking and a lack of depositor discipline that would create a vast potential for abuse. It's amazing how right they were. A large part of the problem is the extension of coverage to \$100,000 per account, a move that led to brokered deposits, multiple accounts and investors who never worried about an institution's stability, just what interest they were paying.

Halting such practices, restoring the original intent of deposit insurance, and reducing the potential cost to the insurance fund and the taxpayers is the purpose of this bill. Essentially, this bill amends the Federal Deposit Insurance Act and the Federal Credit Union Act to do the following:

First, reduce Federal deposit insurance limits to a total of \$100,000 per person rather than per account, and limit such coverage to once in a 36 month period.

Second, authorize the FDIC Board of Directors and the National Credit Union Administration Board to set up regulations to monitor such coverage.

Third, it protects the "pass-through" coverage of qualified pension accounts and exempts them from the aggregate limit.

Fourth, it maintains the existing coverage of public funds held by agents of State, local or the Federal Government.

The Congressional Budget Office released its report on deposit insurance late in September 1990, after I originally introduced this bill. They raised questions about limiting insurance in this fashion. Let me answer their concerns. Will such limits apply only to people? The bill says "person" and corporations and trusts are considered persons under the law. Does it affect government bodies? No. Is this a lifetime? No. How will this coverage be enforced? The report itself says that technology today is adequate, though there could still be cheating. I don't claim this bill is foolproof, but I can't imagine enough cheating to seriously erode the reduction in insurance fund exposure this bill would bring about.

The Deposit Insurance Limitation Act, simply by limiting coverage to \$100,000 per person, will have the effect of reducing the insurance fund's exposure by approximately 16,000 times. That is the approximate number of federally insured financial institutions in the country. Obviously, the average American is not going to have 16,000 \$100,000 accounts, but those investors who have multiple accounts—investment banks, brokerage houses, the very wealthy—are going to be exposed. That is the point, these are the people who have the ability to learn about the banks they are using. Let them show a little discipline, a little care. They have brokers and analysts and advisors, use them.

This body was concerned with these large chunks of federally insured money. FIRREA put a limit on brokered deposits; they can go to adequately capitalized banks and thrifts only. Last year, the Chairman of the FDIC, William Seidman, testified about them before the House Committee on Banking, Housing and Urban Affairs. He said that, "Brokered accounts can represent a valuable liquidity management tool for all financial institutions" and added that "the problem is not brokered deposits per se, but how these funds, like any other funds, are used." He pointed out that the FDIC has several regulations that govern such deposits. That's fine, and my bill adds one more safety mechanism: depositor discipline. If a bank has a liquidity problem and it is well run, then the brokered deposits will go there, with or without insurance. If it isn't well run, then let's remove the incentive for putting money into it and making it one of the walking dead.

The Chairman of the Federal Reserve System, Alan Greenspan, in testimony before the Senate Committee on Banking, Housing, and Urban Affairs in July of this year said, "Serious study should be devoted to the cost and effectiveness of policing the \$100,000 limit so that multiple accounts are not used to obtain more protection for individual depositors than Congress intends." The Deposit Insurance Limitation Act requests that the FDIC establish just such a policing mechanism.

My bill will not hurt the average investor, who has savings of roughly \$8,700. The safety of his or her deposits will remain the same. Nor will my bill jeopardize their pension funds, large or small. My bill takes the burden of insuring these multiple chunks of federally insured money off of the FDIC and the American taxpayer. It puts the burden squarely where it belongs, on the people and corporations whose money it is. They have the knowledge and capabilities to invest it wisely and safely.

The deposit insurance system was designed to promote stability in our banking system and to protect the average, less sophisticated depositor. It has become a system which promotes carelessness and greed. The Deposit Insurance Limitation Act brings us back toward that original intention. It will encourage large, sophisticated depositors to exercise discipline concerning their investments. Their discipline will encourage banks to follow more conservative, safer policies in order to attract depositors, thereby strengthening the entire banking system. At the same time, my bill continues to protect the average depositor.

Reforming deposit insurance is the key to protecting the banking industry from future failures. My bill provides some of those reforms. I ask all my colleagues to join with me, CHRIS SHAYS, ANDY IRELAND, GUY VANDER JAGT, and TOM DELAY in cosponsoring the Deposit Insurance Limitation Act.

JOHN G. RANGOS, SR., 1991 RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR SOCIETY'S NATIONAL PATRIOT AWARD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. COYNE. Mr. Speaker, I rise today to honor Mr. John G. Rangos, Sr., who is the 1991 recipient of the Congressional Medal of Honor Society's National Patriot Award. An active environmentalist, John Rangos has been recognized by the Congressional Medal of Honor Society for his continuing demonstrations of patriotism and dedication to freedom.

I am proud to include John G. Rangos, Sr., among my constituents, and I know the city of Pittsburgh is equally proud and grateful for his many contributions to our city. John Rangos had long been a pioneer in the development of responsible solutions to our country's solid waste disposal needs, as well as an active patron of civil organizations in Pittsburgh and across the Nation.

John G. Rangos, Sr., is the founder, president and chief executive officer of Chambers

Development Co., which is headquartered in Pittsburgh. Since 1971, Chambers has compiled an outstanding record of service, environmental protection, and cost effectiveness in providing comprehensive waste treatment services to municipalities, business, and industry. Operating in 16 States, Chambers serves more than 100 municipalities and 24,000 commercial businesses across America.

At a time of increased concerns over the disposal of municipal and commercial solid waste, John Rangos has been working to develop much-needed recycling alternatives to landfills and incineration. Chambers has established successful recycling programs in Pennsylvania, Indiana, Rhode Island, Texas, Virginia, South Carolina, and New Jersey, and has been selected to process recyclables for the city of Pittsburgh.

As the Members of the House know, a successful national recycling effort depends upon the growth of commercial recycling programs. John G. Rangos has led Chambers Development Co. throughout its development of commercial recycling programs for corrugated paper, cardboard, glass, plastics, and aluminum and bimetal cans.

Yet, in addition to his business efforts, John G. Rangos is well known in his community for his civic contributions and his generous support of cultural, educational, medical and social service endeavors. He has been especially active in promoting medical research efforts at the Children's Hospital of Pittsburgh, where his gift of \$3 million has endowed the Rangos Research Center. In addition, John Rangos serves on the board of Duquesne University, and has also provided generous support to the Leukemia Society, United Cerebral Palsy, Muscular Dystrophy, the Pittsburgh Opera, the Matthew B. Ridgway Center for International Security Studies, and many other fine organizations.

In designating John Rangos the 1991 recipient of the National Patriot Award, Congressional Medal of Honor Society president, J. Elliott Williams noted, "John Rangos serves as an outstanding example of today's citizen hero—a person committed to the principles of the Patriots Award. He is dedicated to freedom, he has a love of his fellow man with no qualifications and has an allegiance to our flag, fully understanding its demands without reservations."

Chartered by the U.S. Congress through legislation signed by President Eisenhower in 1958, the Congressional Medal of Honor Society is a nonprofit organization whose membership is restricted to recipients of the Medal of Honor. Currently, the organization represents 213 living Medal of Honor recipients, and includes veterans of World War II, the Korean war, and Vietnam whose acts of bravery or self-sacrifice were above and beyond the call of duty.

The National Patriots Award is a medallion bestowed upon those individuals who have exhibited the values described so eloquently by society president, J. Elliott Williams, in his tribute to John Rangos. Previous recipients of this award include former House Speaker Carl Albert, Lee Iacocca, Ambassador Philip Habib, Jimmy Stewart, George Meany, and many other outstanding Americans.

Mr. Speaker, I am very pleased to see John G. Rangos, Sr., join this illustrious assembly. I commend the members of the Congressional Medal of Honor Society for their selection of this year's National Patriots Award recipient. I know that John Rangos will continue to merit this honor through both his environmentally responsible business endeavors and his much valued civic contributions, and I salute him for these efforts.

IN MEMORY OF GAYLE McCANDLESS, MAYOR OF CHULA VISTA, CA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. CUNNINGHAM. Mr. Speaker, Chula Vista Mayor Gayle McCandless, for reasons known only to our Father in Heaven, was called from this Earth this past January 17 at the age of 36.

She had been mayor of Chula Vista for only 2 months. But in doing so, she had fulfilled a dream she had kept nearly since childhood, to lead the southern California hometown she so dearly loved.

Mayor McCandless demonstrated her remarkable leadership abilities from an early age. As a 17-year-old, she led the city's youth commission. At age 18, she served on Chula Vista's environmental control commission. Six years later, at age 24, Gayle McCandless was appointed to complete the term of a resigning city councilman, won election to the council seat in the following year, and in 1985 won reelection. While on the city council, she spoke out as a strong advocate for senior citizens, literacy, accessible day care, and prudent stewardship of the environment.

The people of Chula Vista rewarded her outstanding record on the city council by electing her their mayor this past November by a huge majority.

And yet, today, the people of Chula Vista mourn, wondering what potential for their city has been left unfulfilled by the loss of such an outstanding leader as Gayle McCandless.

What I would imagine Gayle would want is for the leaders and the people of Chula Vista not to mourn, but to continue her tradition of hard work, honesty, integrity, and devotion to her community. If Chula Vista is to continue growing and prospering, its people must take upon themselves the yoke of duty and service, and thereby continue blazing the trail begun by their outstanding, dearly departed mayor.

May the soul of Gayle McCandless rest in peace, and may her family and her many admirers take comfort in her splendid legacy of compassion and service.

CONGRESSIONAL CONDEMNATION  
OF IRAQ TERROR ATTACKS  
AGAINST ISRAEL

**HON. HOWARD WOLPE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. WOLPE. Mr. Speaker, I strongly endorse the unanimous vote of support for House Concurrent Resolution 41, a resolution condemning the Iraqi military attack on Israel.

If there are any innocent bystanders in the allied war against Iraq in the Persian Gulf, it is the people and Government of Israel. Iraq's aggression against Kuwait was a violation of the sovereignty of one Arab state by another. The worldwide coalition that has been assembled to oppose Iraq was forged by the United States working through the United Nations. Israel played no role in responding to the invasion of Kuwait, and is not a military participant in the coalition now engaged in war against Kuwait pursuant to the authorization of the Security Council. Israel has not initiated any hostilities of any kind against Iraq.

Israel, however, is being used in the most cynical, brutal, and amoral way by Saddam Hussein. The cover for his brutal assault against Kuwait is that he was doing it to help the Palestinians and their cause. The civilized world, thank goodness, is not susceptible in any way to such lies and duplicity. If anything, the alliance between Saddam Hussein and the PLO has been a grave setback to the political aspirations of the Palestinian people; their identification with Saddam's murderous objectives of plundering Kuwait and destroying Israel have severely undercut the hopes of moderate voices in Israel and among the Palestinians themselves. The cause of peace has been severely disserved by the radical and irresponsible policies of Saddam and the PLO leadership.

True to the cold-blooded threat issued by Iraqi Foreign Minister Tariq Aziz in Geneva, Iraq has repeatedly attacked Israel with Scud missiles. These have not been attacks on military targets, but terror strikes squarely aimed against civilian populations with only one purpose: to harm innocent Israelis in their homes.

The deaths, injuries, destruction of property, and psychological anguish inflicted on the people of Israel have been substantial. But the courage, determination, and resolution of the Israelis and their government, have been paramount, and have exacted a strategic, political, and moral victory over Saddam—notwithstanding the rain of missiles against Israel's cities.

In the months before the outbreak of war, Israel was especially sensitive, and responsive, to the concerns expressed by the United States that Israel lower its profile in this struggle so as not to add unnecessary pressure to the Arab-United States coalition against Saddam. Then, in the days before the outbreak of war, when it was abundantly clear that Saddam had the ability and intention to launch a missile attack against Israel, the Government of Israel decided not to initiate a first strike against Iraqi missile installations. This exceptional decision meant that Israel knowingly put itself and its people at risk—and was doing so

in deference to the overriding interests of the United States. Few allies of the United States have ever been so loyal.

In the days after the outbreak of war, Israel endured successive missile strikes against Tel Aviv and its surrounding area, and Haifa. People have died; destruction has been significant. For the first time since the War of Independence in 1948, an Arab army is attacking civilian population centers. Despite these cowardly, terrorist attacks, Israel has to date withheld from retaliating at this time—precisely in order to deny Saddam the propaganda ploy of trying to transform the allied war against Iraq into an Arab war against Israel.

Israel's role can only command our highest respect. What other country would fail to take preemptive action in the face of certain attack—an attack that could well have included chemical weapons? What other nation would decline to retaliate for a brutal assault against its civilians?

This resolution condemns Iraq's missile attack against Israel, and praises the people and Government of Israel for their courage and restraint in the face of grave provocation. There may well come a point when Israel is impelled to act affirmatively to protect its people—and there can be no doubt that the world will understand if Israel is forced to respond.

Finally, Mr. Speaker, these events have had a lasting, and positive effect on United States-Israeli relations. At the most fundamental level, Americans across the country have come to grips, by virtue of the live satellite coverage of the missile attacks as they were underway, with Saddam's war of terror against Israel. Americans came to understand, many of them for the first time, what the threat to Israel over the past four decades has been about—that Israel faces enemies determined to destroy it.

And we can applaud as well the prompt moves by the administration, following the first waves of missile attack, to install air defense batteries in Israel under the guidance of American military personnel. Israel has never sought to have the soldiers of any other country be present on its soil to assist in its defense. But for the extraordinary circumstances of the war with Iraq, American personnel would not have been necessary. And their presence will clearly be temporary as the training of Israeli soldiers in the antimissile technology is completed. But the commitment shows the grave concern of the United States for the well-being of Israel and its people, and the need for the best possible deterrent to further attacks.

Israel has been through a very difficult ordeal. At this critical moment, it is terribly important that we in the United States stand with Israel and reaffirm our commitment to the special and enduring relationship between our countries.

UKRAINIAN INDEPENDENCE DAY

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. LIPINSKI. Mr. Speaker, this past week Ukrainians around the world are celebrating

the 73d anniversary of their nation's declaration of independence. My feelings on this event are all the more vehement because of a struggle taking place this very moment in other Soviet Republics. The desire of individuals to achieve autonomy from an oppressive power is an instinctively human condition. It can not be eradicated, only suppressed for a short time. I take great pleasure in joining in the celebration and additionally, would like to present some historical background of the Ukrainian independence movement. My intent is to inform some, reacquaint others, and enlighten all to the plight of a people who have, as yet, not been allowed to achieve their goals of self-determination and freedom.

In 1918, after a bloody revolution against a tyrannical czarist regime, the Ukrainian people achieved their independence. However, within a few years the Communist government in Moscow secured an iron grip on the fledgling nation, one that has not yet been broken. It is vital that all Americans realize the significance and necessity of independence movements, which in their implementation mirror our own history. The Ukrainian cause and their continued struggle highlights the consistent irony in the highly publicized initiatives of perestroika and glasnost. Such measures are concessionary in nature while ignoring a simple truth. The peoples of the Ukraine, as well as other republics, were unjustly forced to become vassal republics in the Soviet Union.

After the overthrow of the czar in March 1917, Ukrainian political and military organizations convened an assembly in Kiev, called the Central Rada. It proclaimed the establishment of the Ukrainian People's Republic, federated with Russia as an equal. However, after the Bolshevik Revolution in November 1917, Lenin officially recognized the Ukraine as a sovereign state. At the same time, he secretly instructed the Communists to seize power by forming a rival government in Kharkov and calling in troops from Soviet Russia for help. The Rada responded to this treachery on January 22, 1918, with a proclamation of the complete independence of the Ukraine. It is the anniversary of this courageous action which we celebrate.

During their fight for national survival, the Ukrainians, led by Simon Petlyura, had the temporary and only symbolic support of Germany and Poland, while the Communists relied on Soviet Russian troops. The Western allies refused to aid the Ukrainian separatists. After Petlyura's defeat, the Ukrainian Soviet Socialist Republic remained formally independent until 1923, when its 7th Congress of Soviets, dominated by Communists and local Russian workers, voted to join Russia and the other Soviet republics in forming a federal Soviet Union.

To try and reconcile the Ukrainians with their new Communist masters, Lenin instructed that the Ukrainian language and culture should be predominate in all government, education, and communications in the Ukrainian SSR. This would be the last attempt by the Moscow Government to bring the Ukrainian people into the union; nonviolently. In 1932 Stalin forcibly imposed collective farming upon the Ukraine and requisitioned all grain for export. This resulted in a famine of such terrifying proportions that over 3 million Ukrainians

died of starvation. With so many suffering, even members of the Ukrainian Communist Party found themselves in opposition to Stalin, and he reacted by accusing them of nationalism and treason. A stronger policy of russification was reintroduced in 1933 and for the next 7 years waves of arrests, exiles, and executions became the order of business. Historical data plainly illustrates that Stalin's terror in the Ukraine was proportionately larger in scope than in other republics.

As a result of Stalin's actions, many Ukrainians were pro-German during the early years of World War II. The Nazis, however, scorned Ukrainian independence aspirations, and the disillusioned Ukrainians turned to guerrilla warfare against the invaders. In the western Ukraine, guerrillas, led by the Organization of Ukrainian Nationalists, waged an effective campaign against the Germans and after the war, continued to fight Soviet troops. This insurgency continued until 1952. Moscow's policy of Russification continued and intensified, maintaining its domination in Ukrainian life until the late 1960's.

The Third Universal of the Ukrainian National Republic, issued in 1917, proclaims the rights of freedom of speech, press, religion, and assembly. Today, even these basic universal rights are not guaranteed in the Soviet Union. In every republic the exercise of national self-determination and full religious freedoms still are not acceptable to Moscow.

Mr. Speaker, as we celebrate this 73d anniversary of Ukrainian Independence, it is more than just appropriate to remember that the call for autonomy and basic human rights in the Soviet Republics is still strong. We must remember that the peoples of the Ukraine, Armenia, and the Baltic States were unjustly consolidated into the Soviet Union. The struggles we see documented in the media are simply the visible struggles of independence. Though the Soviet Government continues to ignore legitimate cries for independence, choosing instead to violently suppress them, eventually freedom will be attained. Rest assured that I will continue to pray for the attainment of this noble goal. Until that day draws near however, I will continue to join others in remembrance.

**THE BRAVE PEOPLE OF CROATIA  
AND THEIR STRUGGLE FOR A  
DEMOCRATIC EXISTENCE**

**HON. JOE KOLTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. KOLTER. Mr. Speaker, I rise today to call my colleagues' attention to the fact that, while our Government's attention is being diverted to the crisis in the Persian Gulf, the reactionary conservative elements are pressing the newly formed democratic governments in Yugoslavia to submit to their directives regarding human dignity, economic initiatives and establishment of freedoms inherent to all people of all nations.

While the Marxist controlled Yugoslav Federal Army, has agreed to end their state of military alert which was invoked last week and

has pledged not to interfere in domestic issues in the Republic of Croatia, we must remain vigilant of the four Yugoslav Republics which have elected non-Communist governments. These Republics—Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, which in the past year have received overwhelming mandates in freely held democratic elections, must remain free to choose the direction they will take economically and politically. Their human rights must not be violated by proponents of a failed ideology that has lost its credence throughout the world.

Dr. Franjo Tudjman, President of the Republic of Croatia, has indicated his Republic's agreement to call a halt to the organization of reserve paramilitary police and to purge nationalistic extremists from the Republic's government in an effort to avert a civil war. This agreement between the Federal Army and the Croatian Democratic Union represents a diplomatic compromise which will provide, at best, some temporary relief to those who see this struggle in Yugoslavia as a violation to the human dignity of those whose struggle for independence seems to be an inherent right.

Ours is a time for profound changes, historic expectations and awesome responsibilities. Today, a new world is struggling to be born on the legacy of freedom and peace with justice and human dignity. A small, nevertheless, important aspect of this struggle goes on in Croatia today. I, as well as thousands of my constituents whose roots go to Croatia, ask that you my colleagues along with our government here in the United States will not forget the brave people of Croatia and their struggle for a democratic existence.

Let us not ignore the situation in Yugoslavia as we focus on Operation Desert Storm. The most-favored nation status, as well as other benefits extended to Yugoslavia have been extended to encourage and strengthen infant institutions in Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia in their quest for democratic governing bodies which will insure freedom and justice for all.

**A TRIBUTE TO JOHN W. ROBINSON**

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to John W. Robinson who will retire on January 31 after having served over 32 years as executive director of the Home Builders Association of Louisville.

During his long and productive tenure, John has taken an active leadership role in all phases of the housing industry. He has served on numerous task forces at local, State, and national levels. He served as president of the Executive Officer Council of the National Association of Home Builders in 1971.

Mr. Speaker, John helped to transform the Louisville Home Builders from a small, modest operation into a national model for local home builders to follow. The Louisville Home Builders Association had but 100 members in 1958 when John took over the reins. It today has 1,300 members, making it among the very largest associations in the entire Nation.

John will, perhaps, best be remembered at the national level for having originated in Louisville the Home Owners Warranty Program. The program is one of national scope which provides assurance to home buyers of the quality and performance of the dwelling they purchased.

John and Gloria, his very supportive wife, in retirement can look forward to indulging their various hobbies and interests. Prime among these is their devotion to baseball, particularly the world champion Cincinnati Reds. John has attended the Reds' spring training camp for over a quarter of a century and he has even married into the Reds' organization. His daughter Sherrie is married to Marty Brenneman, who is the radio and television voice of the Reds.

Mr. Speaker, I thank John for all he has done for Louisville, Jefferson County, the Commonwealth of Kentucky, and our Nation. And, I wish John and Gloria the best of health and happiness in the years to come.

**RIGHT WING MYTHS**

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1991*

Mr. FRANK of Massachusetts. Mr. Speaker, in the New York Times editorial section on Sunday, January 27, Leslie Gelb has an excellent article rebutting some of the misinformation that is being spread about the debates we have had in the Congress in the past decade about weapons, and the relevance of those debates to the Persian Gulf situation. Specifically, he drives home the point that the Patriot program "owes nothing of its success to Star Wars technology." And he makes the equally important general point that the weapons which are proving useful in the Persian Gulf controversy are not the ones over which Congress debated during the 1980's. As Mr. Gelb points out, "almost all the technological wonders of the Gulf war were begun well before Mr. Reagan \* \* \* as for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than congressional democrats to buy stockpiles of munitions and spare parts."

The facts, Mr. Speaker, are very clear: the military spending issues which have been the focus of most of the debate of the 1980's are not those which are affected by the war in the Persian Gulf. SDI, the B-2 bomber, the MX, and Midgetman missiles, the continued insistence of the Bush administration on subsidizing the economies of Japan, South Korea, and Western Europe by continuing troop levels that are far beyond what is rational in the face of the substantially diminished Soviet threat—these are the areas over which we have fought in the 1980's and which we will fight over in the 1990's. Efforts to evoke the Patriot missile to protect SDI, or other aspects of the Persian Gulf war to protect unrelated budget-busting military items like the Stealth bomber, do not reflect the facts and cannot be allowed to stand unrebutted. I ask that Les Gelb's very important article be printed here.

RIGHT-WING MYTHS  
(By Leslie H. Gelb)

Right-wing propagandists have discovered how to use the Persian Gulf war, which many of them oppose, to ride an old hobby-horse back into the sunlight. Turn on the television, look at their columns, and learn two new meta-facts:

We should praise the heavens for Mr. Reagan's Strategic Defense Initiative, or Star Wars, for giving us the Patriot missiles, now famous for shooting Iraqi Scud missiles from Saudi and Israeli skies.

We have Ronald Reagan's fat increases in military spending to thank for winning the war.

The first is pure baloney; the second contains a grain of very misleading truth.

Let's begin with the colorful Star Wars-Patriot tale. The Patriot is not now and never has been part of the Strategic Defense Initiative programs and owes nothing of its success to Star Wars technology.

For the truth, just call Maj. Peter M. Keating, an Army spokesman, who said in response to a query that the Patriot and S.D.I. "are not even a spinoff of each other." For emphasis, he added, "Absolutely."

The Patriot was originally designed in the Ford Administration to shoot down aircraft. Quite independently of the Star Wars bureaucracy and at modest cost, the Army changed the computer software and the explosive fuse on the missiles, and made the system ready for its present anti-missile duty.

Yes, indeed, the Patriot and Star Wars are both intended to intercept missiles. But the similarity ends there. It's like saying that since people and elephants both have ears they can equally enjoy Mozart, and the elephants should be encouraged to do so.

More troubling than the Patriot tale is the Reagan's-winning-the-war myth. In the first place, the war in the gulf is being fought with conventional weapons, not nuclear ones. Nukes were the trademark of the budget fashioned by Defense Secretary Caspar Weinberger. Nukes far more than tanks and fighter-bombers constituted the thrust of his increases in weapons procurement and research and development.

Remember the B-1 bomber, canceled by President Carter and reinstated by Mr. Weinberger. Now, \$30 billion later, the plane is so bad that the Air Force rarely flies it. The old B-52's are doing the heavy bombing work over Iraq and Kuwait.

Above all, remember the Star Wars fantasy. The Weinberger-Reagan team spilled about \$20 billion down the drain on that scheme, which could have cost \$250 billion, to destroy all attacking Soviet missiles.

Almost all the technological wonders of the gulf war were begun well before Mr. Reagan. Harold Brown, President Carter's Defense Secretary, deserves the major credit for the sea-launched cruise missiles, the Stealth bomber and the HARM missiles employed so effectively against radar.

One of Mr. Weinberger's notable technological contributions was the Navy's A-12 attack plane. Defense Secretary Cheney just canceled it after only a few billion dollars was wasted.

As for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than Congressional Democrats to buy stockpiles of munitions and spare parts.

President Reagan spent about \$1.5 trillion on defense, several hundred billion more than Jimmy Carter had planned. Most was

well spent and justified. But much of the quick and large increases fell victim to mismanagement, waste and fraud.

Here is how that performance was described in 1988 by David Packard, Deputy Defense Secretary under President Ford and chairman of Mr. Reagan's own Blue Ribbon Commission on Defense Management. The Administration, Congress, and the Defense Department, he said, "have created an environment in which honest and efficient military acquisition is impossible to implement. . . . One could do as good a job in awarding the major contracts by putting the names of the qualified bidders on the wall and throwing darts."

Also not to be forgotten, Mr. Weinberger's Pentagon operation achieved a record number of indictments and convictions for fraud and thievery.

If the right-wingers' new line on defense were simply to justify their past support for all the waste, it would be amusing. If it were just the usual campaign to portray Democrats as weak-kneed and lily-livered, that would be understandable. But their real aim is to keep military spending around \$300 billion after the war ends—and that would prove deadly at the very moment when the nation will need to refocus on domestic priorities.

CONGRESSIONAL SALUTE TO MS.  
SANDRA GIN YEP

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the work of an outstanding public figure in the Sacramento area news media, Ms. Sandra Gin Yep.

Over the last 10 years, Ms. Yep has distinguished herself as a dynamic force in the Asian-Pacific American communities and in the broadcast media. Her efforts to bring responsible public affairs programming to the citizens of the greater Sacramento area are to be commended.

Ms. Yep has won four Emmy Awards as a reporter and producer of a quarterly public affairs TV program, "Perceptions," which airs in the northern California area. Her provocative and educational reporting has added much in the fight against racism and stereotyping of the Asian-Pacific American communities.

Recently, Ms. Yep has accepted a promotion to a large San Francisco television station where she will continue to use her leadership to enhance an atmosphere of openness and a better understanding of cultural diversity in the news media. She has been a tremendous asset to our community and has greatly contributed to our cultural awareness. She will be sorely missed, however, we are proud to have been associated with someone of Ms. Yep's spirit and congratulate her on her promotion.

Mr. Speaker, I know that my colleagues join me in wishing Ms. Yep continued success in her already exemplary career and in her efforts to provide excellence in broadcast media reporting.

TRIBUTE TO RICHARD TRAINOR

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. McMILLEN of MARYLAND. Mr. Speaker, I rise today to honor a man who has greatly contributed to the State of Maryland. Richard Trainor has, for the last 40 years, distinguished himself as a man capable of real action and decision. In these years, the State of Maryland has received from Mr. Trainor perhaps the most valuable of gifts, that of public service.

Mr. Trainor's career in transportation demonstrates a real commitment to the improvement of Maryland's transportation system. From 1950 to 1978, he worked with the State Highway Administration, serving, from 1973 to 1978 as the head of the interstate division for Baltimore City where he helped pioneer unique transportation facilities adapted to the urban environment including the Fort McHenry Tunnel under Baltimore Harbor which completed I-95 within Maryland. In 1986, he became the first commissioner of Baltimore's newly formed department of transportation and on June 11, 1987, was sworn in as its director. Both as commissioner and secretary of the department of transportation, Mr. Trainor has shown his strength as a master administrator and manager. But perhaps more importantly, he has proven to be an effective leader.

Mr. Trainor has long been a strong supporter of the National Multiple Sclerosis Society and a number of other philanthropic organizations. For his dedication to the community and for his years of productive service to Maryland, Mr. Trainor deserves both our thanks and appreciation.

THE PEOPLE OF OSSINING, NY,  
SHOW SUPPORT FOR U.S.  
TROOPS IN THE PERSIAN GULF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today in tribute to the people of Ossining, NY, who are honoring their sons and daughters who have been sent to the Persian Gulf. I join them in expressing strong support for our troops.

Technical Sergeant Robert N. Valentine, Air Force, Specialist Tamara C. Cross, Army, Sgt., David K. Leslie, Army, and Sgt. David P. Whitney, Marines, are just four of the Ossining youth now fighting for our country in the sands of the Middle East. Like the hundreds of thousands of their fellow service men and women from around the country, they go with their community fully behind them.

There can and should be no doubt that we all support our troops. We all salute their courage and skill. We all are thankful for their strength and valor. And we all pray fervently for their swift and safe return.

Two days after the outbreak of war, I joined an overwhelming majority of Congress in

passing a resolution that expressed our unequivocal support for the troops of Operation Desert Storm who, as the resolution stated, "are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery." As I cast that vote, I thought of the individual men and women who have literally put their lives on the line for their country. Yes, they are parts of our Armed Forces, but we should never forget that they are first and foremost, sons and daughters, sisters and brothers.

The people of Ossining will gather this week to show their support for the troops, and to offer the community's strength to the families who must wait and watch at home. I commend them for their stalwart response, Mr. Speaker, and I add my deepest hope that the community will gather again soon—to welcome home the victorious heroes and to celebrate their safe return.

I am proud to represent the soldiers and sailors, the airmen and marines of Ossining, and I am proud to offer them my prayers and unparalleled support. My thoughts and my heart are with them. As they serve all of us, we should serve them as well as by working for a better future for them and for our Nation.

#### UKRAINIAN INDEPENDENCE DAY: RALLYING POINT FOR FREEDOM

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. KLECZKA. Mr. Speaker, January 22, 1991, marked the 73d anniversary of Ukrainian independence. As the Soviet Union appears to reject recent political and economic reforms and returns to the Communist dictatorship and repression of the past, it is important to convey Congress' support to the Ukrainian people.

Out of the violent chaos of the closing days of World War I, Ukrainian nationalism consolidated itself into a powerful force. Repulsing an invasion by Russian Bolsheviks, the Ukrainian Central Rada issued the fourth universal on January 22, 1918, proclaiming a free and independent Ukrainian National Republic. One year later, the Western Ukrainian Republic was united with its larger sister state.

The Ukrainian National Republic, a democratic, constitutional state, guaranteed the basic freedoms of speech, religion, assembly, and press. Progressive reforms, including abolition of the death penalty, land redistribution, and institution of an 8-hour workday, were introduced. While conflict between national groups existed, minority rights were guaranteed by the Constitution.

By 1922, this encouraging Ukrainian rebirth was snuffed out by the new Soviet Russian regime. However, the dream and memory of Ukrainian independence itself could not be extinguished. Throughout the many, difficult decades of Soviet occupation, Independence Day served as a rallying point for the courageous Ukrainian people.

Today, when freedom is closer than ever, we remember those first patriots who established an independent Ukraine 73 years ago.

## EXTENSIONS OF REMARKS

At this difficult time for democrats throughout the crumbling Soviet empire, we must not give up hope that Ukraine will once again be free.

#### CIVILIAN PARTICIPATION IN THE GULF CRISIS

### HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. PURSELL. Mr. Speaker, I would like to bring to the attention of the Congress and the citizens of our Nation a recent act of civilian participation in the gulf crisis.

Twelve workers at PSI Repair Services of Livonia, MI, learned Friday evening that a Florida manufacturer of the Patriot missile was about to experience a shut down due to a broken part of a machine that cuts missile parts. The specific part would need to be repaired by Monday in order to maintain production schedules to meet the needs for Patriot missiles in the Persian Gulf.

Proud of our country's efforts the PSI employees accepted the broken 250-pound part and volunteered their services to do the necessary repair and rebuilding to meet the deadline. Such work would return the part to production which allows cutting tolerances measured in the millionths of an inch.

The hourly employees rebuild and refurbish parts of automated manufacturing machines, according to PSI President William Phillips, but when they heard what this particular job was for, volunteered their time and talent.

Our most sincere thanks go to these dedicated individuals; Orvin Ferguson, Ralph Hight, Douglas Maxwell, Kenneth Pernak, Luciano Staffani, William Williamson, Martin Lassen, Nick Lechman, William Orlik, Daniel Schemanske, John Dutton, and Fred McCrory.

Mr. Speaker, as our troops so far from home are defending our freedoms we so cherish, it is reassuring to note that the people back home have them in their hearts.

#### PROTECTING SOLE-SOURCE AQUIFERS

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. GALLO. Mr. Speaker, today, I am reintroducing legislation to protect our Nation's sole-source aquifers from potential contamination resulting from the siting of landfills.

We have learned from past experiences that it is easy to pollute our underground sources of safe drinking water and much more difficult to reverse the process of leachate seepage once it has begun to occur.

Each day, the United States consumes over 74 billion gallons of ground water for drinking and other uses. Contamination of this ground water with chemicals and other pollutants can be a serious environmental and public health problem. We especially need to be cautious when our landfills are placed over the sources of our precious ground water—sole-source aquifers.

Most of the Superfund sites in my congressional district involve ground water pollution from a specific source, often a landfill. My bill will prevent future occurrences of this unfortunate pattern by requiring specific actions to certify protection before the damage is done.

In 1986, we passed the Safe Drinking Water Act amendments creating a national program to identify our sole-source aquifers and now it is time to provide protections for these valuable sources of clean water.

Currently, the States make most of the decisions that affect ground water protection and the States should be responsible for certifying that projects under their review are safe. My legislation is a significant step toward providing the needed protection by placing the responsibility for prevention with the States under Federal guidance.

Specifically, my bill would ban the construction of a landfill, surface impoundment, waste pile, or land treatment facility within the aquifer protection area unless the State developed a comprehensive plan for protection of the aquifer.

The plan must include a mapping of the sole-source aquifer, an assessment of the relationship between land surface activities and ground water quality, management practices to be implemented in order to prevent the adverse impacts on ground water, and a program for State and local implementation of the plan to ensure the continued protection of the sole-source aquifer.

In addition to the creation of a plan and a means to implement this plan, the State must during the development of the plan consult with and consider the comments of concerned individuals. The State must also conduct public hearings at places within the protection area to provide the opportunity for comment.

My bill will play an important role in protecting sole-source aquifers and will provide our Nation with clean drinking water for future generations.

#### ISRAEL'S COURAGEOUS RESTRAINT

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDREWS of Texas. Mr. Speaker, I, along with many of my colleagues, rise today to express my admiration for the Israeli people. Each night in their homes or in bomb shelters, they face the threat of attack, not knowing whether Saddam Hussein may choose that night to use conventional missiles or chemical weapons. Imagine having to place a gas mask over your child's face just once, let alone facing that horrible task each night and not knowing when this terrible ordeal will end. Their courage is remarkable.

I am a cosponsor of House Concurrent Resolution 41, condemning the unprovoked Iraqi attacks on Israel. Saddam Hussein's attacks on Israel are despicable and his attempts to link his invasion of Kuwait into an Arab-Israeli issue are outrageous. Israel has maintained tremendous restraint in the face of murderous missile attacks which have resulted in the

deaths of innocent civilians, destruction of property, and continuing disruption of the lives of its citizens. This small, courageous nation's willingness to support the United Nation's Security Council resolution and the allied coalition of forces in the face of imminent danger represents a sacrifice many nations might not be willing to make. By forgoing immediate retaliation, Israel has denied Saddam Hussein the victory of engaging Israel in this terrible conflict.

This resolution recognizes Israel's right to defend herself and reaffirms America's continued commitment to provide her with the means to maintain her freedom and security.

#### NATIONAL REHABILITATION WEEK

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. McDADE. Mr. Speaker, today I am joined by 43 of our colleagues in introducing legislation to designate the week beginning September 15, 1991, as "National Rehabilitation Week."

Across our Nation, rehabilitation services allow persons with disabilities to demonstrate that a disability need not be an obstacle to success. Americans with physical, mental, and emotional impairments gain greater independence and self-confidence thanks to the many rehabilitative agencies and facilities throughout the United States.

By passing National Rehabilitation Week, we can celebrate the daily victories and determination of the more than 36 million disabled Americans and the dedicated health care professionals who serve in this field.

Although half of the people of this Nation will need some form of rehabilitative therapy, most of us know too little of the potential it offers. National Rehabilitation Week will serve to increase awareness of the efficacy of rehabilitative services.

I urge my colleagues to join me and co-sponsor this measure to heighten awareness of rehabilitative services and of the ways those services enrich the lives of Americans with disabilities.

#### OPERATION DESERT SHIELD TAX ACT

### HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STAGGERS. Mr. Speaker, as many Members are aware, on January 21, 1991, President Bush signed an Executive order designating areas of the Arabian Peninsula, airspace, and adjacent waters as a combat zone.

I am very pleased that the President took this action. Earlier this month, a number of Members of Congress joined with me and wrote the President urging him to do this. Unfortunately, it appears that the Executive order does not go as far as it should.

Today, I am introducing the Operation Desert Shield Tax Act. Under this legislation, all members of the National Guard and Reserves called to serve in the Persian Gulf or other duty stations and all active military personnel serving in the Persian Gulf region would be eligible for tax reductions and extensions for filing their Federal tax returns.

This legislation will be effective August 1, 1990. All military personnel who were called initially to defend the gulf and all members of the Guard and Reserves who were called up after August 1, 1990, would receive a reduction in taxes and extension to file their tax returns.

Mr. Speaker, this legislation is the only way to provide the benefit the American people want to extend to all guardsmen and reservists as well as all active duty military who responded after the August invasion of Kuwait.

#### DISPOSITION OF UNITED STATES ASSETS IN GERMANY

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HAMILTON. Mr. Speaker, Chairman DANTE B. FASCELL of the Committee on Foreign Affairs and I initiated correspondence with President Bush on August 3, 1990, with respect to United States policy on the disposition of United States assets in Germany. On December 6, 1990, I received a reply from the assistant to the President for national security affairs, Brent Scowcroft. His reply outlines the current review of assets now underway in the Departments of State and Defense and summarizes the agreements which provide the basis for determining U.S. claims for compensation. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, August 3, 1990.

Hon. GEORGE H.W. BUSH,

The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The reunification of Germany and its inclusion in NATO represent a magnificent achievement of American foreign policy.

German reunification is an important chapter in the ending of the cold war. The new era we are entering necessarily will require a reassessment of the need for the United States to retain ownership or other interests in a wide variety of installations, and associated operational rights, throughout Europe and especially in Germany. These assets were acquired at great sacrifice to the American people.

While many U.S. assets in Germany probably should be returned to German control any transfers should take place only after a most careful and thorough review. It is imperative that the United States establish priorities concerning properties or rights we wish to retain and that we receive appropriate compensation for assets we may decide to transfer. While adjustment of the complex pattern of cooperation between the United States and Germany will undoubtedly require extensive negotiations, an important first step is for the United States to first determine what we have and what our own priorities are. I urge you to designate an appro-

priate senior official such as the Secretary of State to compile an inventory of U.S. assets and to develop a national strategy for negotiations with Germany.

In view of Article IV, Section 3, Clause 2 of the Constitution it is imperative that Executive branch policy with respect to the disposal of any U.S. properties be developed with the closest possible cooperation with the Congress.

With best wishes, we are

Sincerely,

LEE H. HAMILTON,  
Chairman, Subcommittee on  
Europe and the Middle East.  
DANTE B. FASCELL,  
Chairman,  
Committee on Foreign Affairs.  
THE WHITE HOUSE,  
Washington, December 6, 1990.

Hon. LEE HAMILTON,

Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR LEE: Thank you for your thoughtful letter of August 2 regarding the disposition of U.S. assets in Europe, especially in Germany. These issues did not come within the scope of the Two Plus Four discussions, which dealt with basic matters of German sovereignty. However, they will be important as we manage the process of adjusting to the historic changes we have witnessed in Europe, and we value your insights and your advice.

The State Department and the Defense Department are currently reviewing U.S. holdings in Germany and adjusting them to meet our needs in the current changed environment. The two agencies consult closely, but each develops and implements plans for the disposition of the property it uses.

The Defense Department has conducted a thorough analysis of the military, political and financial factors involved in restructuring its basing presence throughout Germany. An important feature of this process was a program of consultations with host governments regarding the specific sites to be affected.

In Germany, the Supplementary Agreement to the NATO Status of Forces Agreement and related agreements provide the agreed basis for U.S. claims of compensation for the value of installations returned to the Germans. These Agreements, which were concluded in 1959, stipulate that Germany and the United States should agree on the residual value of improvements the United States has made to the properties it uses, which are owned by Germany, and that Germany should reimburse the United States for this value. The amount of compensation would be reduced by any amount the United States would be liable to pay as compensation for damages to the property or to the surrounding area.

Berlin represents a special case, in that the Germany properties used by the United States there were maintained and improved with occupational cost funds provided by the FRG. Otherwise, we expect that the arrangements for the return of property and compensation that we will agree on for Berlin will parallel those for the FRG.

The State Department has also been reviewing its needs for an efficient diplomatic and consular presence in a united Germany. If the seat of government eventually moves to Berlin, we will want to dispose of unneeded property in Bonn, and to acquire the additional property we will need in the new capital. We have opened discussions with the Germans about this. Our aim is to

ensure that we receive appropriate value for the property we vacate and favorable terms for either acquiring new property, or for maintaining access to properties we already occupy in Berlin.

Both the State and Defense Departments will continue to consult with Congress regarding the important decisions we face. We look forward to working with you to ensure that the United States maintains an effective American presence abroad.

For your information, I have also sent this response to Congressman Fascell.

Sincerely,

BRENT SCOWCROFT.

PRESERVING THE CIVIL  
LIBERTIES OF ALL AMERICANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DYMALLY. Mr. Speaker, I rise to add my voice to the growing chorus of Americans who are concerned about preserving the freedoms guaranteed in the first amendment of our Constitution.

Since the beginning of hostilities in the Persian Gulf, a large number of Arab-Americans have been contacted by the FBI. The FBI says it is trying to gain information on possible terrorist activities. Isn't this the same rationale that was used just prior to the incarceration of thousands of Japanese-Americans?

Because of my concern for the civil liberties of all Americans, I have introduced a resolution which expresses a sense of Congress that neither the FBI nor any other agency of Government shall engage in any investigation on other activities which threaten the civil liberties of Arab-Americans and should assist in protecting Arab-Americans from hate crimes and related activities.

Mr. Speaker, while our troops are engaged in a conflict to assure the freedom of Kuwaitis, we can't allow the rights of Americans to be diminished in the process.

Mr. Speaker, Arab-Americans have played a vital role in the building of this country and should not be singled out for any unnecessary harassment from Government agencies.

I urge my colleagues to support this resolution that guarantees freedom for all Americans including those of Arab descent.

H. CON. RES. 56

Whereas, on September 24, 1990, President Bush declared that death threats, physical attacks, vandalism, religious violence, and discrimination against Arab Americans must end and that a crisis abroad is no excuse for discrimination at home;

Whereas, in response to increased concerns about terrorism in the United States due to the Persian Gulf conflict, the Federal Bureau of Investigation has conducted "interviews" and investigations without reasonable cause in the Arab-American community;

Whereas the activities of the Federal Bureau of Investigation are based on the ethnicity or national origin of Arab Americans, as well as on their political beliefs, activities, and affiliations that are protected by the First Amendment to the Constitution of the United States;

Whereas the activities of the Federal Bureau of Investigation unfairly arouse sus-

picion of Arab Americans, label the Arab-American community as disloyal, and encourage hate crimes against Arab Americans;

Whereas, according to analysis and information contained in the Congressional Record dated October 23, 1985, data from the Federal Bureau of Investigation regarding terrorist incidents in the United States from 1981 to 1984 indicate that Arab Americans have been the victims, not the perpetrators, of domestic terrorist activities;

Whereas the history of the United States has been tarnished by shameful moments of xenophobia and the violation of the civil and constitutional rights of certain Americans, such as the internment of Japanese Americans during World War II;

Whereas Arab Americans' fears have been heightened by a 1986 internment contingency plan;

Whereas, in 1989, the Congress passed and the President approved a joint resolution designating October 25, 1989, as National Arab-American Day;

Whereas the Constitution and laws of the United States prohibit discrimination on the basis of race, religion, creed, and national origin;

Whereas the Constitution of the United States guarantees basic civil liberties, such as freedom of speech and political expression; and

Whereas Arab Americans are entitled to respect as peaceful and law abiding citizens of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Federal agencies should not engage in activities that threaten the civil liberties of United States citizens, or legal residents, of Arab descent;

(2) the Federal Bureau of Investigation should inform Federal, State, and local law enforcement agencies that Arab Americans are potential victims of hate crimes and related discrimination and that Arab Americans should be protected from such crimes and discrimination; and

(3) the Federal Bureau of Investigation should encourage Federal, State, and local law enforcement agencies to work with community leaders to report to the FBI hate crimes and discrimination against Arab Americans.

TRIBUTE TO LEWIS A. SHATTUCK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to Mr. Lewis A. Shattuck, a resident of the Seventh Congressional District of Massachusetts and the retiring president of the Small Business Association of New England.

Mr. Speaker, during the last decade, we in the United States have come to recognize that one of our principal advantages in the race for global competitiveness is our entrepreneurial spirit. We've realized that small businesses create 80 percent of our new jobs. And we now know that for every \$1 million of R&D funds spent, small companies are six times more likely than large companies to create new products.

This awareness of the power of small business has helped shape policy in Washington

and in State capitals across the country. And no one deserves more credit for raising this awareness than Lew Shattuck.

Lew was instrumental in organizing the successful White House Conference on Small Business in 1986 and was a tenacious advocate for several critical small business legislative initiatives. In the 1970's he helped pass the Steiger amendment, which made new capital available to small business. And in the 1980's he fought for the Small Business Innovation Research Program, which ensures that small business receives its fair share of Federal grants and contracts.

Lew's effectiveness in Washington is, in part, due to this effectiveness at home. Under his leadership, SBANE has become a potent political and economic force. In the 25 years Lew has served the association, membership has grown more than sixfold, now totaling almost 2,000 companies. Lew has also served as secretary of the National Small Business United and has been an energetic member of the National Advisory Council of the Small Business Administration.

With Lew's retirement, small business people in New England and across the Nation are losing a passionate and effective spokesperson. But his enduring contribution is making small business a permanent priority in our region and in Washington. We wish him well in his future endeavors and thank him for his 25 years of service to small business and to public policy.

JAPANESE THREATEN TO CUT OFF  
LOAN IF WE DARE QUESTION  
THEIR PROTECTIONIST BANKING-  
TRADE LAW

HON. FORTNEY H. PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STARK. Mr. Speaker, the deficit splurge of the 1980's has come down to this: We are hooked on foreign money to finance nearly \$400 billion in debt this year.

Now when we question Japan about their unfair laws restricting our bank operations in Japan, and the Congress prepares to consider legislation restricting Japanese bank operations in the United States unless Japan opens its doors, a Japanese Government Vice Minister of Finance threatens to cut off loans.

We must free ourselves of this addiction to deficits or our policies will be run by foreign bankers. We are like a heroin junkie, dependent on—and subject to blackmail by—others.

The following news article makes the facts shamefully clear.

I for one stand with the Riegle-Garn legislation and against blackmail. As a symbol of my determination, I am introducing the Senate bill of last fall in the House today.

I hope all my colleagues will read the article and share my outrage. It is time we end these deficits and our demand for loans before we lose our economic independence.

[From the New York Times, Jan. 29, 1991]  
**JAPAN'S STERN WARNING ON TRADE  
 SANCTIONS**

(By Clyde H. Farnsworth)

WASHINGTON, January 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial institutions. It has long been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

#### DIFFERENCES NOT NARROWED

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion in the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American officials assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

#### NO BUSH SUPPORT

But the Bush Administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointedly that the United States "is experiencing a credit crunch."

## HEALTH CARE REFORM PACKAGE

**HON. D. FRENCH SLAUGHTER, JR.**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, health care costs are rising dramatically and Government health programs are claiming an increasingly larger portion of our limited Federal resources. Despite our annual battles over taxes, benefits cuts, higher premiums, and deductibles, Medicare's trustees are still predicting bankruptcy by 1998.

I believe we can avert the pending crisis by creating incentives for individuals to save and invest for health care. Today I am reintroducing my health care reform package designed to give individual Americans the power to plan for health care in retirement.

The centerpiece of these initiatives is the Health Care Savings Account Act. This legislation would give individuals the option of establishing tax-favored savings accounts during their working years to substitute for part of their Medicare coverage in retirement. Employees and employers who participate would receive a 60-percent income tax credit for contributions. The maximum annual contribution would equal each individual's Medicare payroll tax, currently 2.9 percent, and interest would accumulate tax-free.

In retirement, individuals would use funds drawn from this account for their medical expenses before claims could be made on Medicare. Expected excess funds from health care savings accounts could be used for long-term care, long-term care insurance, or to supplement retirement income. By decreasing claims on Medicare, while maintaining payroll tax revenues, Medicare's trust funds will be put on more solid financial ground.

Without benefit cuts for the elderly, tax increases on our citizens, or freezes on payments to our health care providers, health care savings accounts could sharply reduce and potentially eliminate Medicare's long-term financing problems. More importantly, Americans would assume a greater role in planning for their future health care needs.

A recent survey concluded that almost three-quarters of Americans are willing and able to buy a long-term care insurance policy. There is much the Federal Government can do to spur the demand and supply of private long-term care insurance. I believe such action is imperative because the Federal Government cannot solve the growing problem of financing long-term care without appealing to a substantial degree to the private sector.

As part of my package, I am introducing three bills to help individuals finance long-term care, and to help expand the market for this insurance. The first bill would permit holders of individual life insurance policies to exchange or convert the cash value of these policies for long-term insurance on a tax-free basis. Similarly, the second bill would permit tax-free withdrawals from individual retirement accounts [IRA's] when the funds are used to pay long-term care insurance premiums.

Another way the Federal Government can help is to offer group long-term care insurance on a voluntary basis to some of its 2.5 million

workers. I introduced legislation last year to do precisely that, and I am reintroducing the same bill today as the final part of my health care package.

The Federal Employees Long-Term Care Insurance Act would direct the Office of Personnel Management to select, through a competitive bidding process, several private insurance companies to participate in a new Federal employee group long-term care insurance program. This voluntary program would initially be open to the 650,000 Federal employees who are 50 years of age and older and their spouses, although it could be extended to all employees after 5 years.

Premiums for this insurance would be paid by each employee, but as an additional incentive to encourage participation, the bill would permit those insured under Federal group life insurance to voluntarily convert, on a tax-free basis, a portion of this policy to the new long-term care insurance program. This would enable participants to lower the monthly premium for their new long-term care insurance.

I believe this legislation would provide significant incentives for insurance companies to enhance their long-term care policies and for Federal employees to purchase attractive group policies at affordable rates. Finally, this program would encourage other businesses and States and local governments to offer similar policies to their employees, thereby increasing both the supply of and demand for long-term care insurance.

While these initiatives do not represent a comprehensive solution to our Nation's growing health care needs, they are an important first step in that direction. I firmly believe that increasing opportunities and incentives for individuals to plan and save for health care needs in retirement is a crucial part of reforming our health care system.

I encourage my colleagues to examine these proposals and consider joining the growing number of Members supporting this important effort.

TRIBUTE TO THE HONORABLE  
 JOHN J. SINSIMER

**HON. ROBERT A. ROE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ROE. Mr. Speaker, it is with a very special sense of pride and friendship that I rise today to honor a distinguished American and great friend, the Honorable John J. Sinsimer. After a lifetime spent serving the public good, John is retiring as chief of the Administrative Support Services for the New Jersey Board of Public Utilities. He will be honored with a dinner on February 1, at the Polish National Home in Harrison, NJ. The citizens of our great State of New Jersey will truly miss the dedication and vigor he brought to his official duties.

A lifelong resident of New Jersey, John was born on March 19, 1923, in Harrison, NJ, the third eldest of the six children of Elizabeth and Arthur J. Sinsimer. He was employed by ITT Corp. when his initial call to public service came during World War II. John entered the

Navy where he proudly served our great country as a radioman, petty officer second class in the Pacific theater. He participated in the Saipan and Marshall Island campaigns and was awarded two major battle stars for his courageous and meritorious service.

Upon his return home, he resumed his employment with ITT while attending Seton Hall University. John graduated in 1956, receiving his bachelor of science in business administration, with a minor in philosophy. He put these talents to great use at ITT continuing his career as an industrial engineer.

A resident of Pompton Lakes since 1950, John first entered the realm of public service when he became a member of the borough council in 1959. His involvement and devotion to local government community affairs continued for many years. In 1969, he was appointed by former Gov. Richard Hughes to membership on the Hospital Advisory Council, a division of the State Board of Control of Institutions and Agencies.

In 1971, John was elected to the General Assembly of the State of New Jersey where he served with distinction for several terms, adding his attention and expertise to the Committees on Labor, Auditing, and Revision and Amendment to Law. His outstanding leadership was a beacon to other legislators and contributed to the many significant accomplishments during his tenure.

John presided as deputy director of the New Jersey Division of Alcoholic Beverage Control from 1976-85. In January 1985, he was appointed to the New Jersey Board of Public Utilities, serving as an administrative analyst. From June 1987 to July 1988 he was chief of the Bureau of Budget and Fiscal Affairs and in July 1988 he became chief of the Administrative Support Services.

John also made time in his busy schedule to be active in many religious and fraternal organizations which perform so many of the vital and services which give character and quality to life in our communities. He is a parishoner of St. Mary's Church in Pompton Lakes and a member of the Holy Name Society. John is also active in the Knights of Columbus Marian Council No. 3801. He is a member of the John Hand Tri-County Post No. 2906 Veterans of Foreign Wars as well as the Kimble-Weatherwalks Post 235 of the American Legion.

John is married to the former Eleanor Hargreaves of Newark, NJ. He and his lovely wife are the proud parents of 6 wonderful children, Elizabeth, Susan, Kathleen, Maureen, Larry, and John, Jr. and have 16 grandchildren. Continuing his father's dedication to public service, John Jr. is currently holding office as the mayor of Pompton Lakes, NJ.

Mr. Speaker, I am proud to take this opportunity to share with you and all my colleagues here in the House this moment of deep gratitude to a man who can be truly recognized in our Nation as an example of the true meaning of public service. John J. Sinsimer personifies the dedication and sacrifice which such service demands. I am proud, honored, and privileged to call him my friend.

## A NATIONAL ENERGY STRATEGY

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing an important piece of legislation which calls for a national energy policy based on a core supply of domestic energy, the National Energy Strategy Act of 1991. I believe this bill will serve as a framework for a comprehensive national energy policy.

I have been working on an energy policy framework over the last several years. In the 101st and 100th Congresses I introduced the Energy Security Tax Act, the Energy Security Incentive Act and the Alternative Fuels Incentive Act. These bills are supported by independent producers and integrated companies alike. My proposals will spur domestic oil and gas production, efficiency, conservation, economic growth, price stability, and clean air.

Our country has gone without a comprehensive energy policy for too long. The recent war in the Persian Gulf has made the need for such a policy clearly evident to everyone. Our increased dependence on foreign oil presents significant national security concerns which we must address now. We are allowing OPEC to get back in the saddle again. As the cartel reasserts control, we will be increasingly at the mercy of those who do, not have this country's best interests at heart. Even worse, we could end up being held hostage, blackmailed by a madman like Saddam Hussein. We are hastening the arrival of that day by allowing our domestic industry to be dismantled. We must not allow this progression to continue.

In addition to this constant threat to our national security, other results of this lack of direction are also obvious—wild fluctuations in energy prices, a nearly crippled domestic petroleum industry, surging imports, reduced conservation efforts, and increased environmental degradation.

The erosion of our domestic petroleum industry particularly concerns me. In this fifth consecutive year of decline, U.S. oil production fell in 1990 to its lowest level in almost 30 years, 7.2 million barrels a day. At the same time, energy consumption fell by only 2 percent in 1990, the first time since 1983 that it has declined at all. The decline is largely attributable to a rise in fuel prices provoked by the conflict in the Persian Gulf and a national economic slowdown. Imports alone account for 47 to 48 percent of demand in this country. Clearly, U.S. production does not keep pace with consumption.

One part of the measure I am introducing today is a resolution calling upon President Bush to fulfill his campaign promise to develop a national energy policy based upon preserving a domestic core supply of energy. The core-supply concept would ensure a stable supply of domestically produced oil and gas as a secure foundation for satisfying our Nation's vital and fundamental need for energy. Petroleum's share of the core supply should be defined as 20 million barrels per day equivalent of natural gas, natural gas liquids, and crude oil.

Other components of the bill I am introducing today are designed as initial steps to implement a core-supply energy policy. The National Energy Security Act of 1991 will impose a floor price on imported crude oil and petroleum products. The amount of tax would be the difference between the then current price of oil and \$22 per barrel. In the case of imported refined products and petrochemical feedstocks, an additional \$2.50 differential will be imposed to compensate for the environmental costs domestic refiners must pay. A floor price for oil will generate price stability, benefiting both producers and consumers.

A floor price would stimulate drilling activity, arrest the decline in U.S. oil production, and add to proven reserves. Our dependence on imports would be mitigated, putting a significant dent in our trade gap. In addition, the revenues gained from an import fee would have a major impact on the budget deficit. If the price of oil were to remain at \$17 per barrel, the National Energy Security Act could raise upward of \$50 billion over 5 years.

Sure, a floor price will impose some short-term costs on the U.S. economy, but far less than the sustained long-term costs down the road if we allow our domestic industry to further erode. And in only a short time an oil import fee of the magnitude I am proposing would generate positive net benefits to the U.S. economy. And all the benefits accrue to Americans. We can pay ourselves now, or we can pay OPEC later.

The National Energy Security Act will also encourage our domestic oil and gas industry to realize its full potential. Hydrocarbons extraction is one of the most heavily taxed industries in the United States. The average effective Federal tax rate for U.S. oil companies has been well above that of firms in other industries during the 1980's. Repeal of the windfall profit tax helps, but is not sufficient. Other nations are lowering their taxes on energy production and attracting investment capital to develop their resources. If our tax system is not competitive, U.S. resources will not be developed. Our economy will be the loser and our national security will suffer.

The National Energy Security Act will create an oil and natural gas exploration and production credit, an oil production credit for maintaining marginal wells, and provide other incentives to our industry. For example, the measure treats geological, geophysical, and surface casing costs like intangible drilling costs. It also repeals the net income limitation on percentage depletion and increases the percentage depletion allowance.

We made real progress last year. The Congress repealed the transfer rule; reinstated the tight sands tax credit and extended the section 29 credit for 2 years; established credits for enhanced oil recovery; increased percentage depletion for stripper wells; and provided relief against the minimum tax.

This measure will help the struggling independents who drill about 85 percent of all wells in the United States and who have been responsible for close to half of the additions to U.S. oil reserves in recent years. The incentives I am proposing are quite modest, yet they will trigger considerable additional investment in exploratory drilling and enhanced re-

covery from older fields where much oil remains to be exploited.

For the longer term we should be working to make natural gas our Nation's primary energy source. The principle alternatives to oil—coal and nuclear energy—create other environmental problems. Natural gas, on the other hand, is efficient and environmentally attractive. Use of domestic natural gas has no negative impact on the Nation's trade balance and supplies are plentiful. According to the Department of Energy, the United States has a natural gas resource base in the lower 48 States adequate for more than 60 years at the present rate of consumption.

The environmental benefits of switching to clean-burning alternative fuel vehicles such as natural gas, methanol, liquid natural gas and liquid petroleum gas are numerous. These clean fuels can greatly reduce the smog-forming emissions caused by hydrocarbons and nitrogen oxide. Additionally, their use will help prevent global warming and acid rain by reducing carbon dioxide emissions. In cities across the country with air quality problems like Houston, the urgency for wide-scale alternative fuel use has never been greater.

Natural gas is already widely used in the commercial and industrial sectors. The transportation sector represents an excellent opportunity for gas to increase its share of the energy mix. If we were to convert one-half of our 16 million fleet vehicles to operate on compressed natural gas, we could slash our oil imports by 500,000 barrels a day and increase annual domestic gas consumption by 1 trillion cubic feet.

Along these lines, I have also included the Alternative Fuels Incentive Act in this legislation to promote alternative fuels use in the transportation sector. This measure will provide tax incentives to encourage fleetowners to switch to natural gas and other clean-burning fuels. Alternative fuels are not only part of a sound energy policy, they are also an important way to improve the quality of the air we breathe. Increased use of such fuels will lessen our dependence on foreign energy sources, enhance our energy security, aid our economy and protect our environment.

Mr. Speaker, it is time to make a serious commitment to preserving the ability of the U.S. oil and gas industry to respond to our future energy needs. The risks to our national security and economic well-being are growing. I look forward to working with my colleagues on both sides of the aisle and with the administration to turn this situation around.

#### SPENDING ON INFRASTRUCTURE A TOP PRIORITY

**HON. BERYL ANTHONY, JR.**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANTHONY. Mr. Speaker, today, I introduce legislation the purpose of which is to provide State and local governments with relief from the administrative burden and complexity imposed by certain provisions of the Internal Revenue Code of 1986 as they issue tax-exempt bonds to finance the infrastructure of this

country and to ensure that bonding authority is used properly.

The provisions of this bill are virtually the same as those contained in H.R. 5423 and H.R. 4524 which I introduced in the 101st Congress. Both these bills received wide acclaim as initiatives that were grounded in solid tax policy, and if enacted, would further the laudable goal of simplifying complex provisions of the Internal Revenue Code of 1986.

It is now more important than ever for these measures to be enacted into law. All across America, State and local governments have been stricken by financial crises that were not even imagined a year ago, and the problems will probably get worse before they get better. Unlike the Federal Government, which can and does operate at a deficit, 49 of the 50 States are legally bound to conduct their fiscal affairs in a more responsible manner—to operate with balanced budgets. More than half are facing serious financial shortfalls and many are considering drastic cutbacks in public works.

This fact does not bode well for our already deficient infrastructure since State and local governments provide nearly 70 percent of all infrastructure investment made in this country. If the States cannot continue their commitment to repair and rebuild this Nation's infrastructure, who will assume this responsibility?

I have been encouraged that the Democratic leaders of this body plan to make spending on infrastructure a top priority for the 102d Congress. We simply cannot afford to ignore our crumbling infrastructure even though we face a mountainous Federal budget deficit. But, the presence of the deficit will be many respects determine how we address our Nation's infrastructure problems.

Even if increased, Federal grants and matching funds will be insufficient to address our shortfall in public investment. Nor, can we expect State and local governments which are struggling to deal with severe budgetary problems of their own to bear the burden of raising taxes to fund infrastructure investment. There is no reason for Congress to devote its time and energy to developing a forward-looking infrastructure policy unless it can be fully implemented. That is why I believe public finance will play a vital role in raising the money that will ultimately be spent to build new roads, bridges, and schools.

If we are to rely upon State and local borrowing to provide much of the money for infrastructure investment, I believe Congress should strive to streamline the Federal tax provisions governing the issuance of tax-exempt bonds. After all, funds spent to comply with overly complex and unworkable Federal tax rules could be better spent on infrastructure. The legislation which I am introducing addresses the administrative excesses without undercutting the provisions enacted to prevent abuses in the tax-exempt bond area. These restrictions serve no discernible Federal purpose and dramatically increase the cost and complexity of State and local financings.

One of the most restrictive provisions enacted in 1986 was the arbitrage rebate requirement. When a State or local government builds a project which is financed with tax-exempt bonds, it invests the proceeds of the bond issue as the project is being constructed.

If the issuer earns more on its investment than its interest costs, those earnings must now be rebated to the Federal Government. Prior to 1986, those earnings, known in the industry as arbitrage, would have been used by most governments to reduce the cost of the project. While deceptively simple in concept, the administration of the arbitrage rebate rules has been a nightmare for the Treasury Department, the Congress, and more importantly, for State and local governments. In 1989 Treasury published 243 pages of arbitrage rebate regulations that it has subsequently decided to revise because it determined they were overly complex and generally unworkable for most issuers. If the complexity of this requirement cannot ultimately be made manageable, in the future, I will request the Congress to revisit the policy decision which led to the enactment of arbitrage rebate. While the policy aim was to limit abuses, I think there are other means to police the market which would, at the same time allow State and local governments to keep arbitrage earning to increase public investment in schools, bridges, and roads.

This legislation would provide that a small government unit, a unit expecting to issue no more than \$25 million of bonds a year, will be able to keep its arbitrage earnings. It is these issuers which can least afford the costs associated with the legions of attorneys, accountants, and investment advisors needed to insure compliance with the arbitrage rebate provisions.

This legislation will also allow governmental issuers to keep 10 percent of the arbitrage they earn. Since the rebate regulations are so complex, issuers have been forced to seek alternative ways to comply with the law. The easiest way for an issuer to meet the Federal mandate is to eliminate any arbitrage earnings, thereby eliminating the payment of rebate. With increasing frequency, issuers have entered into guaranteed investment contracts [GIC's] which match investment earnings with the yield on the bonds. From the Federal perspective, the problem with this arrangement is that it results in decreased rebate collections, and apparently, shifts the arbitrage benefit from the Federal or State and local governments to the GIC provider. My proposal would create an incentive for issuers to maximize arbitrage earnings. Thus, the benefit of the increased arbitrage earnings would be shared between the Federal Government and State and local governments rather than benefiting the GIC provider.

Another provision of this bill eliminates the yield restriction requirement in cases where the issuer complies with the arbitrage rebate requirement. Yield restriction requires an issuer to restrict its investments to the same interest rate at which it borrowed after a certain period of time, that is, in most cases 3 years after the date the bonds are issued. This pre-1986 requirement, enacted to prevent abuses, is no longer needed due to the subsequent enactment of the rebate requirement. Now, this duplicitous provision only creates investment problems for issuers.

As a general rule, permitting an issuer to retain arbitrage earnings is not contrary to sound Federal tax policy. Such a practice only becomes problematic, as it did prior to 1986, when State and local governments issue more

bonds than are needed to finance a project, or when they issue bonds earlier than are needed for the project. A provision enacted in 1989, better known as the "2-year rule" allows certain issuers to keep arbitrage earnings, provided they meet the provision's spendout schedule. If the issuer is unable to meet the spend out schedule, it must pay a penalty to the Federal Government. Thus, the issuer is allowed to keep arbitrage earnings and the problems of early issuance and over-issuance are addressed. When enacted, the provision was made prospective—it is only applicable to bonds issued after December 19, 1989. This effective date was chosen only because of revenue considerations. My legislation would make the 2-year rule available for bonds issued after the effective date of the 1986 act.

The bill will eliminate a requirement that no more than 5 percent of the proceeds of the bond issue may be used for an "unrelated or disproportionate use." In view of the overall 10 percent private use limit, the private loan bond limits, and the requirement of a volume cap allocation for private business use in excess of

\$15 million, the separate 5 percent unrelated and disproportionate use test is unnecessary, confusing, and results in needless complexity. Simply, it is another duplicitous provision that should be eliminated.

The bill will also increase the market for potential purchasers of tax-exempt bonds for small governmental issuers, those borrowing less than \$25 million a year. Banks would be allowed to deduct 80 percent of their interest costs for owning these bonds. This will translate into lower interest rates for small governmental borrowers which as a group generally have the highest borrowing costs. This provision will help to rediversify the municipal market which has become increasingly dependent on the household sector to purchase its bonds since the Tax Reform Act.

Finally, the legislation reaffirms my commitment to formulate responses to questionable market practices. With this bill, I reintroduce my legislative response to advance refundings structured similar to the much-publicized Camden County Municipal Utilities Authority's 1990A series and 1990B series capital appre-

ciation sewer revenue bonds. The structure of that issue called into question whether an unwarranted arbitrage opportunity was created when funds released by the advance refunding are invested, at approximately the same time as the refunding, in contracts which substantially guarantee a yield which is materially higher than the yield on the refunding bonds. Just as last year, issuers and advisers who try to find ways to circumvent this measured legislative response do so at their own risk. We simply cannot allow a few aggressive members of the public finance community to impair the goodwill that has been built with the members of the taxwriting committees and their staffs.

While this bill will not solve many of the complex problems facing State and local governments, it will make those jobs a little easier and less costly. I urge my colleagues to join with me in taking yet another positive step in reestablishing the Federal-State-local partnership which is imperative if the infrastructure needs of this country are to be met.